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GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, October 19, 2023
***

The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. and on Zoom **Present:**

Chairperson-Andy Sovick	Director of Planning - Hilary Seminick
Commissioner-Matt Schwartz	Planner - Sean Pope
Commissioner-Fred Niederer	Others present as listed in text

Absent: Alt. Commissioner Annie Beal
Recused:
Zoom: Vice-Chairperson- Roland Mason, Commissioner- Julie Baca, Alt. Commissioner- Eric Phillips, Bobette Sylvester-McCarroll (applicant)
Others: Jacob With

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8:47 a.m. Call to Order: With a quorum present Chairperson Sovick opened the October 19, 2023 regular meeting of the Planning Commission at 8:47 a.m.

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The Planning Commission reviewed the September 21, 2023 meeting minutes.
Moved by Commissioner Mason seconded by Commissioner Schwarz to approve Planning Commission meeting minutes, dated September 21, 2023, as amended. The motion passed unanimous.

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9:00 a.m. Work Session: LUC-22-00052 Elk Ranch Homestead Subdivision

With a quorum present Chairperson Sovick opened the work session at 9 am.

Hillary Seminick provided an overview of the project:
The project is to subdivide a ~14-acre undeveloped parcel into three lots: two 5.85-acre parcels and one 2.5-acre parcel. The project is located on the west side of town and on the east side of the Gunnison river. The applicant is Bobette Sylvester McCarroll, who is represented by Jacob With. Seminick invited McCarroll to review her PowerPoint presentation to the Commissioners.

McCarroll started the presentation:
The parcel is the old Elk Ranch Homestead, or Mr. Jacksons old parcel, located directly west of the elementary school. Property is located adjacent to the City of Gunnison, but within Gunnison County. There is a distinct old barn located on the property that McCarroll is fond of. McCarroll has been working on this application since 2021. The parcel is currently deed restricted to 3 Single-Family Homes (SFH) and the McCarroll's would like to keep it that way. The property has been used for hay production with a local rancher, and there are irrigation rights that carry with the property.

Applicant reviewed a draft plat overlaid on a satellite image, showing an entrance coming in from the south, running north. The McCarroll's are working with a builder, with hopes of building a home for themselves on the northern parcel next spring. The middle lot would be for their children, and the southern lot would be a 2.5-acre lot to sell to others.

The McCarroll's have been working with both the City and the County. In conversations between the McCarroll's and the City, the City has said they will need an easement on the northern part of the property in order to continue working on the Van Tuyl water project. The McCarroll's are willing to work with the City on this. A well was drilled on the northern end of the property last year because the McCarroll's were informed that they could not get City water extended to the property under a previous administration. McCarroll explained that septic was not allowed on the property due to its location near the water, and they have been working on an agreement with the City to extend the sewer main to the property. There is existing power to the property, and the McCarroll's are working with the City to discuss the potential for water to be extended to the property sometime in the future.

McCarroll reviewed the proposed covenants for the subdivision:

1. One single family residence per property, and any such outbuildings as are reasonably necessary for agricultural purposes
2. No commercial activity.
3. Accessory dwellings are permitted as part of any Outbuilding or detached garage Design review approved by at least one other owner. Harmonious with natural environment
4. Utility and driveway easement with shared maintenance and snow removal costs.

Seminick acknowledged that McCarroll has been excellent at learning the land use process in working with the City and County. Seminick discussed the potential for annexation and extension of utilities with the change in administration at the City. She continued by highlighting the connectivity of the property, with the potential easement on the northern part of the parcel being a potential east-west connection point, adding that this connectivity comports with the three-mile plan.

Seminick touched on Gunnison County's Land Use Resolution (LUR) Section 9-101:E Integrated Secondary Residences, and that after discussion with Mr. With, the covenants would allow for Accessory Dwelling Units (ADU's) to be permitted should the deed restrictions be changed, and allow for additional density. The County supports ADU's as a general policy.

Seminick discussed the deed restriction of the property, and noted that additional density is desired with its location within the three-mile area. Seminick said that after discussions with the County Attorney's Office (CAO), the County is not interested in removing the deed restriction at this time.

Jacob With spoke to the deed restriction, out buildings, and ADU's. The deed restriction limits development to SFH's and out buildings. His interpretation is that adding a residence to one of the out buildings would be permissible under the deed restriction. Adding that the deed restriction is more of a building restriction rather than a use restriction, and the covenants are in line with this. He added that there is a possibility that the deed restriction gets modified in the future. But the covenants as written allow for flexibility and would not need to be re-written if the deed restriction is changed.

Commissioner Sovick asked for clarification about the deed restriction and covenants. Seminick clarified that the County has not been party to the deed restriction and there are currently no covenants on the property. She explained that the deed restriction was placed by a previous owner when the Elk Ranch was conveyed, and there is a restrictive covenant within the deed restriction. She adds that County does not have interest to push the applicants to amend the restrictive covenant.

McCarroll said that they have had a discussion with the party who put the restrictive covenant in place, and that party was not interested in changing the restrictive covenant in any way.

Commissioner Niederer asked to clarify if ADU's are allowed or not?

