AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: LUR Amendments

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Board action on proposed amendments to the Gunnison County Land Use Resolution

Fiscal Impact:

Submitted by: Cathie Pagano **Submitter's Email Address:** cpagano@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
It is my understanding that David B. previously reviewed these for legal sufficiency. MRH

Reveiwed by: Discharge Date: 8/11/2020 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 8/14/2020

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5

Agenda Date: 8/18/2020

Revised April 2015

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 2020-_

A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND USE RESOLUTION*

WHEREAS, pursuant to the *Gunnison County Land Use Resolution* ("the *Resolution"),* Section 1-113, details a process for initiation, review and Board of County Commissioner action on proposed amendments to the *Resolution,* and

WHEREAS, pursuant to Section 1-113, the Community Development Department and Planning Commission have initiated and completed review of proposed amendments as required by the *Resolution;* and

WHEREAS, the Planning Commission on May 29, 2020, forwarded its written recommendations to the Board regarding the proposed amendments; and

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing on these proposed amendments August 4, 2020; and pursuant to Section 1-113 of the *Resolution* evaluated the proposed amendments using the following criteria:

Consistency of the proposed amendments with any comprehensive plan that may be adopted by Gunnison County;
Changed conditions, including the economy of Gunnison County;
Effect of the proposed amendments on the natural environment;
Community needs;
Development pattern;
Changes in applicable law;
Public health, safety and welfare; and
Compliance with any applicable intergovernmental agreements adopted by Gunnison County; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gunnison County, Colorado that the Board hereby adopts the following amendments of the *Gunnison County Land Use Resolution* as included on the attached "Exhibit A."

INTRODUCED by Commissioner_____, seconded by Commissioner_____ and adopted on this _____ day of _____ 2020.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Jonathan Houck, Chairperson

By: _____
Roland Mason, Commissioner

By: _____
Elizabeth Smith, Commissioner

ATTEST:

_____
Deputy County Clerk

SECTION 1-105: SECTIONS NECESSARY FOR IMMEDIATE PRESERVATION OF PUBLIC HEALTH ~~AND~~ , SAFETY, WELFARE, AND THE ENVIRONMENT AND WILDLIFE RESOURCES

A. SECTIONS APPLICABLE TO PARTIALLY EXEMPTED USES. The following specific sections of this *Resolution* are general in nature, are necessary for the immediate preservation of public health and safety, welfare and the environment and wildlife resources, and are applicable to the maximum extent feasible to all new construction of, or expansion to, those land use changes that are partially exempted from this *Resolution* by Section 1-106: *Partially Exempted Land Use Changes,* which shall comply, to the maximum extent feasible, with the following sections in this *Resolution*, that are necessary for the immediate preservation of public health and safety, welfare and the environment and wildlife resources:

1. **SECTION 11-103:** *Development in Areas Subject to Flood Hazards*.
2. **SECTION 11-104:** *Development in Areas Subject to Geologic Hazards*.
3. SECTION 11-105: *Development in Areas Subject to Wildfire Hazards.*
4. SECTION 11-106: *Protection of Wildlife Habitat Areas.*
3. **SECTION 11-107**: *Protection of Water Quality*.
4. **SECTION 12-105**: *Water Supply*.
5. **SECTION 12-106**: *Sewage Disposal/Wastewater Treatment*.
6. **SECTION 12-107**: *Fire Protection*.
7. **SECTION 11-109: D.:** *Domestic Animal Controls*; and Section 11-106: G.3.d.: *Domestic Animal Controls*.
8. **SECTION 13-107**: *Installation of Solid-fuel-burning devices*.
9. **SECTION 13-114:** *Exterior Lighting*.

B. ADDITIONAL SECTION APPLICABLE TO PARTIALLY EXEMPTED COMMERCIAL, INDUSTRIAL OR OTHER NON-RESIDENTIAL LAND USE CHANGES. In addition to complying with the requirements listed at 1 through 9, above, new construction of, or expansion to, commercial, industrial or other non-residential land use changes that are partially exempted from this *Resolution* by Section 1-106: *Partially Exempted Land Use Changes*, shall comply to the maximum extent feasible with Section 12-103: *Road System.*

SECTION 6-106: MINOR IMPACT REVIEW PROCESS

The following review process (illustrated in the flowchart in Appendix Figure 5: *General Review Process for Minor Impact Projects*) shall apply to applications for Minor Impact Projects:

A. PRE-APPLICATION CONFERENCE. The applicant may choose to participate in a Pre-Application Conference before submitting a permit application for a land use change classified as a Minor Impact Project, pursuant to Section 3-108: *Pre-Application Conference*.

B. SUBMITTAL OF DRAFT COPY. The Community Development Department shall provide and the applicant shall complete an application that contains those materials specified in Section 6-104: *Minor Impact Application*. The applicant shall submit one draft copy of the application to the Community Development Department.

C. COMMUNITY DEVELOPMENT DEPARTMENT REVIEW. Review of the application shall be accomplished as specified in Section 3-110: *Community Development Department Application Review* and shall identify additional submittals that must be submitted by the applicant. If the property is located adjacent to agricultural operations, the Department shall provide a copy of the Right-to-Ranch policy, and a copy of the County's *Code of the West*, pursuant to Article 15: *Right-to-Ranch Policy*.

D. TOTAL NUMBER OF COPIES REQUIRED. Once the Community Development Department has determined the submittal to be complete, the applicant shall submit one hard copy and one digital copy of the application to the Department. The Department shall, as applicable, forward the application and any relevant comments to the Planning Commission and/or Board.

~~Once the Community Development Department has determined that the application is complete, the Department shall notify the applicant of the required number of the complete application that must be submitted to provide a copy to each Planning Commission and/or Board member, to applicable review agencies, and for the Department file. A minimum of 15 copies is required. The Department shall, as applicable, forward the application and any relevant comments to the Planning Commission or Board.~~

E. REQUEST FOR REVIEW BY OTHER AGENCIES OR DEPARTMENTS. The Community Development Department may request the professional analysis and recommendations of review agencies, organizations, or technical consultants 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.

F. WORK SESSION(S). After the Community Development Department has determined the application to be complete, the Planning Commission shall conduct a work session or sessions to identify and consider any issues related to the application.

G. SITE VISIT(S). The Board and/or Planning Commission may conduct site visits of the proposed Project site if either body determines that the visit will provide information useful to its review of the proposal. Review of the application may be delayed for a reasonable period if inclement weather, or snow or mud conditions delay or prohibit a site visit.

H. PUBLIC HEARING. The Planning Commission shall conduct a public hearing to consider the application. The public hearing shall be conducted pursuant to Section 3-113: *Conduct of Public Hearing.*

1. **JOINT PUBLIC HEARING FOR SUBDIVISION.** If the Minor Impact application involves an activity that meets the definition of a subdivision, the Board and Planning Commission shall jointly conduct the public hearing, and the notice shall so indicate; the timing of public notice shall comply with the notice required for Board hearings pursuant to Section 3-112: *Notice of Public Hearing*.

I. SUBMITTAL OF INFORMATION NECESSARY FOR FINAL ACTION. If the Planning Commission, after the public hearing, directs the staff to prepare a recommendation of approval or a decision document, the applicant shall submit the required information pursuant to Section 6-105: *Submittal for Final Action for a Minor Impact Project.*

J. PLANNING COMMISSION ACTION. It is the goal but not the requirement (as scheduling may be affected by limited access, inclement weather, or other unforeseen circumstances) of this *Resolution,* that within 60 days following the close of the public hearing, the Planning Commission shall endeavor to complete its review of the application, considering the relevant materials, testimony and compliance of the application with the applicable standards of this *Resolution,* and shall render either a Recommendation if the application is for a subdivision, or a Decision if the application is a Minor Impact Project that is not a subdivision, condominium or townhome, or water impoundment Project classified as a Class II dam.

1. **DECISION ON APPLICATION THAT IS NOT FOR A SUBDIVISION, CONDOMINIUM OR TOWNHOME DEVELOPMENT, OR** WATER IMPOUNDMENT PROJECT CLASSIFIED AS A CLASS II DAM. If the application is not for approval of a subdivision, condominium or townhome development or 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 Impoundment*s, the Commission shall render a decision, to approve, approve with conditions, or to deny the application. The Decision shall include a summarized description of the Project, the Commission's findings and if the decision is to approve the application, a determination that a development improvement agreement is appropriate and improvements for which surety should be required.

   a. **APPEAL.** A decision by the Planning Commission on an application for a Minor Impact Project may be appealed by referral to the Board, pursuant to Section 8-103: *Appeals.*

2. **RECOMMENDATION ON SUBDIVISION, CONDOMINIUM OR TOWNHOME DEVELOPMENT, OR WATER IMPOUNDMENT PROJECT CLASSIFIED AS A CLASS II DAM.** If the application is for approval of a subdivision, or condominium or townhome Project for which a plat is required or a water impoundment that includes a dam

classified by the Colorado Division of Water Resources as a Class II dam, the Commission shall complete a recommendation to the Board of Commissioners, recommending approval, approval with conditions, or denial, and include a summarized description of the Project, the Commission's findings and if for approval, a determination that a Development Improvement Agreement is appropriate and the improvements for which surety should be required.

K. DRAFT DEVELOPMENT IMPROVEMENT AGREEMENT Pursuant to Section 16-118: *Development Improvement Agreement Required*, when public or private improvements are a required component of a Land Use Change Permit, the applicant shall provide a copy of documentation of the certified final cost estimates to the County Attorney's office which will draft a Development Improvement Agreement that references specific amenities of the Project that were required by ~~the Preliminary Plan~~Minor Impact approval, and the method of funding to ensure their completion. The Development Improvement Agreement shall specifically identify such requirements referencing plans, drawings and schedules for completion and shall be substantially in the form referenced in Section 16-118: *Development Improvement Agreement Required.*

L. BOARD DECISION ON OPTIONAL BOARD PUBLIC HEARING ON SUBDIVISION, CONDOMINIUM OR TOWNHOME DEVELOPMENT, OR WATER IMPOUNDMENT PROJECT CLASSIFIED AS CLASS II DAM. If the application is for a subdivision or condominium or townhome development or a water impoundment that includes a dam classified by the Colorado Division of Water Resources as a Class II dam, the Board shall have the option of conducting a public hearing to consider the application and the Planning Commission's recommendation. Within 20 days of receipt of the Planning Commission's recommendation, the Board shall determine whether or not to conduct a public hearing. A decision to conduct or not to conduct such a hearing shall be based on the Board's determination of whether it is in the public interest to do so, considering among other factors the following:

1. **LEVEL OF PUBLIC INTEREST**. There has or has not been substantial public interest in the proposal; or
2. **IDENTIFICATION OF NEW ISSUES.** Whether it is reasonably probable that new issues related to the application of the proposed land use change will be identified; or
3. **IDENTIFICATION OF NEW INFORMATION.** Whether it is probable that new information related to the application will be provided.
4. **BOARD PUBLIC HEARING.** If the Board chooses to conduct a public hearing, the following shall apply:
   a. **HEARING NOTICE.** Public notice that the Board will conduct a public hearing to consider the Preliminary Plan shall be pursuant to Section 3-112: *Notice of Public Hearing.*
   b. **CONDUCT OF HEARING.** The Board hearing shall be conducted pursuant to Section 3-113: *Conduct of a Public Hearing.*

M. BOARD ACTION. Within 35 days after receipt of the Planning Commission recommendation if the Board did not conduct another public hearing, or within 35 days after closure of the hearing if the Board conducted another public hearing, the Board shall act within approve, approve with conditions, refer the application back to the Planning Commission for additional review, or deny the application. The Board's decision shall be entered into the official minutes of the meeting and shall contain the necessary findings of fact and reasons to support the decision. If the Board does not make separate findings of fact, it shall be presumed to have adopted the findings and recommendations of the Planning Commission. If the application is referred back to the Planning Commission for additional review, the Board shall, within 60 days after receipt of the Planning Commission's additional recommendation, approve, approve with conditions, or deny the application.