With responded by reviewing the deed restriction, which states "…not to exceed three single family homes and necessary utility buildings and customary agricultural buildings." With further explained that if there is a barn, and someone wants to put an ADU in the barn, he does not see any inconsistency with the deed restriction that would not allow for the ADU to be added. The covenants were written to allow for this flexibility.

Commissioner Mason asked Seminick if she thought if Planning Commission approved the covenants as written, if that there could be ramifications in the future from landowners or neighbors about the number of buildings being built, as the deed restriction states only three SFH's can be built. Seminick could not answer during the meeting, as she had not reviewed with the CAO and the question has not been fully addressed. She further clarified that the County would like to encourage ADU's, but cannot speak to the intent of the covenant itself. Seminick reviewed the subdivision process itself and how it will need to go through the County and City process simultaneously.

Chairperson Sovick closed the ADU discussion.

Sovick asked for clarification about the old barn on the property. McCarroll "loves" the barn and would like to move the barn to the northern lot. If it must remain on the southern lot, they would add a provision that if the property owner wishes to get rid of the barn, that it be donated to a historical society. Adding that they would not allow the barn to be torn down.

Sovick asked about easements, rights-of-way (ROW) and access. Seminick explained that the easement to the east could be used for utilities and future city roads. Seminick reviewed the map on the PowerPoint presentation to more clearly address Chairperson Sovick's question.

Seminick explained that the Gunnison Community school is to the east of this property and there is north-south ROW that has been preserved for future utility and transportation options. This ROW continues and then goes east-west on the northern part of the property. This ROW was intended to preserve future connectivity in this area, and is currently unimproved. What is currently being contemplated by the applicant and the City is extending a ROW preservation corridor along the northern parcel boundary, which would allow for connectivity to the west. This agreement may allow for future annexation and utility extension.

Chairperson Sovick then asked Seminick for clarification about Planning Commissions role in the northern ROW, as it seems the work is between the landowners and the City. Seminick confirmed that the easement on the northern end of the property is between the City and the landowners. Seminick went on to explain that Planning Commission is currently holding a work session to review all of the information on the table and determine the project's compliance with the LUR. She reviewed the County process and the next steps that Planning Commission can take, which include: scheduling a site visit, scheduling another work session then a public hearing, or scheduling a public hearing next.

McCarroll brought up that there is no defined date for annexation and that the agreement with the City will say "…annexation in the future..." She added that the easement and ROW agreement is

between them and the City, not the County, and that they are able to request a Subdivision with the County without having those documents fully executed.

With said that McCarroll is entitled to move the process forward and that commissioners could evaluate the project for its compliance with the three-mile plan. He further clarified the distinction between the ROW and the annexation, as they can likely get the documentation for the ROW agreement soon, but that annexation is something that may or may not happen in the future.

Seminick asked With, since this project is a Minor Impact Subdivision, if the County could request the ROW be shown on the plat. With explained that you can show the ROW on the plat, and you can also grant a ROW later, but showing it on the plat would be simpler.

For next steps, Seminick explained to commissioners that staff is comfortable scheduling a public hearing next, knowing that there will be a discussion around the ROW.

Chairperson Sovick asked if Planning Commission would like schedule a site visit. All of the commissioners are familiar with the property and none requested a site visit. Sovick asked commissioners if they were comfortable to move this to a public hearing, to which the commissioners agreed to schedule a public hearing as the next step. Commissioner Mason requested that the discussion between staff and the CAO be shared with the Planning Commission before the public hearing. Sovick requested to see the locations of the hypothetical sewer and water connections for the next meeting. Seminick confirmed that these would be provided to commissioners before the public hearing.

After a discussion about logistics, staff, commissioners, and the applicant all agreed that the public hearing will be scheduled for January 4, 2024.

Chairperson Sovick closed the work session at 9:45am.

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GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, November 16, 2023
***

The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. and on Zoom **Present:**

Chairperson-Andy Sovick Commissioner-Matt Schwartz Commissioner-Fred Niederer Commissioner-Juile Bacca Alt. Commissioner – Eric Philips Alt. Commissioner – Annie Beal	Ast. County Manager of Community and Economic Development – Cathie Pagano County Attorney – Sammy Obaid County Attorney – Mattew Hoyt Planner – Sean Pope Planner – Rachel Blondy Planning Technician – Jena Greene Others present as listed in text

Absent: Commissioner Fred Niederer
Recused:
Zoom: Vice-Chairperson- Roland Mason, Commissioner- Julie Baca, Alt. Commissioner- Annie Beal
Others: Bill Barvitski

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8:47 a.m. Call to Order: With a quorum present Chairperson Sovick opened the November 16, 2023 regular meeting of the Planning Commission at 8:47 a.m.

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It was noted that the October 19, 2023 meeting minutes were not distributed with the meeting materials. They were to be reviewed and approved at the next Planning Commission meeting.

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9:00 a.m. Work Session: Proposed Amendments to the Gunnison County Land Use Resolution.

With a quorum present Chairperson Sovick opened the work session at 9 am. The BOCC had reviewed the draft and the proposed changes the previous week. He reminded the commission that LUR was the governing document for Gunnison County and that working through the proposed amendments was an opportunity to act on comments heard from the community.

Cathie Pagano provided an overview of the project: Staff originally intended have the amendments reviewed and processed by the BOCC without bringing them to the Planning Commission. After review from the County Attorney's office, it was determined that the planning commission needed to review and recommend the changes to the BOCC prior to adoption per Colorado State Law.

The draft amendments were reviewed in a work session with the BOCC on November 6, 2023 with support for the draft from the commissioners. Because many of the amendments were proposed because of a court order in the Tyzzer v. Gunnison County case, staff were working to have the amendments adopted in a timely manner. The amendments were scheduled to be reviewed by the BOCC in a public hearing on December 19th.

Chairperson Sovick asked if there was time to propose other changes. Pagano replied yes, but with the caveat that there was time sensitive. There were court ordered changes that had to be approved soon.

County Attorney Obaid stated that the LUR needed to be adjusted so that the first step in an appeal process was for it to go to the board of adjustments. This would be a significant change for this board.

County Attorney Hoyt added that this would limit who would hear appeals for building and land use code decisions. The amendments were designed to comply with state statutes. The Tyzer case was very limited on facts and what the ultimate decision was for who hears appeals. This case did not drive the entirety of the changes being proposed.

Pagano gave a presentation of the changes.

- The term "Board" was replaced with "BOCC" throughout the LUR where appropriate.
- 1-106(H) – locations and extent review projects – wasn't previously identified in regulations. Not a change in process, changing in identification in LUR.
- 1-110: Special area regulations – clarification that the BOCC and PC could make amendments to special area regulations
- 1-116: Board of Adjustments-
    - appeals may be rendered for community development decisions, regular members, length of term, associate members. BOCC thought it was important that the Board of Adjustments has the ability to overturn a decision made by the BOCC or the planning commission. The law allows for BOCC to be members of the BOA. Staff recommends that the BOA is not made up of just members of the BOCC. Having 2 at large members gives the BOA the ability to have an added level of expertise on the BOA.

Question from Chairperson Sovik- how did the BOCC feel about this?, Pagano- they were supportive.

Question from Bill Barvitski – does 5 total members mean that 5 members is a quorum? Hoyt- the BOA will need to adopt bylaws. To affirm a decision, the BOA decision to affirm the ruling of, for example the planning director, the vote must be a majority. To repeal a decision, the vote must pass by a super majority. This was determined by the state legislature.

- Members of the BOA serve one-year terms and can be reappointed many times.
- Vacancies and removals – staff were concerned that when there's a change in administration, new officials will want to appointees that will carry fourth their vision. The BOA could only be removed by cause. Staff thought that the best way to mitigate this, that the BOA members should be reappointed by the BOCC every year, then BOCC members could reappoint or appoint how they see fit. If there's a vacancy, the BOC could appoint an associate.

- CO stature allows BOA to be 3 members or 5 members.
- BOA will adopt its own bylaws.

- Article 2: Definitions-

- residence: strike integrated secondary residence. Staff would like to simplify and make it easier for them to allow for a secondary residence on the property.

- Special Events-Added/clarified that a special event permit is requires where a property owner or lessee is compensated with a site fee.

- 3-112: Notification/notice of public hearings – strike persons expression interest in the application. Hoyt – changes in technology allow that people can sign up for notifications electronically, and staff would still publish in the newspaper. Reduces taxpayer expenses. Not a requirement from the Tyzer case, just a staff recommendation.

Question from Schwartz – does this remove access and transparency? Pagano- current requirements created a burden on staff and opportunities for staff to slip up. Doesn't take away from the desire to provide good customer service, staff will work to accommodate anyone that asks for assistance. This was more to reduce the requirement for "mailings" for anyone that shows up to a meeting.

- 3-114: Change for no ex parte comments accepted by members. Restates the law, Sovick inquired if this was too redundant. Acts as a friendly reminder of the state of the law.

- 4-102: Strike secondary residence smaller than1200 sf requirement for admin review. Small effort to reduce regulatory effort for people applying. Still subject to same standards and review when applying for a building permit.

    - Modified language to match 13-105 and minor impact section.

- 5-102:
    - Mobile home not in a mobile home community. This regulation puts extra burden on people wanting to have a mobile home as their residence.
    - Proposed elections as of effective date of resolution.
    - Removal of Driveway to Vacant Land– allowing driveway access without a building permit. Seeing challenges sets an opportunity to be misread. Being used specialty. Hoyt encouraged the planning commission to discuss this proposed change

Discussion: Acknowledgement from committee and Barvitski that may people build in phases for various reasons. Even though the removal of driveways to vacant land was working towards having driveways to nowhere, and to make sure that driveways meet county requirements. There would still be access for soils tests, well testing, etc.

Pagano – county does allow temp. access permits, noted that it didn't work for everyone. Gave ex. of wilder on the Taylor, where the driveways lead into an elk migration corridor.

Chairperson Sovick asked the commission if there was anyone in favor of striking this section from the LUR, and no members were in favor. Suggested adding language that states that there's no guaranteed right to build in a given space. ***include terms that are user – strike driveway and use term residential access.
Hoyt- suggested that language along the lines of "issuance of such a permit does not relieve the applicant of potential future uses of the land" be added. Staff would make changes and present at the next meeting.