1. **ADDITIONAL PLANNING COMMISSION REVIEW.** Before it takes action on the application, the Board may refer the application back to the Planning Commission for further consideration and recommendations if at least one of the following circumstances is present:
   a. **NEW INFORMATION SUBMITTED.** There has been information submitted that was not available for consideration by the Commission before its recommendation; or
   b. **INSUFFICIENT EVALUATION.** There are substantive issues or requirements of this *Resolution* that were not sufficiently evaluated in the Commission's recommendations; or
   c. **SUBSTANTIVE ALTERATION.** There has been a substantive alteration to the plan subsequent to the Commission's recommendation; or
   d. **NEED FOR CLARIFICATION.** There is an element of the Planning Commission's recommendation that requires clarification.

N. RECORDATION OF CERTIFICATE. Within 30 days following approval of the Minor Impact Project application, the Community Development Director shall record a *Certificate of Minor Impact Project Approval* in the Office of the Gunnison County Clerk and Recorder's Office. The Certificate shall summarize the specific Project, the legal description of the subject property, include reference to the approval by the relevant decision-making body, the date on which the approval occurred, and shall include as an attached exhibit a copy of any resolution or other decision document memorializing the approval.

O. RECORDATION OF SUBDIVISION PLAT. If the Land Use Change Permit approval is for a subdivision plat, within ~~120 days of the date of approval of the application by the Board~~120 days of the execution of the Development Improvements Agreement, the County shall file, or shall oversee the filing of, the plat in the Office of the County Clerk and Recorder. Approved protective covenants shall be recorded in the Office of the Clerk and Recorder at the same time the plat to which they relate is filed in that office.

P. INSUBSTANTIAL CHANGES AND AMENDMENTS. Insubstantial changes to an approved Minor Impact Project may be authorized by the Community Development Director without an additional public hearing.

1. **LIMITS ON INSUBSTANTIAL CHANGES.** Insubstantial changes shall be limited to technical or engineering considerations that arise during final design or during actual construction, or similar minor modifications to features of the Project that are necessary to address technical constraints or unanticipated consequences.

2. **ACTIVITIES NOT CONSIDERED INSUBSTANTIAL CHANGES.** Activities that shall not be considered insubstantial changes and may not be authorized by the Community Development Director include changes to the overall character of the Project, changes that substantially increase the Project's trip generation or the demand for public facilities, and changes that are inconsistent with a condition or representation of the Project's original approval. Such activities shall be considered amendments of the plan and may only be authorized by the applicant's submitting a new application and repeating the review process for a Minor Impact Project.

SECTION 7-201: SKETCH PLAN APPLICATION FOR MAJOR IMPACT PROJECTS

A. NOTIFICATION TO COUNTY IF FEDERAL PERMITS 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.

B. 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.

C. AREA AND PHASING OF DEVELOPMENT. The Sketch Plan application shall relate to all of the area proposed for immediate or future development, including all contiguous land under ownership by the applicant. If phasing is proposed by the applicant or determined by the County to be appropriate, the general concept of that phasing shall be addressed.

D. APPLICATION AND REVIEW FEES. In order to compensate the County for the cost of reviewing and processing the Sketch Plan, each applicant shall pay the required fee, as shown in a schedule of fees issued by the Community Development Department that is adopted and amended from time to time by the Board. The fee schedule is designed to make the amount of the fee proportional to the amount of expense likely to be incurred by the County in reviewing and processing the application.

1. **COST FOR PUBLIC HEARING NOTICE(S)**. In addition to the Sketch Plan submittal fee, the applicant shall be billed and shall be responsible for paying for the actual cost of publication of all applicable public hearing notices as required pursuant to Section 3-112: *Notice of Public Hearing*.

E. COPY OF PROPERTY TAX CERTIFICATE. One 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.

F. SUBMITTAL OF DRAFT COPY OF NARRATIVE AND MAP SUBMITTALS. The applicant shall submit one draft copy of the Sketch Plan application to the Community Development Department. The Sketch Plan includes both a narrative describing elements of the proposed Project, and maps and layout plans than illustrate it.

G. TOTAL NUMBER OF COPIES REQUIRED. Once the Community Development Department has determined the submittal to be complete, the applicant submit one hard copy and one digital copy of the application to the Department. The Department shall, as applicable, forward the application and any relevant comments to the Planning Commission and/or Board.

SECTION 7-301: PRELIMINARY PLAN APPLICATION FOR MAJOR IMPACT PROJECTS

After the Board has approved a Sketch Plan application for a Major Impact Project, the applicant may submit a Preliminary Plan application consistent with the requirements of this Section. The Preliminary Plan includes both a narrative describing elements of the proposed Project, and the maps and layout plans that illustrate it.

A. PHASING AND RELATIONSHIP TO APPROVED SKETCH PLAN. A Preliminary Plan shall address all of the area presented in the approved Sketch Plan, shall be consistent with the approved Sketch Plan and shall specifically address and comply with the conditions stated in the Board's approval. If the Preliminary Plan represents a significant variation from the approved Sketch Plan, that variation shall be clearly and completely identified or described. The Preliminary Plan may address phases that are Projected to be phases of the Final Plan, though all studies and engineering design shall address the entirety of the Project.

1. **SIGNIFICANT CHANGE REQUIRES REFILING**. If the variation consists of a significant change in types of land use, design or location of uses, or is a significant increase in numbers of lots, structures, or types or intensity of land uses, from the approved Sketch Plan, the applicant may be required to file an amended Sketch Plan application that shall be reviewed anew, pursuant to Section 7-201: *Sketch Plan Application for Major Impact Projects,* and Section 7-202: *Sketch Plan Review Process for Major Impact Projects.*

B. APPLICATION AND REVIEW FEES. In order to compensate the County for the cost of reviewing and processing the Preliminary Plan, each applicant shall pay the required fee, as shown in a schedule of fees issued by the Community Development Department that is adopted and amended from time to time by the Board. The fee schedule is designed to make the amount of the fee proportional to the amount of expense likely to be incurred by the County in reviewing and processing the application.

1. **COST FOR PUBLIC HEARING NOTICE(S)**. In addition to the Preliminary Plan submittal fee, the applicant shall be billed and shall be responsible for paying for the actual cost of publication of all applicable public hearing notices as required pursuant to Section 3-112: *Notice of Public Hearing*.

C. COPY OF PROPERTY TAX CERTIFICATE. One 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.

D. SUBMITTAL OF DRAFT COPY. The applicant shall submit one draft copy of the Preliminary Plan application to the Community Development Department.

E. TOTAL NUMBER OF COPIES REQUIRED. Once the Community Development Department has determined the submittal to be complete, the applicant shall submit one hard copy and one digital copy of the application to the Department. The Department shall, as applicable, forward the application and any relevant comments to the Planning Commission and/or Board.

SECTION 7-302: PRELIMINARY PLAN REVIEW PROCESS FOR MAJOR IMPACT PROJECTS

The following process (illustrated in the flowchart in Appendix Figure 7: *Preliminary Plan Review Process for Major Impact Projects*) shall apply to an application for review of a Preliminary Plan application for a Major Impact Project.

A. PRE-APPLICATION CONFERENCE. Attendance at a Pre-Application Conference is mandatory before submittal of the Preliminary Plan application, pursuant to Section 3-108: *Pre-Application Conference*.

B. SUBMITTAL OF DRAFT COPY. The applicant shall submit one draft copy of the Preliminary Plan application to the Community Development Department pursuant to Section 7-301: *Preliminary Plan Application for Major Impact Projects*

1. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW.** The Community Development Department shall review the application pursuant to Section 3-110: *Community Development Department Review* and for its compliance with the conditions of the Board's approval of the Sketch Plan.

C. TOTAL NUMBER OF COPIES REQUIRED. Once the Community Development Department has determined the submittal to be complete, the applicant shall submit one hard copy and one digital copy of the application to the

Department.. The Department shall, as applicable, forward the application and any relevant comments to the Planning Commission and/or Board.

SECTION 7-401: FINAL PLAN APPLICATION FOR MAJOR IMPACT PROJECTS

After the Board has approved the Preliminary Plan application for a Major Impact Project, the applicant may submit a Final Plan application consistent with this Section. The Final Plan includes both a narrative describing elements of the proposed Project, and layout plans and/or plats that illustrate it.

A. FINAL PLAN APPLICATION SHALL CONFORM TO THE APPROVED PRELIMINARY PLAN. The Final Plan application shall conform to the approved Preliminary Plan, and shall specifically address and comply with the conditions stated in the Board's approval of the Preliminary Plan.

1. **CHANGES BETWEEN PRELIMINARY PLAN APPROVAL AND FINAL PLAN SUBMITTAL**. The Final Plan application shall identify any changes between the previously-approved Preliminary Plan and the submitted Final Plan. The application shall be referred to the Planning Commission for further consideration and recommendation if at least one of the following circumstances is present:

   a. **NEW INFORMATION IS SUBMITTED**. There has been significant information submitted that was not included in the approved Preliminary Plan; or

   b. **SUBSTANTIVE ALTERATION**. There has been a substantive alteration to the plan subsequent to the Board's approval of the Preliminary Plan.

B. PHASING. The Final Plan may include separate phases. Each phase may be separately reviewed and approved. Submittals for each phase of a Final Plan and Plat, as applicable, and references within applicable protective covenants and Development Improvement Agreements, shall include the name of the development, and the appropriate phase number.

C. CONDOMINIUM AND TOWNHOME DEVELOPMENTS. A Major Impact Project that is a plan for condominium or townhome development shall require a Final Plan approval for the layout, infrastructure and amenities that corresponds to the approved Preliminary Plan for the Project. Building Permits may then be issued for construction of individual buildings. A Final Plat shall be submitted after the buildings are constructed, that is reviewed and recorded pursuant to Article 5: *Administrative Review Projects That Require Land Use Change Permits*.

D. APPLICATION AND REVIEW FEES. In order to compensate the County for the cost of reviewing and processing the Preliminary Plan, each applicant shall pay the required fee, as shown in a schedule of fees issued by the Community Development Department that is adopted and amended from time to time by the Board. The fee schedule is designed to make the amount of the fee proportional to the amount of expense likely to be incurred by the County in reviewing and processing the application.

1. **IMPACT FEES**. As applicable, payment in full of any impact fees.

E. SUBMITTAL OF DRAFT COPY. The applicant shall submit one draft copy of the Final Plan application to the Community Development Department.

1. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW.** The Community Development Department shall review the application pursuant to Section 3-110: *Community Development Department Review* and for its compliance with the conditions of the Board's approval of the Preliminary Plan.

F. TOTAL NUMBER OF COPIES REQUIRED. Once the Community Development Department has determined the submittal to be complete, the applicant shall submit one hard copy and one digital copy of the application to the Department.. The Department shall, as applicable, forward the application and any relevant comments to the Planning Commission and/or Board.

SECTION 7-402: FINAL PLAN REVIEW PROCESS FOR MAJOR IMPACT PROJECTS

The following process (illustrated in the flowchart in Appendix Figure 8: *Final Plan Review Process for Major Impact Projects*) shall apply to the review of a Final Plan application for a Major Impact Project.

A. PRE-APPLICATION CONFERENCE. Attendance at a Pre-Application Conference is optional before submittal of the Final Plan application, pursuant to Section 3-108: *Pre-Application Conference*.

B. SUBMITTAL OF DRAFT COPY. The applicant shall submit one draft copy of the Final Plan application to the Community Development Department pursuant to Section 7-401: *Final Plan Application for Major Impact Projects.*

1. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW.** The Community Development Department shall review the application for completeness, for its compliance with the conditions of the Board's approval of the Preliminary Plan

2. **TOTAL NUMBER OF COPIES REQUIRED.** Once the Community Development Department has determined the submittal to be complete, the applicant shall submit one hard copy and one digital copy of the application to the Department.. The Department shall, as applicable, forward the application and any relevant comments to the Planning Commission and/or Board.~~The Community Development Department shall determine the number of copies of the Final Plan application that are necessary for review and final action by the Planning Commission and/or Board, other review agencies or County departments, and shall notify the applicant of the number of copies required to be submitted. The Department shall, as applicable, forward the application and any relevant comments to the Planning Commission or Board~~.

C. REFERRAL TO PLANNING COMMISSION. The application shall be referred to the Planning Commission for further consideration and recommendation if at least one of the following circumstances is present:

1. **BOARD REQUIRED PLANNING COMMISSION REVIEW OF FINAL PLAN.** The Board in its approval of the Preliminary Plan required that the Final Plan be reviewed by the Planning Commission; or

2. **NEW INFORMATION IS SUBMITTED**. There has been significant information submitted that was not included in the approved Preliminary Plan; or

3. **SUBSTANTIVE ALTERATION FOLLOWING PRELIMINARY PLAN APPROVAL**. There has been a substantive alteration to the plan subsequent to the Board's approval of the Preliminary Plan.

D. PLANNING COMMISSION REVIEW. If, as a condition of its Preliminary Plan approval, the Board required that the Final Plan be reviewed by the Planning Commission, or pursuant to Section 7-402: C. 1.: *New Information Submitted* or Section 7-402: C. 2.: *Substantive Alteration Following Preliminary Plan Approval*, then a complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the Community Development Department's applicable comments. It is the goal, but not the requirement, of this *Resolution*, that within 60 days of the receipt of the application by the Community Development Department, the Planning Commission shall consider all relevant materials and testimony; and forward a recommendation to the Board.

1. **PLANNING COMMISSION RECOMMENDATION**. If the Board required the Planning Commission to review and forward a recommendation on the Final Plan, the Commission shall provide its written recommendation as to whether the Board should approve or deny the Final Plan. A conditional Recommendation of approval of a Final Plan is not preferred, but the Planning Commission may specify certain requirements to be met before presentation of the Final Plan to the Board. The recommendation shall be in written form, and shall, at a minimum, include the following:

   a. **COMPLIANCE WITH PRELIMINARY PLAN APPROVAL CONDITIONS.** Whether the Final Plan application has complied with the conditions imposed by the Board in the Preliminary Plan approval.

   b. **CONSISTENCY WITH MAJOR IMPACT PROJECT REVIEW STANDARDS.** Whether the application complies with Section 7-102: *Standards of Approval for Major Impact Projects.*

   c. **FINDINGS.** Findings based on conclusions reached by the Planning Commission in its review of the submitted plan.

   d. **RECOMMENDATION OF BOARD ACTION.** A recommendation that the Board should approve, approve with conditions, or deny the Final Plan application.

E. BOARD ACTION. Within 35 days of the Planning Commission recommendation, a complete copy of the application and the Planning Commission's recommendation shall be forwarded to the Board. The Board shall consider all relevant materials and testimony; shall assess whether the Final Plan complies with the conditions of Preliminary Plan

approval and with Section 7-102: *Standards of Approval for Major Impact Projects;* and shall approve or deny the application. If the Project is a commercial or industrial use, the Board action shall also state when the Project shall be considered completed, pursuant to Section 1-104: F. 4. c: *Commercial or Industrial Project*.

1. **ADDITIONAL PLANNING COMMISSION REVIEW MAY BE REQUIRED.** Before it takes action on the application, the Board may refer the application back to the Planning Commission for further consideration and recommendations if at least one of the following circumstances is present:

   a. **NEW INFORMATION SUBMITTED**. There has been information submitted that was not available for consideration by the Commission before its recommendation; or

   b. **INSUFFICIENT EVALUATION**. There are substantive issues or requirements of this *Resolution* that were not sufficiently evaluated in the Commission's recommendations; or

   c. **SUBSTANTIVE ALTERATION**. There has been a substantive alteration to the plan subsequent to the Commission's recommendation; or

   d. **NEED FOR CLARIFICATION**. There is an element of the Planning Commission's recommendation that requires clarification.

2. **BOARD ACTION AFTER IF REFERRED TO PLANNING COMMISSION**. If the application is referred to the Planning Commission for additional review, the Board shall, within 35 days after receipt of the Planning Commission's additional recommendation, approve, approve with conditions, or deny the application.

F. RECORDATION OF CERTIFICATE OF APPROVAL. Within 30 days following approval of the Final Plan, the Community Development Director shall record a Certificate of Major Impact Project Approval in the Office of the Gunnison County Clerk and Recorder's Office. The Certificate shall summarize the specific Project, the legal description of the subject property, include reference to the approval by the relevant decision body, the date on which the approval occurred, and shall include, as applicable, an attached exhibit a copy of any resolution, or other decision document memorializing the approval.

1. **APPROVAL DOES NOT CONSTITUTE ACCEPTANCE OF MAINTENANCE OR DEDICATION**. Approval of the Final Plan by the Board does not constitute acceptance of maintenance responsibility for any dedicated roads, alleys or other public lands or an agreement to remove snow from those areas, nor does approval constitute acceptance of any dedication of any public areas including roads or alleys without explicit Board acceptance of such dedication.

G. RECORDATION OF SUBDIVISION PLAT. If the Land Use Change Permit approval is for a subdivision plat, within 120 days of the execution of the Development Improvements Agreement, the County shall file, or shall oversee the filing of, the plat in the Office of the County Clerk and Recorder. Approved protective covenants shall be recorded in the Office of the Clerk and Recorder at the same time the plat to which they relate is filed in that office.

~~G~~H. INSUBSTANTIAL CHANGES AND AMENDMENTS. Insubstantial changes to an approved Major Impact Project may be authorized by the Community Development Director without additional public hearing.

1. **LIMITS ON INSUBSTANTIAL CHANGES.** Insubstantial changes shall be limited to technical or engineering considerations that arise during final design or during actual construction, or similar minor modifications to features of the Project that are necessary to address technical constraints or unanticipated consequences.

2. **ACTIVITIES NOT CONSIDERED INSUBSTANTIAL**. Activities that shall not be considered insubstantial and that may not be authorized by the Community Development Director include changes to the overall character of the Project, changes that substantially increase the Project's trip generation or demand for public facilities, and changes that are inconsistent with a condition or representation of the Project's original approval. Such activities shall be considered amendments of the plan and may only be authorized by the applicant's submitting a new application and repeating the review process for a Major Impact Project.

SECTION 9-202: MOBILE HOME COMMUNITIES

A. PURPOSES. Mobile home communities offer an opportunity to live in a detached residence but often on a much smaller lot and at higher densities than more conventional single family neighborhoods. These communities are also unique in that residents usually own their home, but rent the space it occupies so they have only partial control over the quality of their living environment. Mobile home communities provide a source of lower cost housing in the County. For these reasons, mobile home communities are viewed as an important and unique land use that requires particular standards for design and development. This Section is intended:

1. **TO ESTABLISH MINIMUM STANDARDS FOR MOBILE HOME COMMUNITIES.** To establish minimum standards to regulate the design, construction and maintenance of mobile home communities, govern utilities and other physical facilities and conditions, to make mobile home communities safe, sanitary and pleasant for human habitation, and to establish the responsibilities and duties of owners and operators of mobile home communities.

2. **TO PROMOTE HEALTH AND SAFETY**. To promote the health and safety of the mobile home community tenants.

3. **TO PROMOTE AMENITIES.** To provide for adequate open space, space for storage, landscaping and screening to serve the needs of the residents, and to create an aesthetic appearance when the community is viewed from off-site.

4. **TO PROMOTE A QUALITY LIVING ENVIRONMENT**. To create a high quality living environment in mobile home communities through encouraging varied layouts, layouts which reflect the natural terrain, and provision of landscaping and recreational facilities. Except as provided in this Section, mobile home communities shall also meet all other applicable development regulations and standards in this *Resolution*.

B. COMPLIANCE WITH ADOPTED STATE REGULATIONS. All mobile home communities shall comply with the standards of State of Colorado Regulations regulating mobile home communities and parks including Mobile Home Parks: 6 CCR 1010-12, as amended and the Mobile Home Park Act Dispute Resolution and Enforcement Program: 8 CCR 1302_15. Gunnison County has the right to enforce the standards of these regulations.

B. LAND USE CHANGE PERMIT REQUIRED. Except as otherwise allowed by Section 9-201: F.5.: *Agricultural Operation*s, when two or more mobile homes are to be located on a parcel, a Land Use Change Permit for a mobile home community shall be required.

C. GENERAL COMMUNITY DESIGN AND MAINTENANCE. Where sites are flat and with few distinguishing features, every effort shall be made to create curvilinear or clustered patterns of mobile home spaces rather than regimented rows. Interspersing open spaces is also encouraged.

1. **HUD-CERTIFIED HOMES ONLY.** Only HUD certified mobile homes may be installed in a mobile home community. The homes shall be supported according to the manufacturer's recommended method.

2. **DENSITY.** A mobile home community shall have a gross density of no more than ten mobile homes per acre, providing that the terrain, lot configuration, size of the community, and other factors permit such density and still permit compliance with all other applicable requirements of this *Resolution*.

3. **ADMINISTRATIVE OFFICE.** Within a mobile home community, one mobile home may be used as an administrative office related to the operations of the community.

4. **DRAINAGE FACILITIES.** Mobile home communities shall be designed, constructed and maintained pursuant to Section 13-116: *Grading and Erosion Control*, and Section 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff*, and shall be drained, graded and surfaced when necessary to facilitate drainage and prevent earth movement, and shall be free from depressions in which water collects and stagnates.