- Non-commercial helicopter use be changed to be a minor impact so this could be vetted in a public setting instead of being an admin review.

- Cleaned up language for (K)

- 6-102:
  - Aligned language for size requirements with 13-105. (B,C,D)
  - (k) cleaned up language.
  - Addition of helicopter to mior impact.

  - Suggested addition by Schwartz -6-102. Increase number of units allowed in a minor impact project, currently maxes out at 4 units. Other members agreed. Sovick made the recommendation of changing 2-4, to read 2-8.

- 6-105, updating language to reflect current process and technological advances (copies no longer required)

- 8-100:Appeals.

  - B) standing to appeal – not required by Tyzer case, standing is the right to appeal a land use decision. Current LUR allows for any member of the public, which attorneys felt was too broad. Rewritten to reflect current Colorado law minimums in an effort to a more efficient and streamlined land use process. Anyone who appeals must have a stake in the property.

  - addition of county as a body that can appeal. Staff was in favor of this change, seemed wonky

  - emergency regulations changed to no later than 90 days.

- 9-101: Secondary residence does not require a LUC permit.
- 9-102: Changed structurally integrated language. Strike part c on page 157, make process easier for mobile homes. Removed design requirements.
- 9-201:
  - Struck temporary mobile home building permit/ application.
  - Struck more than more mobile home counts as a community.

- 9-509: Camping on individual parcels – not allowing advertising as compensation. Removes that ability to have a “hip camp”. Wanting to have applications for commercial use where appropriate.

- 11-103: Removal of language for notification

- 11-104: removed confusing terms around geologic hazards and simplified language.

- 11-106: broadened language to encompass all wildlife not just the sage grouse.

- 10-102 C, not 3, making changes to encourage development closer to population centers, working to further reduce sprawl. Work to be more targeted and thoughtful about reducing sprawl.

Sovick in support of changes but thought that this change should be further discussed at a later date, and that it could be its own meeting.

Mason - Focus on areas that have public utilities. Applicants in these areas need to demonstrate that they will not have adverse impacts.

End of review for proposed changes.

Sovick: Camping on individual parcels – why is it limited to 14 days. Pagano – after that point, need to apply for long term camping permit. Created out of concern for wastewater. Sovick: received complaints from landowners. Pagano: main concern for people dealing with wastewater.

Barvitski – would staff consider extending that 180 days. Pagano – staff would not
Determined that a second meeting to review those changes was not needed.

Baca made a motion to move forward with the LUR with changes as suggested. Seconded by Mason. Motion passed unanimously in support.

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TO:	**Board of County Commissioners**
FROM:	**Gunnison County Planning Commission**
SUBJECT:	**Planning Commission Recommendation** **Gunnison County *Land Use Resolution* Amendments**
DATE:	**November 16, 2023**
PREPARED BY:	**Cathie Pagano, Assistant County Manager for Community & Economic Development**

Commissioner Baca made a motion to approve the as presented, Schwartz seconded, the motion passed unanimously.

Project Description:

MEETING DATES:

The Planning Commission held work sessions on the following dates:

- November 16, 2023 Work Session

No public hearing is required of the Planning Commission by Section 1-113: *Amending this Land Use Resolution*. A public hearing will be conducted by the Board of County Commissioners.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

*Please note LUR language is in italics; response on compliance is in plain text.

Section 1-113: C. REVIEW STANDARDS. *The decision to amend the text of this Resolution is at the legislative discretion of the Board and is not controlled by any one factor. The Board shall consider the following in determining whether to adopt a proposed amendment, adopt a proposed amendment with modifications, table it for further study or deny it:*

1. CONSISTENCY WITH ANY COMPREHENSIVE PLAN ADOPTED BY GUNNISON COUNTY.

Consistency of the proposed amendment with any applicable comprehensive plan adopted by Gunnison County;

Applicable, the Gunnison County Comprehensive Plan: Crested Butte/Gunnison Corridor Plan (the Corridor Plan) was adopted October 7, 2005.

2. CHANGED CONDITIONS. *Changed conditions, including the economy of Gunnison County;*

County staff is proposing amendments to the Gunnison County Land Use Resolution. These amendments are proposed partially as a result of the court order in the Tyzzer v. Gunnison County, Colorado Court of Appeals No. 22CA0681, Gunnison County District Court No. 2021CV30017. Additional amendments are proposed to support the development of secondary residences and reduce regulatory barriers.

3. EFFECT ON THE NATURAL ENVIRONMENT. *Effect of the proposed amendment on the natural environment;*

The proposed amendments are expected to have positive impacts on the environment. Amendments that support reduced sprawl and protection of wildlife habitat are included.

4. COMMUNITY NEEDS. *Community needs;*

Community needs are addressed through compliance with the court order and the reduction of regulatory barriers for development of secondary residences.

5. DEVELOPMENT PATTERN. *Development pattern;*

The development pattern is addressed through a small change to the locational standards to reduce opportunities for sprawl.

6. CHANGES IN APPLICABLE LAW. *Changes in applicable law;*

These amendments are proposed partially as a result of the court order in the Tyzzer v. Gunnison County, Colorado Court of Appeals No. 22CA0681, Gunnison County District Court No. 2021CV30017.

7. PUBLIC HEALTH, SAFETY AND WELFARE. *Public health, safety and welfare;*

Not applicable, no significant changes proposed.

8. COMPLIANCE WITH ANY APPLICABLE INTERGOVERNMENTAL AGREEMENTS ADOPTED BY GUNNISON COUNTY. *Compliance with any applicable intergovernmental agreements adopted by Gunnison County.*

Not applicable.

RECOMMENDATION:

The Gunnison County Planning Commission recommends the Board adopt the amendments attached as Exhibit A to the Gunnison County *Land Use Resolution* in consideration and compliance with the above standards and hold a public hearing as is required.

Gunnison County, Colorado

Land Use Resolution

DISCLAIMER
REGARDING THE ELECTRONIC VERSION OF
THE GUNNISON COUNTY, COLORADO
LAND USE RESOLUTION

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Amendments

The *Gunnison County Land Use Resolution* was adopted by the Board of County Commissioners of Gunnison County, Colorado January 8, 2001 (the "effective date of this *Resolution*") and has been amended as follows:

Amendments approved May 15, 2001	*Resolution No. 18 Series 2001*
Amendments approved June 18, 2002	*Resolution No. 34 Series 2002*
Amendments approved August 8, 2002	*Resolution No. 41 Series 2002*
Amendments approved September 3, 2002	*Resolution No. 45 Series 2002*
Amendments approved February 18, 2003	*Resolution No. 22 Series 2003*
Amendments approved August 5, 2003	*Resolution No. 37 Series 2003*
Amendments approved September 11, 2003	*Resolution No. 44 Series 2003*
Amendments approved September 18, 2003	*Resolution No. 45 Series 2003*
Amendments approved September 25, 2003	*Resolution No. 48 Series 2003*
Amendments approved October 22, 2003	*Resolution No. 53 Series 2003*
Amendments approved October 22, 2003	*Resolution No. 54 Series 2003*
Amendments approved October 22, 2003	*Resolution No. 55 Series 2003*
Amendments approved November 4, 2003	*Resolution No. 58 Series 2003*
Amendments approved January 6, 2004	*Resolution No. 02 Series 2004*
Amendments approved June 29, 2004	*Resolution No. 37 Series 2004*
Amendments approved July 27, 2004	*Resolution No. 45 Series 2004*
Amendments approved September 7, 2004	*Resolution No. 52 Series 2004*
Amendments approved September 7, 2004	*Resolution No. 53 Series 2004*
Amendments approved August 4, 2005	*Resolution No. 42 Series 2005*
Amendments approved June 13, 2006	*Resolution No. 44 Series 2006*
Amendments approved August 1, 2006	*Resolution No. 56 Series 2006*
Amendments approved April 3, 2007	*Resolution No. 17 Series 2007*
Ministerial changes and previously-approved amendments, ratified July 10, 2007	*Resolution No. 28 Series 2007*
Amendments approved October 16, 2007	*Resolution No. 36 Series 2007*
Amendments approved October 21, 2008	*Resolution No. 10 Series 2009*
Amendments approved November 3, 2009	*Resolution No. 47 Series 2009*
Amendments approved July 6, 2010	*Resolution No. 23 Series 2010*
Amendments approved December 20, 2011	*Resolution No. 49 Series 2011*
Ministerial changes and previously-approved amendments, ratified December 4, 2012	*Resolution No. 35 Series 2012*
Amendments approved May 7, 2013	*Resolution No. 06 Series 2013*
Amendments approved November 5, 2013	*Resolution No. 23 Series 2013*
Amendment approved July 1, 2014	*Resolution No. 19 Series 2014*
Amendment approved August 19, 2014	*Resolution No. 24 Series 2014*
Amendment approved April 21, 2015	*Resolution No.10 Series 2015*
Amendment approved February 16, 2016	*Resolution No. 06 Series 2016*
Amendment approved October 2, 2018	*Resolution No. 37 Series 2018*
Amendment approved March 5, 2019	*Resolution No. 06 Series 2019*
Amendment approved August 18, 2020	*Resolution No. 30 Series 2020*
Amendment approved September 21, 2021	*Resolution No. 24 Series 2021*
Amendment approved September 8, 2022	*Resolution No. 34, Series 2022*
Amendment approved September , 2023	*Resolution No. , Series 2023*

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ARTICLE 1: GENERAL REQUIREMENTS

SECTION 1-101: TITLE AND SHORT TITLE

This *Resolution* (as amended) shall be known as "The *Gunnison County Land Use Resolution*," "The *Land Use Resolution*," and "This *Resolution."*

SECTION 1-102: AUTHORITY

It is the intent of the Board of County Commissioners of Gunnison County, Colorado (BOCC) in adopting and enforcing this *Resolution* to exercise fully all authority and power conferred on it by, to rely on, and to be in accord with the *Constitution of the United States*, the *Colorado Constitution* and the statutes of the State of Colorado, including the following:

A. Title 16, Article 13, Part 3, C.R.S: restraint and abatement of nuisances.

B. Title 24, Articles 65.1, 67, and 68, C.R.S. that respectively provide for the designation, administration and regulation by local government of areas and activities of state interest, authorize the planned unit development approach to land development, and provide for the vesting of real property rights.