5. **WEED CONTROL**. Mobile home communities shall be maintained in a clean, sanitary condition. Grasses, weeds and other such vegetation not considered as part of any ornamental landscape, shall not exceed 12 inches in height, or be allowed to accumulate in a dry or dead condition so as to constitute a fire hazard. Design, construction and maintenance of the community shall comply with Section 13-115: *Reclamation and Noxious Weed Control.*

6. **EXTERIOR LIGHTING.** Mobile home communities shall include exterior lighting plans designed pursuant to Section 13-114: *Exterior Lighting*.

7. **ROAD SYSTEM.** Safe and convenient access shall be provided at all times for pedestrian and vehicular traffic and emergency vehicles at all times. Interior roadways shall be named and clearly identified, and shall be

designed, constructed and maintained pursuant to Section 12-103: *Road System* and Section 12-104: *Public Trails,* and pursuant to the *Gunnison County Standards and Specifications for Road and Bridge Construction*.

8. **UTILITIES**. Each mobile home space shall be connected to central water supply and wastewater systems, and shall be provided with adequate hookups to water, wastewater treatment, electric power, and telephone and fuel supplies. All utility lines, including service lines, shall be underground.

   a. **ELECTRICITY.** An electrical outlet supplying at least 100 amp service and 110/220 volts shall be provided for each mobile home space. The installation shall comply with the requirements of the applicable municipality or rural electric association.

   b. **WATER SUPPLY.** All mobile homes shall be served by a central water supply system, designed, constructed and operated pursuant to the *Colorado Department of Public Health and Environment's Colorado Primary Drinking Water Regulations*. The system shall comply with the requirements of Section 12-105: *Water Supply* and water shall be supplied to all mobile homes at a minimum pressure of 40 pounds per square inch.

   c. **WASTEWATER TREATMENT.** Wastewater treatment shall be designed, constructed and operated pursuant to the Colorado Department of Public Health and Environment requirements, and pursuant to the requirements of Section 12-106: *Sewage Disposal/Wastewater Treatment*.

   d. **UTILITY RISER:** Each mobile home space shall have provided a utility riser located and installed so as not to be damaged during placement of a mobile home, or by snow or ice.

9. **FIRE PROTECTION**. Fire protection shall comply with the requirements of Section 12-107: *Fire Protection*, including 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.

10. **DEVELOPER SHALL PROVIDE LANDSCAPING.** Landscaping for the mobile home community shall be designed, installed and maintained pursuant to Section 13-111: *Landscaping and Buffering.* The developer or operator shall be responsible for installation and maintenance of landscaping the community in accordance with the County-approved landscaping plan.

    a. **ADDITIONAL SCREENING.** Additional landscaping may be required to provide screening and buffering and to soften the visual appearance of a mobile home community. Such requirements shall be established at the time of the Land Use Change Permit review, and shall be made a condition of approval.

11. **AVAILABILITY OF OWNER OR MANAGER.** The owner of the community shall be responsible for the supervision, operation and maintenance of the community. The owner or his authorized representative shall be available or on call at all times in event of an emergency.

12. **RECREATION AREA.** In complying with the requirements of Section 13-108: *Open Space and Recreation Areas* each mobile home community shall provide a central area that may or may not contain recreational equipment, but shall be available and maintained by the community owner/manager for the recreational use of community residents.

    a. **EIGHT PERCENT OPEN AREA REQUIRED.** A minimum of eight percent of the gross mobile home community area shall be designated for this central area.

13. **OUTDOOR STORAGE AREA**. An outdoor storage area equal to 50 sq. ft. per mobile home space, surfaced with gravel, asphalt, concrete or similar material for boats, boat trailers, recreational vehicles, and horse trailers shall be provided. (The size of the required storage area may be increased or decreased upon recommendation by the Planning Commission and approval by the Board, based on the actual number of spaces, and whether or not such storage uses are allowed by the community rules for operation.)

    a. **DESIGN OF STORAGE AREA**. The storage area shall be graveled or paved, and shall be enclosed by an opaque wall or fence six feet in height. Where the wall or fence includes a gate, the gate shall be constructed of solid materials so as to be opaque.

14. **TRASH DISPOSAL**. The storage, collection and disposal of refuse shall be so conducted as to control odors, rodents, insects, accidents, fire hazards, air pollution or other nuisance conditions.

    REQUIRED TRASH CONTAINERS. Refuse containers shall be provided at central screened areas no more than 200 feet from any mobile home space. At least two 30-gallon (8 cu. ft.) containers shall be provided for each mobile home space, or an equivalent storage capacity.

15. **RULES FOR COMMUNITY OPERATION**. Rules and regulations for operation of the community shall be submitted as part of the Preliminary Plan for a proposed mobile home community that is classified as a Major

Impact Project, and as part of the submittal for final action for a mobile home community that is classified as a Minor Impact. A condition of approval of a Land Use Change for any mobile home community shall be that a copy of these rules shall be made available to each new resident and posted in a central area. Required rules shall address:

a. **DOMESTIC ANIMALS**. Language allowing a maximum number of domestic animals allowed per mobile home, and the requirement that they shall be confined on the mobile home lot by fencing, leashing or whatever other means is reasonable to ensure that pets stay on-site.

b. STORAGE. Requirement that outside storage is limited to individual storage units and/or the common storage area.

c. PARKING. Requirement that parking be limited to the areas allowed by approval of the Land Use Change Permit.

d. SIZES OF HOMES. Size limitations for mobile homes.

e. ABILITY TO RENT OR SELL HOMES. Limitations, if applicable, of mobile home owners to rent or sell mobile homes while they are on rented spaces within the community.

f. UTILITIES PAYMENTS. Description of assignment of responsibility for paying utilities.

g. SPEED LIMITS. Speed limit within the community.

h. CENTRAL FACILITIES. Use of central facilities, if any, by residents.

i. SKIRTING. Type of skirting required and the requirement that skirting be installed within 60 days of location of a mobile home on a lot.

j. FENCING AND ACCESSORY STRUCTURES. Construction of fencing and other accessory structures on mobile home lots.

k. CONSTRUCTION OF ADDITIONS. Requirement that all permanent or temporary additions (such as porches, carports), must be approved by park management and shall conform to Gunnison County regulations.

l. MAINTENANCE RESPONSIBILITIES. Requirement that tenants have the responsibility to maintain their mobile home space, and its landscaping.

m. VISIBLE ADDRESSES. Requirement that mobile home numbers must be easily visible from the street or road on which the home is located.

D. INDIVIDUAL SPACE REQUIREMENTS.

1. MOBILE HOME PERMIT AND ELECTRICAL PERMITS REQUIRED. Two permits are required to locate a mobile home within a mobile home community: a County Mobile Home Permit, and an electrical permit from the applicable municipality or rural electric provider. The Mobile Home Permit should be obtained by the person setting the home, or the homeowner.

2. INDIVIDUAL SPACES REQUIRED. A mobile home shall not be occupied as a residence in a mobile home community unless it is properly placed on a conforming mobile home space and connected to all utility services, including water, sewage, electrical and gas lines. Additionally, the following standards shall apply:

a. SEQUENTIAL NUMBERING OF SPACES REQUIRED. Mobile home spaces shall be numbered clearly and sequentially.

b. VISIBLE ADDRESSES. Each mobile home lot shall be clearly identified by a permanent marker in front of the mobile home, separate from the mobile home, readily discernible from the nearest road, displaying properly sequenced numbers or letters that give each lot a unique address within the community. The numbers used to identify each lot shall be at least four inches high and two inches wide.

3. MINIMUM SPACE BETWEEN HOMES. All mobile homes shall be parked in spaces so that there will be a minimum of 25 feet between mobile homes. Measurement shall be from the side wall of one mobile home to another, and not from the edges of accessory additions, provided that the minimum spacing between structures meets 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.

a. **ZERO LOT LINE DEVELOPMENT**. Mobile home communities may be designed to balance a maximized use of the land while affording a modicum of privacy for residents, pursuant to Section 13-104: C: *Zero Lot Line Developments*, except that instead of providing a five-foot easement on each inside lot line for maintenance, language shall be included in the community rules that, as necessary, access for maintenance of an adjacent mobile home may occur from a tenant's lot.

b. **END TO END MEASUREMENT**. Mobile homes parked end-to-end shall have an end-to-end clearance of not less than 15 feet. Enclosed additions to the mobile home structure shall be considered a part of the mobile home in measuring required yard distance and setbacks.

4. **MINIMUM SQUARE FOOTAGE OF LOT.** The minimum area of a mobile home space shall be 5,000 sq. ft., with a minimum depth of 100 feet. If the 15-foot setback and minimum separation of 25 feet can be met in a space of less than 5,000 sq. ft., the space size may be reduced to a minimum of 3,200 sq. ft..

5. **FOUNDATION AND ANCHORS**: Each mobile home space shall be improved to include an adequate foundation for the placement and anchoring of a mobile home, thereby securing the mobile home against uplift, sliding, rotation and overturning. Each space shall be provided with ground anchors and tie downs placed at least at each corner of the mobile home foundation, and able to sustain a minimum tensile strength of 2,800 pounds.

6. **AREA BELOW MOBILE HOME**. The space below each mobile home shall be kept clean and free from refuse. The space may be used for storage provided the ground is covered with an impervious material and the area is maintained to prevent harboring of rodents. No flammable materials shall be stored beneath a mobile home.

7. **OUTDOOR STORAGE OF FLAMMABLE MATERIALS**. No firewood, propane tanks or other such materials shall encroach into the distance required to be maintained between mobile homes to protect against fire hazards. Liquid propane tanks shall be stored in accordance with 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.

8. **ACCESSORY INDIVIDUAL STORAGE SHEDS.** An accessory storage shed may be constructed or erected in the rear yard, and may be required as a condition of a Land Use Change Permit for a mobile home community. It shall be no larger than 200 sq. ft., no closer than five feet from any adjoining property line, and are located pursuant to 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. Individual storage buildings shall be designed to enhance the appearance of the mobile home and shall be constructed from durable materials.

9. **MAINTENANCE OF INDIVIDUAL SPACES.** Mobile home community residents shall be responsible for keeping their individual spaces free from debris and refuse, and shall keep landscaping trimmed, mowed and in a thriving condition.

10. **ALL MOBILE HOMES SHALL BE SKIRTED WITH A RIGID MATERIAL.** Such skirting must be in place within 60 days after the mobile home is set on the mobile home space. Skirting shall be provided with doors to permit convenient access to sewer, water and gas connections. Skirting material shall be weatherproof, fire-resistant and durable.

E. **TAXING INFORMATION.** The Gunnison County Assessor's Office annually will contact the community owner to request the following information; it is the responsibility of the community owner or operator to maintain this information and provide it to the Assessor's Office:

1. **NAME OF HOME OWNER.** The name and address of the owner of each mobile home within the mobile home community.

2. **DATA ABOUT EACH HOME.** The make, model, size and year of each mobile home.

SECTION 9-504: ATTACHED WIRELESS TELECOMMUNICATIONS DEVICES

A. **LAND USE CHANGE PERMIT NOT REQUIRED**. A wireless telecommunications device that is attached to or mounted on a building or other structure may be installed as an accessory use without a Land Use Change Permit. The device shall be mounted to be as flush to the wall as technically feasible and shall not Project above the wall on which it is mounted. It shall be painted to match the color and texture of the wall, building, or surrounding environment, using muted or subdued colors or earth tones. A design that masks or camouflages the device, so it blends with the surrounding environment, is required. The latitude and longitude coordinates (degrees, minutes, seconds) of the structure shall be provided to the Community Development Department prior to any permit approval.

SECTION 9-505: FREESTANDING WIRELESS TELECOMMUNICATION STRUCTURES

A. LAND USE CHANGE PERMIT REQUIRED. The construction and siting of a freestanding structure, building, pole, tower or antenna that provides wireless telecommunications services requires a Land Use Change Permit, and shall meet these standards:

B. GENERAL STANDARDS. A freestanding structure, building, pole, tower, or antenna that provides wireless telecommunications services shall be subject to the following requirements:

1. **SAFETY SETBACK.** To ensure the safety of surrounding properties in the event of collapse, and to protect against the accumulation of snow and ice, it shall be set back from all property lines by one foot for every one foot of its height, or shall comply with the applicable setback requirements from Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way,* whichever is greater.

2. **DESIGN**. It shall be designed and sited to be compatible with the surroundings in terms of materials, roof form, scale, mass, color, texture and character. A design that masks or camouflages the structure, so it blends with the surrounding or built environment, is required to the maximum extent feasible.

3. **HEIGHT.** Towers and antennae shall be sited to minimize their height.

4. **BUFFERING**. In addition to any buffering required by Section 13-111: *Landscaping and Buffering*, landscaping and screening shall be required to achieve a total screening effect at the base of the structure and to screen any associated support buildings. Screening shall use trees (unless a source of water necessary for the survival of the trees is not available, in which case other vegetation appropriate for the site shall be installed) and may also secondarily use fences (wood, masonry, stucco, or similar opaque materials) or berms.

5. **EXTERIOR LIGHTING.** Security or other lighting shall feature down-directional, sharp cutoff luminaires that comply with the requirements of Section 13-114: *Exterior Lighting*. Safety lighting of telecommunication structures that is required by the Federal Aviation Administration shall be exempt from this standard.

6. **ACCESS ROADS**. Access roads to the structure shall be minimal and capable of supporting equipment necessary to maintain the structure.

7. **DESIGN SAFETY**. The structure's design shall be certified by a qualified professional structural engineer as structurally sound and presenting no risk to public safety. When applicable, the applicant shall also demonstrate that the location, height, and operation of the structure have been determined not to be an aviation hazard by the Federal Aviation Administration.

8. **UTILITIES SHALL BE LOCATED UNDERGROUND**. To the maximum extent feasible, all utilities shall be installed underground.

9. **LOCATION**. The latitude and longitude coordinates (degrees, minutes, seconds) of the structure shall be provided to the Community Development Department prior to any permit approval.

SECTION 11-106: PROTECTION OF WILDLIFE HABITAT AREAS

A. PURPOSE. The natural and scenic resources in Gunnison County, including wildlife, are essential components of the County's economic base and help to establish the rural character of the County. Tourists visit and recreate in Gunnison County because of the quality of these natural resources, including the abundance of wildlife species found in the area. These resources are also a basic element of the quality of life for residents of Gunnison County. The standards in this Section are intended to protect sensitive wildlife habitat areas, to protect biological field research, and to ensure

that wildlife remains a part of Gunnison County's natural environment for generations to come. In addition, this Section is designed to:

1. **SUSTAIN AND ENHANCE EXISTING POPULATIONS OF GUNNISON SAGE-GROUSE.** Sustain and enhance survival of the Gunnison Sage-grouse.

2. **PRECLUDE THE NEED TO UP LIST, OR MINIMIZE THE IMPACT OF LISTING OF GUNNISON SAGE-GROUSE AS CANDIDATE SPECIES.** Help implement an effective strategy ~~and programs that will preclude the need to list, or minimize~~ to minimize the impact of listing of the Gunnison Sage-grouse as a candidate for ~~threatened or~~ endangered status pursuant to the *Endangered Species Act of 1973*, or at a minimum, demonstrate the intent of Gunnison County to preserve and protect habitat that will lessen the impact if listing does occur.

B. APPLICABILITY. All applications for Land Use Change Permits, including Building Permits, On-Site Wastewater Treatment System Permits, Gunnison County Access Permits, Gunnison County Reclamation Permits, and Land Use Change Permits shall be processed subject to the individual requirements of this Section, and assessed to determine if the location of the proposed activity is within the sensitive wildlife habitat areas designated on the maps referenced in *Section 11-106: C.: Maps Used to Identify Sensitive Wildlife Habitats.*

1. **DEVELOPMENT ON INDIVIDUAL LOTS, WITHIN A BUILDING ENVELOPE, IN SUBDIVISIONS APPROVED BY GUNNISON COUNTY.** If a building envelope on individual lots in subdivisions approved by Gunnison County that was designated on an approved plat, recorded in the Office of the Gunnison County Clerk and Recorder, and is located in Tier 1 Sage-grouse habitat, the building envelope shall be relocated to avoid or minimize impacts to Gunnison Sage-grouse or their habitat, to the maximum extent feasible. This requirement is general in nature and applicable to property subject to land use regulation by Gunnison County. If it is determined that relocation of the building envelope is necessary to avoid or minimize impacts to Gunnison Sage-grouse or their habitat, the process to relocate the building envelope shall be handled as an administrative review by the Community Development Department.

C. MAPS USED TO IDENTIFY SENSITIVE AND CRITICAL WILDLIFE HABITATS. The general reference maps used to identify locations of sensitive wildlife habitats. Because maps depicting wildlife habitat are general in nature, and because animal distribution is fluid and animal populations are dynamic, the maps shall be used as “guides” or “red-flags.”

1. **COLORADO DIVISION OF PARKS AND WILDLIFE MAPS.** The Wildlife Resource Information System (WRIS) and Natural Diversity Information Source (NDIS) maps available from the Colorado Division of Parks and Wildlife.

2. **GUNNISON COUNTY MAPS.** The Gunnison County *Gunnison Sage-grouse Habitat Map*. The purpose of this map is to place a landowner on notice that a parcel may contain important Sage-grouse habitat areas.

D. INITIAL SITE-SPECIFIC ANALYSIS REQUIRED FOR ACTIVITY PROPOSED ON A PARCEL THAT IS WHOLLY OR PARTIALLY WITHIN GUNNISON SAGE-GROUSE HABITAT. As part of the applicable required permit application review process, the Gunnison County Wildlife Conservation Coordinator, in consultation with the Colorado Division of Parks and Wildlife, shall conduct an initial site-specific analysis of development that is proposed on a parcel that is wholly or partially within Gunnison Sage-grouse habitat.

E. APPLICATIONS FOR LAND USE CHANGE PERMIT, BUILDING PERMITS, ACCESS PERMITS, ON-SITE WASTEWATER TREATMENT SYSTEM PERMITS AND GUNNISON COUNTY RECLAMATION PERMITS ON A PARCEL THAT IS WHOLLY OR PARTIALLY WITHIN GUNNISON SAGE-GROUSE HABITAT. Development located on a parcel that is wholly or partially within Gunnison Sage-grouse habitat that requires a Building Permit, Access Permit, an On-Site Wastewater Treatment System Permit, or a Gunnison County Reclamation Permit.

1. **LOCATION WITHIN GUNNISON SAGE-GROUSE TIER 1 HABITAT.** All applications for Land Use Change Permits, Building Permits, Access Permits and On-Site Wastewater Treatment System Permits and Gunnison County Reclamation Permits shall be reviewed by the Gunnison County Wildlife Conservation Coordinator and shall require consultation with the Colorado Division of Parks and Wildlife.

2. **LOCATION WITHIN GUNNISON SAGE-GROUSE TIER 2 HABITAT.** All applications for Land Use Change Permits, Building Permits, Access Permits, On-Site Wastewater Treatment System Permits and Gunnison County Reclamation Permits shall be reviewed by the Gunnison County Wildlife Conservation Coordinator and may require consultation with the Colorado Division of Parks and Wildlife.

3. **PRE-APPLICATION CONFERENCE**. Owner(s) of land may request a pre-application conference with Gunnison County staff to review Gunnison Sage-grouse issues that reasonably may arise from an application pursuant to this Section. Upon receipt of such request, Gunnison County staff, and as available a representative of the Colorado Division of Parks and Wildlife, will meet with the owner(s) to review such issues and to identify potential

solutions. The Community Development Department will coordinate the conference. Gunnison County shall consider the advice of applicant's wildlife biologist/ecologist or a similar qualified expert.

4. **REFERRAL TO GUNNISON COUNTY WILDLIFE CONSERVATION COORDINATOR AND ON-SITE CONSULTATION.** The Community Development Department and the Public Works Department shall forward a copy of the application(s) to the Gunnison County Wildlife Conservation Coordinator. The Gunnison County Wildlife Conservation Coordinator shall determine the habitat type and whether an on-site consultation is required. If an on-site consultation is required the Gunnison County Wildlife Conservation Coordinator shall coordinate and schedule an on-site consultation with the applicant and/or applicant's representative, the Community Development Department, Public Works Department and a representative from the Division of Parks and Wildlife. The purpose of the on-site consultation shall include location of any habitat, identification of site-specific data to inform the review process, and identification of potential mitigation of Sage-grouse related issues..

   a. **TIMELINE FOR REVIEW.** The County shall request that the Colorado Division of Parks and Wildlife submit comments about the application within 21 days after the on-site consultation; when comments are not provided within that time by the Division, the County shall proceed to complete the permit process without those comments.

F. **REVIEW, REFERRAL TO COLORADO DIVISION OF PARKS AND WILDLIFE OF MINOR AND MAJOR IMPACT PROJECT APPLICATIONS.** The Community Development Department shall refer Land Use Change Permit applications for Minor or Major Impact projects to the local office of the Colorado Division of Parks and Wildlife for that agency's review and comments to make use of the expertise and judgment of that agency in the protection of sensitive wildlife habitat, and its recommendations, if any, to reduce or eliminate adverse impacts to sensitive wildlife habitat and species that may result from proposed development. It is intended that the Division of Parks and Wildlife will review the application and participate in on-site consultations and provide timely comments to the Community Development Department that identify actions and/or recommendations to reduce or eliminate adverse impacts to wildlife.

1. **MINOR IMPACT PROJECTS.** The Department shall submit a copy of the Minor Impact project application to the Division pursuant to *Section 6-106: E: Request for Review by Other Agencies or Departments*, with a written request that the Division review the application and identify in a written response whether or not the parcel on which the land use change is proposed is located within sensitive wildlife habitat, and issues that it believes appropriate to be addressed during the permitting process. Based upon the Division's knowledge of a specific site, the Division may also recommend that a wildlife habitat analysis be conducted, pursuant to *Section 11-106: F.4.: Wildlife Habitat Analysis of Minor Impact or Major Impact Projects,* which shall be required to be submitted by the applicant before a public hearing is scheduled on the Minor Impact project application.

2. **MAJOR IMPACT PROJECTS.** The Department shall submit a copy of the Preliminary Plan for a Major Impact project application to the Division pursuant *to Section 7-302: C: Review and Comment by Review Agencies,* with a written request that the Division review the application and identify in a written response whether or not the parcel on which the land use change is proposed is located within sensitive wildlife habitat and issues that it believes appropriate to be addressed during the permitting process. If the parcel is located within sensitive wildlife habitat, a wildlife habitat analysis conducted pursuant to *Section 11-106: F.4.: Wildlife Habitat Analysis* shall be submitted by the applicant before the public hearing on the Preliminary Plan is scheduled.