C. Title 25, Article 12, C.R.S: Noise abatement.

D. Title 29, Article 20, C.R.S: *Local Government Land Use Control Enabling Act* of 1974.

E. Title 30, Article 11, C.R.S: County powers and functions.

F. Title 30, Article 15, C.R.S: County regulations under its police powers.

G. Title 30, Article 28, C.R.S: Planning and building codes, subdivision exemption plats, cluster development, the establishment of a county planning commission and regional planning commissions, improvement agreements, master plans, zoning plans, and other land use planning and regulatory mechanisms, including subdivision regulations.

H. Title 30, Article 30, C.R.S: County regulation regarding control of stream flow for purposes of flood control.

I. Title 34, Article 1, Part 3, C.R.S: Preservation of commercial mineral deposits.

J. Title 35, Article 72, C.R.S: The duty of the owner or occupier of any land in the state to prevent soil blowing by planting and other practices.

K. Title 38, Article 30.5, C.R.S: Addressing conservation easements.

L. Title 43, Article 1, C.R.S: Regarding roads and, particularly, limitations on controls on advertising devices.

M. Title 43, Article 2, C.R.S: State, county, municipal, and public roads.

N. All Other Authorized Powers. All other powers authorized by the Constitution of the State of Colorado, state statute or by common law, including those for the regulation of land uses, land use planning and development, subdivision, and environmental protection, police powers and the power to abate nuisances.

SECTION 1-103: PURPOSES

Gunnison County is a diverse community with a history of independence, self-sufficiency and neighborly spirit. Recognizing that "One Size Does Not Fit All," this *Resolution* articulates general policies, regulations and specific standards.

This Section identifies the purposes the ~~Board~~ BOCC intends to achieve by adopting this *Resolution*. These purposes serve as basic goals for this *Resolution* and the review of applications for Land Use Change Permits and related permits and processes. When there is a conflict between a statement of purpose and an adopted standard in this *Resolution*, or when an adopted standard is more specific, the standard shall supersede these purposes. This *Resolution* shall be construed liberally to further its stated purposes.

A. GENERAL PURPOSES OF THIS *LAND USE RESOLUTION*.

1. **PROMOTE HEALTH, SAFETY, GENERAL WELFARE AND THE ENVIRONMENT.** To promote the health, safety, and general welfare of the citizens of Gunnison County by giving reasonable consideration to the social, economic and environmental characteristics of the community and the compatibility of proposed land use changes with existing uses.
2. **SIMPLIFY THE LAND USE PLANNING AND REGULATORY REVIEW PROCESS.** To simplify, expedite and provide uniform application of the land use planning and regulatory review process.
3. **PROTECT THE HERITAGE OF OUR RURAL CHARACTER**. To protect ranching and other existing industries, the beauty of the landscape and rural character of Gunnison County, in order to enhance recreational opportunities for residents and visitors, preserve important archeological and historic sites and viewsheds, and conserve soil, water, and forestry resources. To ensure that no land use change significantly detracts from the economic base, the environmental, historical, recreational, or aesthetic character of the County.
4. **PROVIDE FOR ORDERLY USE OF LAND**. To plan for and regulate the use of land and to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights and without unnecessary time and expense by applicants or the public.
5. **PRESERVE NEIGHBORHOOD CHARACTER**. To preserve the character of established residential areas and residential neighborhoods.
6. **ENCOURAGE HOUSING DIVERSITY**. To encourage a diversity of housing types, densities, and development that assists in providing adequate housing for all people.
7. **EVALUATE CUMULATIVE IMPACTS**. To evaluate the combined impacts of two or more uses or activities, and repeated activities, in a discreet area or the whole of Gunnison County.
8. **ENCOURAGE INNOVATIONS**. To encourage innovations in residential, commercial, and industrial land use changes, so that the growing demands of the population may be met by greater variety in type, design, and layout of development.
9. **REGULATE LAND USE BASED ON IMPACTS**. To regulate the use of land based on the impact of such use on surrounding areas and the community to eliminate, minimize, or mitigate conflicts among different land uses.
10. **INTENT NOT TO DEPRIVE ALL REASONABLE ECONOMIC USE**. It is the intent of this *Resolution* that no private landowner be deprived of all reasonable economic use of real property.

B. PURPOSES TO MANAGE AND GUIDE LAND DEVELOPMENT.

1. **PROMOTE A COMPACT DEVELOPMENT PATTERN.** To promote a compact development pattern that discourages sprawl, in which denser and more intense forms of development will occur contiguous to, or in close proximity to, existing population and development centers and public services. To encourage development patterns that will tend to minimize the cost of providing governmental and other services and will preserve open space.
2. **ENSURE ADEQUATE FACILITIES.** To ensure that development provides, and is served by, adequate transportation, water supply, wastewater treatment, other utilities and public services, schools, open space, parks, trails, and similar facilities, and to provide for phased development based on location and capacity of such services and facilities. To ensure, to the maximum extent practicable, that growth will pay for itself, and to ensure that present residents do not have to subsidize land use changes that involve growth or development through increased taxes or degradation of the quality of services they receive. To avoid land use changes requiring significant expenditures of public funds for schools, roads, health, police, and fire, or other purposes.
3. **TO ENCOURAGE TRANSPORTATION ALTERNATIVES.** To minimize automobile use where practical and to ensure that, as applicable, development is reasonably designed to provide safe and convenient roads and non-motorized ways to connect neighborhoods and developments, and encourage the use of public transportation and related facilities.
4. **REGULATE PUBLIC FACILITIES**. To regulate the general location, character and extent of public facilities, ways, grounds, and places, including public utilities.
5. **ENSURE EFFICIENT PROVISION OF PUBLIC SERVICES**. To require that permitted land use changes be designed, constructed, and maintained to provide efficient and economic provision of public services.
6. **MAINTAIN POPULATION/INFRASTRUCTURE BALANCE.** To maintain a balance beneficial to the public between the growth of public infrastructure in the county (including transportation, schools, health facilities, fire