3. **PRE-APPLICATION CONFERENCE FOR MINOR OR MAJOR IMPACT PROJECTS LOCATED ON A PARCEL WHOLLY OR PARTIALLY WITHIN GUNNISON SAGE-GROUSE HABITAT.** A Pre-Application Conference is required for any Minor or Major Impact project located wholly or partially on a parcel within Gunnison Sage-grouse habitat.

4. **WILDLIFE HABITAT ANALYSIS OF MINOR IMPACT OR MAJOR IMPACT PROJECTS**. If Colorado Division of Parks and Wildlife comments indicate that the proposed land use change for a Minor Impact or Major Impact project is within sensitive wildlife habitat, the applicant shall be required to submit a site-specific wildlife habitat analysis. The analysis shall evaluate the relevant physical features of the property, shall make a site-specific determination of the locations of wildlife habitat on the property, and shall describe how the proposed development will comply with *Section 11-106: G.: General Standards for Development in Sensitive Wildlife Habitat Areas.* The analysis shall be prepared by a wildlife biologist/ecologist or similar qualified expert in consultation with the Colorado Division of Parks and Wildlife. It shall be submitted with the Preliminary Plan application for a Major Impact project, or before the public hearing is scheduled on a Minor Impact project, and shall contain the following:

   a. **MAP.** A map of the property shall be submitted, depicting the activity patterns of the wildlife using the sensitive wildlife habitat, identifying, where relevant, migration routes, travel corridors or patterns, nesting, feeding, watering and production areas, and any critical connections or relationships with habitat adjoining, but outside

of, the project site. The map shall also identify whether the land immediately surrounding the proposed land use change is privately owned or is public land owned by the U.S. Forest Service, U.S. Bureau of Land Management, Colorado Division of Parks and Wildlife, or other similar agency.

b. REPORT. A report shall be submitted that describes the activity patterns of the wildlife using the habitat, using a scientifically valid time period. It will also identify any species that use the property that are listed by the U.S. Department of the Interior or the State of Colorado as endangered, threatened, or are species of special concern.

1. **EVALUATE IMPACTS.** The report shall evaluate the potential impacts of the proposed land use change on the sensitive wildlife habitat and the species using that habitat, including whether it could be a threat to the viability of the species, cause a reduction in the diversity of wildlife species in the county, or change the status of its federal or state listing. The report shall identify the types of potential impacts that are anticipated (including stress due to human presence, interference with reproduction, change of migration routes, etc.) and the time periods (spring, summer, fall, winter, year-round, etc.) during which wildlife are expected to be affected by the proposed land use change.

2. **CUMULATIVE IMPACTS.** The report addressing any Major Impact project (and any proposed land use change classified as a Minor Impact project that the Planning Commission determines requires such evaluation) shall also evaluate the cumulative impacts on wildlife habitat beyond the project site. The report shall also address whether the cumulative impacts of the proposed land use change when added to the past and present impacts of other land use changes, will eliminate, reduce, or fragment wildlife habitat in the county to the extent that the viability of an individual species is threatened or the diversity of species found in the county is reduced, or the population of a species in the impact area will be significantly reduced.

3. **MITIGATION PLAN.** The report shall include a wildlife habitat mitigation plan that describes how the proposed development will comply with *Section 11-106: G.: General Standards for Development in Wildlife Habitat Areas,* providing detail regarding the avoidance, mitigation, and enhancement techniques, monitoring and performance criteria that will be employed.

G. GENERAL STANDARDS FOR DEVELOPMENT IN SENSITIVE WILDLIFE HABITAT AREAS. All development shall comply with the following standards when it is located on lands designated as sensitive wildlife habitat, including but not limited to parcels located partially or wholly in habitat areas delineated on the Gunnison County *Gunnison Sage-grouse Habitat Map*, and all lands determined to be sensitive wildlife habitat pursuant to Section 11-106: B: *Applicability.*

1. **MITIGATION OF ADVERSE IMPACTS TO SENSITIVE HABITAT.** A proposed land use change must mitigate adverse impacts it causes to lands determined to be sensitive wildlife habitat including but not limited to a Gunnison Sage-grouse habitat. Proposed land use changes that are found to have a significant net adverse impact that cannot be mitigated upon sensitive wildlife habitat, shall be denied.

a. CONSIDERATION OF BENEFICIAL EFFORTS. Gunnison County shall consider, and affirmatively recognize as mitigation in the permitting process, conservation easements/covenants (and similar mechanisms), and documented management agreements/programs accomplished, or to be accomplished, in coordination with the Colorado Division of Parks and Wildlife or other agencies (such as the Natural Resources Conservation Service or the U.S. Fish and Wildlife Service) that are beneficial to the Gunnison Sage-grouse. Each case will be reviewed on an individual basis to determine if the easement, covenant or deed restriction satisfies all of these standards.

1. **TERMS OF EASEMENT ARE PERPETUAL AND SATISFACTORY TO COUNTY**. The terms of the existing easement, covenant or deed restriction are perpetual and acceptable to the County.

2. **PRESERVED LANDS PROVIDE GUNNISON SAGE-GROUSE HABITAT**. That both the preserved land provides Gunnison Sage-grouse habitat, and the restrictions imposed by the pertinent easement, covenant or deed restriction are sufficient to justify the determination that adverse impacts have been substantially or wholly mitigated by such preservation.

3. **ADDITIONAL BENEFITS SUBSTANTIALLY OR WHOLLY MITIGATE ADVERSE IMPACTS.** Additional preservation efforts substantially or wholly mitigate adverse impacts to sensitive wildlife habitat.

2. **IRRIGATION DITCHES.** Pursuant to Colorado law, owners of irrigation ditches have the right to maintain irrigation ditches, headgates and other diversion structures. Gunnison County shall not require mitigation that will interfere with the right of ditch owners to maintain ditches, headgates or other diversion structures.

3. **MITIGATION TECHNIQUES**. Mitigation techniques to protect wildlife species that the County determines may be impacted by a proposed land use change on lands identified in Section 11-106: B: *Applicability,* including, but not limited to:

   a. **LIMITATIONS.** Requirements to avoid sensitive wildlife habitat during seasons the wildlife species use the habitat. When appropriate, the proposal shall include techniques to minimize human intrusion, including, but not limited to:

      1. **BUFFERS.** Visual and sound buffers to screen structures and activity areas from habitat areas through effective use of topography, vegetation, and similar measures.

      2. **LIMITATIONS OF HUMAN ACTIVITIES DURING SENSITIVE TIME PERIODS**. Seasonal avoidance limitations on, or stoppages of intrusive human activities during sensitive time periods, including limiting construction activities and recreational uses during sensitive time periods such as elk migration, elk calving or when sage grouse mating, nesting or brood rearing is occurring on parcels located partially or wholly in habitat areas delineated on the Gunnison County *Gunnison Sage-grouse Habitat Map.*

      3. **LOCATIONAL CONTROLS.** Controls on the location of development, so it does not force wildlife to use new migration corridors, or expose wildlife to significantly increased predation, interaction with vehicles, intense human activity, or more severe topography or climate, or encircle wildlife habitat with development.

   b. **WATERING AREAS**. Measures to avoid disturbance of waterholes, springs, seepages, marshes, stream beds, stream banks, wetlands, streamside vegetation, ponds, and watering areas to the maximum extent feasible. Catchment basins may be required to prevent stream siltation.

   c. **HABITAT COMPENSATION**. Requirements to develop additional habitat, or to acquire and permanently protect existing habitat to compensate for habitat that is lost to development, in the form of ongoing on-site or off-site wildlife habitat enhancement. Enhancement is the process of increasing wildlife carrying capacity on undeveloped habitat and may include prescribed burns, seeding, brush cutting, and fertilization, as determined to be appropriate by the County, based on the advice of the Colorado Division of Parks and Wildlife or other technical experts.

   d. **DOMESTIC ANIMAL CONTROLS.** Controls on domestic animals within or near areas of sensitive wildlife habitat. Dogs may be prohibited within one-half mile of elk, deer, and bighorn sheep critical winter ranges and winter concentration areas. The number of cats and dogs allowed in a development may also be limited.

      1. **DOGS AND CATS PROHIBITED OR CONTROLLED NEAR GUNNISON SAGE-GROUSE HABITAT.** Requirements in the form of conditions of a permit, and/or inclusion within declarations of a subdivision's protective covenants enforceable by Gunnison County, may be required prohibiting, or requiring control by kenneling or other physically-secure methods within Gunnison Sage-grouse lek or within Gunnison Sage-grouse habitat.

   e. **PROTECTION FROM ANIMAL-BORNE DISEASES**. Gunnison County may impose limitations on the introduction or possession of non-native species to lessen the possibility of the introduction of disease to native wildlife populations.

   f. **CONTROL OF NUISANCES.** Controls on lighting, noise, excess use of fertilizers or pesticides, and similar nuisances that could have a significant net adverse effect on Gunnison Sage-grouse habitat and the continued use of the area by other wildlife.

   g. **DENSITY RELOCATION.** Residential development may be clustered to avoid sensitive wildlife habitat.

   h. **ROAD CONSTRUCTION.** Requirements to avoid new road construction through sensitive wildlife habitat.

   i. **STREAM ALTERATIONS OR DIVERSIONS.** Controls on alterations or diversions of streams to retain the character and productivity of the streams. Such alterations will be subject to all applicable local, state and federal codes and regulations.

   j. **ALTERATIONS OF EXISTING WET MEADOW/SAGE HABITAT INTERFACE AREAS.** Controls on alterations of existing wet meadow/sage habitat interface areas.

k. **STRUCTURES TO MINIMIZE HAZARDS.** Requirements to design, locate, construct and maintain game-proof fencing, one-way gates, game underpasses, or other structures to minimize hazards to wildlife, such as requiring a minimum distance between high-power electric wires to avoid electrocution of eagles.

l. **AGENCY ACCESS.** Where applicable, the provision of access to Colorado Division of Parks and Wildlife or other applicable agencies to facilitate maintenance of wildlife and wildlife habitat.

H. STANDARDS SPECIFIC FOR DEVELOPMENT PROPOSED ON PARCELS THAT ARE WHOLLY OR PARTIALLY WITHIN GUNNISON SAGE-GROUSE HABITAT. In addition to the standards and mitigation techniques included within this Section, the following standards shall apply specifically to development proposed on a parcel that is wholly or partially within Gunnison Sage-grouse habitat:

1. **DISTURBANCE GUIDELINES**. Development activity shall comply with the GUSG *Disturbance Guidelines in the Gunnison Sage-grouse Rangewide Conservation Plan*, *Appendix 1*, as may be adopted and amended from time to time by the Board.

2. **LIMITATION ON HUMAN ACTIVITIES INCLUDING RECREATIONAL USES DURING GUNNISON SAGE-GROUSE SENSITIVE TIME PERIODS**. Seasonal avoidance or limitations of intrusive human behavior during sensitive time periods, including but not limited to winter and when Gunnison Sage-grouse are mating or raising chicks.