and police services, utilities, recreation, housing) and the population growth reasonably expected to result from proposed development.

7. **ENSURE DEVELOPMENT MEETS DEMONSTRATED HOUSING NEEDS.** To encourage residential development that meets demonstrated housing needs in Gunnison County, to discourage residential development that does not meet demonstrated needs in Gunnison County, and to encourage buildout of platted subdivisions that have been approved by Gunnison County before additional lots are subdivided.

C. PURPOSES TO PROMOTE THE ECONOMIC WELL BEING OF THE COMMUNITY.

1. **PROTECT AND ENHANCE ECONOMY.** To protect and enhance the economic strength of the private and governmental sectors of Gunnison County in a manner that is compatible with this *Resolution*.
2. **ENCOURAGE ECONOMIC DIVERSITY.** To encourage, strengthen and promote greater economic diversity in the County, to broaden employment opportunities and reduce seasonal employment fluctuation in a manner that will not endanger or detract from the existing economy.
3. **PROMOTE CONTINUING VIABILITY OF AGRICULTURE.** To promote innovation in land use changes that contribute to continuing viable agricultural operations and recognize the public benefit of protecting the open space that agricultural operations provide, and to discourage land use changes that jeopardize those activities. To identify land use change on agricultural land, to protect ditches and stock drive routes, to encourage land use change that will retain the agricultural productivity of the land and to discourage land use change that will adversely affect agricultural operation on lands not owned by the applicant. However, it is not the policy of this *Resolution* to prevent land use change on land because such land was at one time used for agricultural purposes nor to enforce continued agricultural use of land that is otherwise suitable for non-agricultural use and that can otherwise be developed pursuant to the terms of this *Resolution*.

D. PURPOSES TO PROTECT ENVIRONMENTAL RESOURCES.

1. **MAINTAIN ENVIRONMENTAL QUALITY.** Recognizing the irreplaceable character of the environment and its importance to the quality of life in Gunnison County, to ensure that land use changes do not degrade or threaten the existing high quality of the environment in the County.
2. **PRESERVE QUALITY AND QUANTITY OF WATER RESOURCES.** Recognizing that the essence of Gunnison County's ability to survive and prosper is the availability of a consistent and clean source of water, the County intends to preserve and protect the quality and quantity of water resources in Gunnison County.
3. **PRESERVE WILDLIFE HABITAT.** To protect and preserve lands from land use activities and patterns of development that would cause significant net adverse effects to sensitive wildlife habitat and to discourage land uses that will impair or destroy such habitats, or their utilization by wildlife species, or that would endanger a wildlife species. It is the intent of this *Resolution* that private landowners do not lose reasonable use of their land or, when appropriate, receive fair compensation because of owning sensitive wildlife habitat.
4. **REGULATE LAND USE IN NATURAL HAZARD AREAS.** To regulate land use and activities in natural hazard areas by avoiding it and if avoidance is not possible, to reduce or minimize hazards to public health, safety, and property in those areas with minimum expenditure of public funds.
5. **PREVENT INCREASES IN SCOPE OR IMPACT OF NATURAL HAZARDS.** To prevent activities and land use in natural hazard areas that would increase the scope or impact of such natural hazards.
6. **DISCOURAGE DEVELOPMENT THAT WOULD RESULT IN WINTER RECREATION IN CERTAIN HAZARD AND RESOURCE AREAS.** To discourage development or land uses that will directly result in winter recreation in areas of known uncontrolled avalanche danger or in critical wildlife winter range.

SECTION 1-104: PERMITS REQUIRED

A. ISSUANCE OF PERMITS. Unless otherwise expressly excepted by this *Resolution*, no person shall engage in, cause, or allow any land use change as defined in Article 2*: Definitions* upon land owned, controlled, occupied, or used by that person in the unincorporated area of Gunnison County, including parcels of land that are less than, equal to, or greater than 35 acres in size, or upon patented mining claims, or lots in disincorporated townsites, unless that person has first obtained a Land Use Change Permit pursuant to this *Resolution*. The act of subdividing land into parcels, all 35 acres or larger, does not require a Land Use Change Permit.

B. APPLICATION. An application for a Land Use Change Permit shall be filed with the Gunnison County Community Development Department and shall be processed in accordance with Article 3: *General Review Process*.