3. **UNDERGROUND UTILITIES REQUIRED NEAR GUNNISON SAGE-GROUSE LEKS**. Utility lines shall be placed underground within Gunnison Sage-grouse habitat, to discourage avian predators.

I. FENCES. Design of fences other than those associated with agricultural operations ~~to~~ shall ensure they do not adversely impact wildlife. Design standards for fences are as follows:

1. **MAXIMUM HEIGHT**. Fences shall not be higher than 42 inches.

2. **MATERIALS.** Fences should be limited to a maximum of three strands or rails. Rail fences should only use rounded rails. Wire fences should not be made of woven wire, unless they are used to enclose sheep or goats. Wire and rail fences shall have a kick-space (distance between the top two wires or rails) of not less than 18 inches that uses wire or rail that has a smooth surface. The top rail should be made of a solid material in heavy use areas, to make it more visible to wildlife.

3. **REMOVABLE SECTIONS**. Fences in migration corridors should have removable sections or openings to allow for seasonal passage of wildlife. The applicant shall be responsible for removing fence sections when migration is occurring and replacing those sections when the season of migration has ceased.

4. **UPGRADING EXISTING FENCES.** As a condition of development approval, applicants proposing land use changes within sensitive wildlife habitat areas should agree to remove or to alter any existing fences on the property to comply with the above requirements.

5. **FENCES AROUND RESIDENCES EXEMPT.** Fences located in the immediate vicinity of a residence shall be exempt from these limitations.

6. **DESIGN AND LOCATION.** Fence location and design should minimize adverse impacts to sensitive wildlife habitat.

J. VEGETATION. Proposed land use changes shall be designed to comply with the recommendations of the Colorado Division of Parks and Wildlife regarding vegetation, and to preserve large areas of vegetation utilized by wildlife for food and cover. Roads shall be located on the edge of wildlife habitat areas, to prevent fragmentation of wildlife habitat. When native vegetation must be removed within habitat areas, it shall be replaced with native and/or desirable non-native vegetation capable of supporting post-disturbance land use. Individuals planting vegetation away from the homesite should consider using vegetation suitable for wildlife cover and food. Vegetation removed to control noxious weeds shall not be required to be replaced, unless the site requires revegetation to prevent erosion or noxious weeds from becoming established.

1. **TIME ALLOTTED FOR REVEGETATION.** Vegetation required pursuant to *Section 13-115: Reclamation and Noxious Weed Control* shall be established and growing within two growing seasons (730 days) of the issue date of the applicable Gunnison County Reclamation Permit.

K. CDOW ACCESS. Where applicable, the applicant shall continue to provide historical access or agreed-upon new access other than the historical access, for the Colorado Division of Parks and Wildlife to manage wildlife and to monitor wildlife activities.

SECTION 12-103: ROAD SYSTEM

The road system shall be designed and constructed to permit safe, efficient and orderly movement of pedestrian, motorized and non motorized vehicular traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present a reasonably attractive appearance.

A. COMPLIANCE WITH ROAD AND BRIDGE CONSTRUCTION STANDARDS. All applicants for Land Use Change Permits that have a component of driveways, roads and/or bridges shall comply with the requirements of the *Gunnison County Standards and Specifications for Road and Bridge Construction*, and this Section.

B. COMPLIANCE WITH MUNICIPAL STANDARDS. When the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with the objectives and policies of the applicable municipal Three-Mile Plan. The County shall consider how the proposed development has addressed those objectives and policies, and any further intergovernmental agreement between the County and the municipal government regarding the Three-Mile Plan area. Where there is a conflict between the objectives or policies of a Three-Mile Plan or the intergovernmental agreement, and County standards, County standards shall apply.

1. **STANDARDS WITHIN INTERGOVERNMENTAL AGREEMENT.** When an adopted intergovernmental agreement exists between the County and a municipality, proposed roadways for any land use change located within three miles of that municipality shall be designed to comply with the standards referenced or imposed by that agreement.

2. **COUNTY STANDARDS APPLY IF NO INTERGOVERNMENTAL AGREEMENT**. If no intergovernmental agreement exists, and the proposed development is within three miles of a municipality, the County shall consider comments submitted by the municipality and require that the roads comply with the County's standards, but be designed so that they are capable of being upgraded to comply with municipal standards if the development were to be annexed to the municipality. This may require, at a minimum, that adequate right-of-way be granted by the applicant to ensure that such upgrading can be accomplished.

3. **COUNTY'S STANDARDS APPLY WHEN STANDARDS CONFLICT**. Where there is a conflict between the objectives or policies of a Three Mile Plan or the intergovernmental agreement, and County standards, County standards shall apply.

C. MEETING WITH PUBLIC WORKS DEPARTMENT. Before an applicant submits engineered plans for a proposed road system as part of a Preliminary Plan for any Major Impact Project, or for a subdivision that is a Minor Impact Project, the applicant shall initiate and schedule a meeting with the Gunnison County Public Works Department to discuss the scope of the Project, identify transportation issues specific to the proposed Project that are to be addressed, and to provide the Department with the name, telephone number and address of the engineer or engineering firm that will be drafting the proposed road plans.

D. RECOMMENDATION OF PUBLIC WORKS DEPARTMENT. The Public Works Department shall review and evaluate the general design, engineering submittals, and as appropriate, traffic study recommendations submitted by the applicant, and shall, as appropriate, report to the appropriate review body whether the submitted plans comply with the requirements of this Section and with the applicable sections of the *Gunnison County Standards and Specifications for Road and Bridge Construction*, and, if applicable, those mitigations that may reasonably be required related to impacts of the proposed Project.

E. TRAFFIC STUDY. The applicant for a proposed development that is Projected to generate more than 100 vehicle trips per day shall be required to conduct a detailed traffic study to adequately assess the impacts of the proposed development on the existing and/or planned transportation system. The standard for Projecting trip or traffic generation is ten trips per day per residence or guest house, or as otherwise adopted by the Institute of Traffic Engineers. In addressing the traffic impacts of a proposed development, it shall be assumed that there will be full build out, maximum use, and full time occupancy of each residence and guest house. A traffic study may also be required for any proposed development, at the discretion of the Public Works Director, in the case where a localized transportation safety or capacity deficiency exists or is Projected. The traffic study shall be prepared by or under the supervision of a qualified professional engineer licensed in the State of Colorado who has demonstrated experience in transportation planning and traffic engineering.

1. **ISSUES TO BE ADDRESSED.** The submitted traffic study shall include supporting tabulations, figures and technical appendices, and shall, at a minimum, address the following traffic impact study elements:

   a. **PURPOSE.** Study purpose and objective.

1. **AREA AND SITE.** Study area and site description.
2. **EXISTING TRANSPORTATION SYSTEM.** Existing transportation system and operational and safety conditions, including:
   a. **COUNTS**. Traffic counts.
   b. **PEAK LEVEL OF SERVICE**. Peak hour level of service.
   c. **DEFICIENCIES.** Existing deficiencies.
   d. **ACCIDENT ANALYSIS**. Traffic accident evaluations.
   e. **ALTERNATIVE MODES**. Alternative mode systems.
3. **LAND USES.** Existing and proposed land uses.
4. **TRANSPORTATION AND ACCESS**. Proposed transportation system and access plan.
5. **PHASING**. Anticipated Project phasing and timing.
6. **TRAFFIC PROJECTIONS**. Background traffic projections (not related to the proposed development) and operations.
7. **SITE-GENERATED TRAFFIC**. Anticipated site-generated traffic, including:
   a. **TRIP GENERATION RATES.** Trip generation rates (Institute of Traffic Engineers (ITE)) rates and supporting documentation.
   b. **TRIP GENERATION ADJUSTMENTS.** Trip generation adjustments (including pass-by trips, multi-purpose trips, alternative mode adjustments) and supporting documentation.

b. TRIP GENERATION FOR CONSTRUCTION. Anticipated trip generation for the construction of infrastructure and construction of each component of the development.

c. TRIP DISTRIBUTION. Assumed trip distribution.

d. TRAFFIC ASSIGNMENT. Traffic assignment (by development phase and planning horizon as appropriate).

e. PROJECTED DEVELOPMENT IMPACTS. Identification and evaluation of development impacts (by development phase and planning horizon), including:

1. **CAPACITY.** Capacity and level of service evaluation.
2. **ACCIDENT EVALUATION.** Accident and safety evaluation.
3. **INTERSECTION GEOMETRY.** Roadway and intersection geometry.
4. **TRAFFIC SIGNALS.** Traffic signal warrants (based on warrants contained in the Federal; Highway Administration's Manual on Uniform Traffic Control Devices).
5. **STATE HIGHWAY ISSUES**. State highway access issues (as appropriate).

f. **ALTERNATIVE MODES.** Alternative transportation modes (internal system, access to adjacent systems, and connections to off-site facilities).

g. CONCLUSIONS. Conclusions and improvement recommendations (onsite and off-site as appropriate), including percent contribution of development to the need for the improvements.

F. MITIGATION OF IMPACTS TO ROAD SYSTEM. Based upon the results of the traffic study, applicants for a Land Use Change Permit shall be required to mitigate their proportionate share of the impacts of the proposed activity upon the County's road system. This may require construction of improvements to existing roads and bridges, the construction of new roads and bridges on and off-site, or payment to the County of sufficient funds to be used exclusively to improve existing roads or construct new roads off-site, in accordance with the conclusions of the study and pursuant to the requirements and definitions of the *Gunnison County Standards and Specifications for Road and Bridge Construction*.

1. **DESIGN OBJECTIVES.** Any road improvements that are provided shall be designed to meet the following objectives:
   a. **PROPER FUNCTIONING OF ROADS AND INTERSECTION.** To permit the safe, efficient and orderly movement of traffic, by ensuring that roadways and intersections function at acceptable levels of service. To

address intersection peak hour operations, intersection design shall meet Level of Service (LOS) D, using evaluation procedures described in the Federal Highway Administration's Highway Capacity Manual.

b. MEET POPULATION NEEDS. To meet, but not exceed, the needs of the present and future population served;

c. LOGICAL PATTERN. To have a simple and logical road pattern;

d. PRESERVE NATURAL LAND FORMS . To preserve the natural land forms found on the property, to minimize use of cut or fill, and to minimize visibility of the road system from off site; and

e. PRACTICALITY OF PLOWING AND MAINTENANCE. To provide roadways and related snow storage areas that are sufficient to ensure reasonable access and maneuverability for required plowing and maintenance equipment.

2. IMPROVEMENTS THAT MAY BE REQUIRED. Improvements that may be required to mitigate the proportionate share of impacts on the road system caused by the proposed land use change, during both construction and operational phases, include:

a. GRANTING OF RIGHTS-OF-WAY OR EASEMENTS. Granting rights-of-way to the County, public, or other appropriate entity, including easements for existing or future roads, parking and snow storage areas, public trails, expansion of roads or other travel-related areas, utilities (including electric, telephone, oil or gas), water and/or sewage, drainage, irrigation and similar services, or for construction of frontage roads to minimize the number of driveways or side roads accessing a collector.

1. WIDTH OF EASEMENT. The width of any required easement shall satisfy the reasonable requirements of the applicable utility provider and the County, pursuant to the design standards of the utility provider or the County, as applicable.

1. DEDICATION TO PUBLIC. Rights-of-way intended for any public use shall be dedicated to public use; that dedication shall appear on any plat. Acceptance by the Board of a dedication to the County or public does not create an obligation for the County to maintain, snowplow or improve the right-of-way; any such obligation shall be created only by written resolution of the Board.

b. ADDITION OF LANES AND OTHER WAYS. Addition of travel and/or turn lanes and other ways, including bikeways and pedestrian walkways;

c. INTERSECTION AND BRIDGES. Re-design and construction of intersections, enlargement of bridges, and other road surface improvements;

d. SIGNAGE. Signs such as those regulating speed, providing warning of certain physical characteristics of the road or of heavy vehicles accessing the roads, or otherwise providing direction to drivers. Signs and markings designed and installed pursuant to the Federal Highway Administration's *Manual on Uniform Traffic Control Devices;*

e. BICYCLE AND PEDESTRIAN FACILITIES. The provision of safe walkways for pedestrians, either separate from or adjacent to roadways, depending on site-specific and Project-specific conditions; on-road bicycle lanes, and off-road bicycle paths (designed pursuant to AASHTO *Facilities Design Guide*);

f. TRAFFIC CONTROL DEVICES. Traffic control devices;

g. TRAFFIC SEPARATION FACILITIES. Traffic separation facilities including underpasses or bridges; and

h. TRAFFIC CALMING DEVICES. Traffic calming devices.

G. STANDARDS FOR ACCESS TO PROPERTIES. The following shall apply to any proposed land use change:

1. NO INTERFERENCE WITH OR OBSTRUCTION OF PUBLIC ROAD. No land use change proposed for land over which there is a public road shall interfere with or obstruct such road without written authority from the government entity that has jurisdiction over the road. Approval by the County of the Land Use Change Permit is not a vacation of such a public road.

2. LEGAL ACCESS SHALL BE PROVIDED. Design and construction of any land use change shall ensure that all residential lots have legal access to a public road.

a. ACCESS EASEMENTS SHALL BE MADE OF RECORD. If access is provided to lots or tracts through private rights-of-way, then access easements benefiting all properties having such access shall be made of record in conjunction with approval of the land use change.

b. LIMITED SNOWPLOWED ACCESS. Every development shall comply with the requirements of Section 11-110: *Development of Land Beyond Snowplowed Access.*

3. ACCESS PERMITS.

a. ACCESS ONTO STATE AND FEDERAL HIGHWAYS. Access onto state and federal highways is under the jurisdiction of the Colorado Department of Transportation (CDOT). A Highway Access Permit is required from CDOT for any new access, change of existing access, or change of use of a property that accesses onto a state or federal highway. Access design shall meet the requirements of the *Colorado State Highway Access Code*. The County shall not give final approval to a Land Use Change Permit until the County has received a copy and commented on the Highway Access Permit application.

b. ACCESS ONTO A COUNTY ROAD OR A PUBLIC ROAD THAT DOES NOT REQUIRE A CDOT ACCESS PERMIT. Driveway access onto a County road or a public road that does not require a CDOT Access Permit shall require an Access Permit from the Gunnison County Public Works Department, and shall meet the standards of the *Gunnison County Standards and Specifications for Road and Bridge Construction*.

1. LAND USE CHANGE PERMIT PRECEDES ACCESS PERMIT. No Access Permit shall be issued by the Public Works Department before approval of a Land Use Change Permit, when the proposed activity requires a Land Use Change Permit.

2. FIRE PROTECTION DISTRICT REVIEW. All applications for driveway access may be submitted by the Gunnison County Public Works Department to the applicable fire protection district for review and recommendation.

c. ACCESS ONTO A PUBLIC ROAD. Any Land Use Change utilizing a public road for access shall acknowledge in writing that access is onto a public road.

H. ROAD PATTERN. The road pattern in the proposed development shall generally conform to any adopted County plan for future development of the areas that the roads proposed for a land use change are intended to serve.

1. CONTINUITY OF ALIGNMENT. Where appropriate to the design, roads shall be continuous and in alignment with existing platted roads with which they are to connect.

2. STUB ROADS. All stub roads shall have a turnaround pad constructed at their end until the road becomes a through road. Pad requirements for a stub road shall comply with the *Gunnison County Standards and Specifications for Road and Bridge Construction*.

3. PRESERVE NATURAL LAND FORMS. The road pattern shall be designed to preserve natural land forms found on the property, to minimize use of cut or fill, and to minimize visibility of the roads from off-site.

4. **SHARED ACCESS ROAD OR ACCESS POINT.** More than one lot may be required to share an access road or access point to minimize access roads or points or to maximize safety.

I. ROAD NAMES AND SIGNS. Proposed road names assigned to internal roads of a proposed land use change shall not duplicate other existing or proposed road names in the county. Light-reflective road signs of durable and permanent materials shall be installed at all intersections in the development and other appropriate locations, and shall be addressed in a Development Improvement Agreement. House or lot numbering systems should be plainly visible year around from the public and/or subdivision road.

J. LOT ADDRESS SIGNS. Each lot shall be identified by a lot sign that identifies by number, and in reflective materials, the numerical address of the lot.

K. PEDESTRIAN AND NON-MOTORIZED WAYS. Each land use change that includes residential or other uses (such as schools) or amenities that will generate pedestrian or other non-mechanized traffic and meets one of the following criteria must provide a pattern of pedestrian or non-mechanized-use ways, each at least six feet wide, to accommodate the pedestrian traffic to be generated by the proposed development. Those pedestrian ways can be used as utility corridors, can be counted towards acreage required by the *Gunnison County On-Site Wastewater Treatment System Regulations*, and will not preclude the land over which they cross from being characterized as open space. Impacts that require the integration of pedestrian ways include:

1. LOCATION WITHIN THREE-MILES OF POPULATION CENTER. Is within three miles of a population center; or

2. MORE THAN TEN RESIDENCES. Will contain more than ten residences; or

3. ROAD PATTERN IS MORE THAN DRIVEWAYS. Will create a road pattern other than driveways.

SECTION 16-118: DEVELOPMENT IMPROVEMENT AGREEMENT REQUIRED

A. **DEVELOPMENT IMPROVEMENT AGREEMENT SHALL BE REQUIRED.** When public or private improvements are a required component of a Land Use Change Permit, the Board shall require as a condition of permit approval, in addition to the guarantees identified in C.R.S. 30-28-137 as it may be amended, that the applicant execute and fund with Gunnison County a Development Improvement Agreement acceptable to Gunnison County in form and substance, and amount and type of security. The Development Improvement Agreement shall constitute the applicant's agreement to construct the public improvements and private improvements identified as requirements of project approval. The Development Improvement Agreement shall specifically identify such requirements including plans, drawings and schedules for completion and shall be substantially in the form referenced in Section 16-117: E: *Form of Agreement.*

B. **TIME.** The Development Improvement Agreement shall be executed, including the provision of full financial security, by the applicant within one year of the final approval of the decision making body for the Land Use Change permit.

C. **REQUIREMENTS FOR EXTENSION OF DEVELOPMENT IMPROVEMENT AGREEMENT EXECUTION.** An extension of the term the execution of the Development Improvement Agreement may be requested by the applicant or recommended by the Planning Commission. The term of the execution of the Development Improvement Agreement may only be extended as a condition of initial approval, or if a request for extension is submitted at least three months before the required Development Improvement Agreement execution and only if the applicable decision-making body finds that the extension complies with the following criteria:

1. **EXTENSION OF DEVELOPMENT IMPROVEMENT AGREEMENT EXECUTION REQUESTED AS PART OF INITIAL LAND USE CHANGE PERMIT APPROVAL.** When the applicant requests extension of the execution of the Development Improvement Agreement as part of the initial Land Use Change Permit approval, all of the following criteria must be met:

   a. **A PUBLIC BENEFIT WILL BE OBTAINED OR NO PUBLIC DETRIMENT WILL OCCUR.** A public benefit will be obtained or no public detriment will occur as a consequence of the extension; and

   b. **SIZE OF PROJECT AND ECONOMIC CONDITIONS.** The size and phasing of the development, economic cycles and market conditions warrant the extension of the DIA execution; and

   c. **COMPLIANCE TO DATE WITH CONDITIONS OF ORIGINAL PERMIT.** The applicant has complied with all conditions requiring performance before the date of application for extension of the execution of the DIA; and

   d. **PROGRESS IN PURSUING COMPLETION OF DEVELOPMENT.** Progress has been made in pursuing the development to date, including obtaining other necessary permits, and there have been expenditures made by the applicant in pursuing the Project; or the applicant has demonstrated extenuating circumstances that have affected progress of the development; and

   e. **BENEFITS RECEIVED BY COUNTY.** Required benefits, if any, already have been received by the County as a result of Project approval, such as impact fees or land dedications; and

   f. **NEEDS OF APPLICANT AND COUNTY.** The needs of the applicant will be served and the needs of the County will not be harmed by the extension; and

   g. **NO CONFLICT BETWEEN DEVELOPMENT AND REGULATIONS.** There is no substantial conflict, or change in the development is approved to eliminate substantial conflict, between the Project as approved, and the requirements of this *Resolution* or other regulations as they exist at the time the application for extension is made to extend the permit term; and

   h. **CHANGES IN CIRCUMSTANCES.** Changes to neighborhood land uses have not created a substantial conflict between those uses and the uses for which an extended permit term is requested; and

   i. **PROPOSED CHANGES IN THE DEVELOPMENT.** Any proposed changes in the development are not significant; and

   j. **TAXES TO BE PAID.** No permit shall be extended unless at the time of the request for extension the applicant 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 approval is under consideration.

   k. **ONE TWO-YEAR EXTENSION.** No more than one two-year extension of the execution and full funding of the Development Improvement Agreement shall be granted.

D. FINANCIAL SECURITY. The Development Improvement Agreement shall require the applicant to provide to the County a guarantee of financial security, acceptable to the County, in an amount established by the Board based on no less than 125 percent of the estimated cost of the project, and payable on demand to the County. The purpose of the guarantee of financial security is to assure that the public improvements and private improvements identified as requirements of project approval are timely and fully completed, that all mitigation requirements and permit conditions are timely and fully performed, and that the development area is timely and fully reclaimed.

E. ENSURED COMPLETION OF IMPROVEMENTS. The Development Improvement Agreement shall provide that if the Board determines that any of the required improvements are not timely and fully constructed or if any of the requirements of approval are not performed as provided in the Agreement, including reasonable requirements for the correction of deficiencies upon notice thereof, the Board may draw upon the financial security as may be necessary to complete the improvements in accordance with the specifications included in the Agreement and the Board may exercise any or all of the other remedies available to it pursuant to the Agreement and this *Resolution*.

F. CERTIFICATION OF COMPLETION AND RELEASE OF SECURITY. The Development Improvement Agreement may include requirements for certification of completion, partial releases of the security, hold-over of security to ensure repairs or replacement, demonstrated performance of required facilities, substitution of security, and other requirements deemed appropriate by the Board.

G. FORM OF AGREEMENT. A general form of the Development Improvement Agreement is available in the County Attorney's office. This form of agreement may be modified from time to time by the County in its discretion without formal amendment to this *Resolution*.