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

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

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

F. TERM OF PERMIT.

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

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

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

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

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

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

3. COMPLETION OF A DEVELOPMENT.

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

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

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

G. REQUIREMENTS FOR EXTENSION OF TERM OF PERMIT. An extension of the term of a Land Use Change Permit may be requested by the applicant or recommended by the Planning Commission. The term of a Land Use Change Permit may only be extended as a condition of initial approval, or if a request for extension is submitted at least three months before the permit expires and only if the applicable decision-making body finds that the extension complies with the following criteria:

1. EXTENSION OF LAND USE CHANGE ~~-~~PERMIT REQUESTED AS PART OF INITIAL LAND USE CHANGE PERMIT APPROVAL. When the applicant requests extension of the permit term as part of the initial Land Use Change Permit approval, both 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 WARRANT EXTENSION. The size and phasing of the development, economic cycles and market conditions warrant the extension of the permit term.

2. EXTENSION OF LAND USE CHANGE PERMIT FOR ADMINISTRATIVE REVIEW AND MINOR IMPACT PROJECT AT LEAST THREE MONTHS BEFORE END OF PERMIT TERM. When the applicant submits a request for extension of the permit term for a Land Use Change Permit for an Administrative Review Project or a Minor Impact Project at least three, but no more than six, months before the permit expires, the permit may be extended if the applicable decision-making body, finds that the extension complies with all the following:

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. 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 permit; and

c. 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

d. 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

e. 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

f. 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

g. 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

h. PROPOSED CHANGES IN THE DEVELOPMENT. Any proposed changes in the development are not significant.

3. EXTENSION OF A LAND USE CHANGE PERMIT FOR A MAJOR IMPACT PROJECT AT LEAST THREE MONTHS BEFORE END OF PERMIT TERM. When the applicant requests extension of the permit term for a Land Use Change Permit for a Major Impact Project at least three, but no more than six, months before the permit expires, the ~~Board~~BOCC shall conduct a public hearing, noticed and conducted pursuant to Section 3-112: *Notice of Public Hearing* and Section 3-113: *Conduct of Public Hearing*, and may extend the permit, if it finds that the extension complies with all of the following:

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 permit term; 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 permit term; 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

4. 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.

5. ONE EXTENSION. No more than one three-year extension of any Land Use Change Permit shall be granted.

6. EXTENSION EXTENDS A VESTED RIGHT. An extension of the term of a Land Use Change Permit extends any vested property right associated with the permit or development for the same period as the extension of the permit.

H. PHASED DEVELOPMENT. The permit term for each phase of a phased development shall begin to run on the date that phase receives final approval from the ~~Board~~BOCC.

I. PERMITS PURSUANT TO FORMER GUNNISON COUNTY LAND USE RESOLUTION FOR TWO RESIDENCES ON A SINGLE PARCEL. The term of any Land Use Change Permit issued pursuant to the former *Gunnison County Land Use Resolution* that approved construction of two residences on a single parcel, pursuant to which one residence is constructed within three years after the effective date of this *Resolution*, shall be extended to permit construction of the second residence, in perpetuity. The second residence shall be subject to all County regulations in effect at the time the construction is initiated.

J. GROUNDS FOR DENIAL OF A LAND USE CHANGE PERMIT. No Land Use Change Permit shall be issued for any land use change that:

1. DOES NOT COMPLY WITH THIS *RESOLUTION*. Does not comply with each applicable requirement of this *Resolution*; or

2. DOES NOT COMPLY WITH OTHER CODES OR RESOLUTIONS. Does not comply with the applicable building code as adopted or amended by Gunnison County, the *Gunnison County On-Site Wastewater Treatment System Regulations*, the *Gunnison County Standards and Specifications for Road and Bridge Construction*, any County-approved municipal Three Mile Plan area plan, or any other applicable code, ordinance, resolution or regulation.

3. DOES NOT COMPLY WITH EACH APPLICABLE FEDERAL OR STATE PERMIT. Does not comply with each applicable federal or state permit. The County shall require that a copy of each required permit be submitted to the County before County approval of the Land Use Change Permit, or that the Land Use Change Permit include a condition that a copy of each required permit be submitted to the County in a timely manner.

K. COMPLIANCE WITH PERMIT CONDITIONS. Each development permitted pursuant to this *Resolution* shall be initiated, conducted and completed pursuant to all terms and conditions of the applicable permit.

L. APPLICABILITY TO OTHER UNITS OF GOVERNMENT. The requirement to obtain a Land Use Change Permit shall apply to federal, state, county and municipal governments and special districts, their agencies and their subdivisions unless the unit of government is expressly exempted from the requirement.

M. RELATIONSHIP OF LAND USE CHANGE PERMITS TO OTHER PERMITS. Issuance of a Land Use Change Permit does not eliminate any requirement to obtain a Building Permit pursuant to the applicable building code, adopted and amended by Gunnison County, an On-Site Wastewater Treatment System Permit pursuant to the *Gunnison County On-Site Wastewater Treatment System Regulations*, or to comply with every other applicable ordinance, resolution, and regulation or permit already issued. An applicant for any activity that requires a Land Use Change Permit shall be required to obtain that permit before initiating any activities that would require a Building Permit, On-Site Wastewater Treatment System Permit, Access Permit, or other permit from Gunnison County. As applicable to individual applications, the County requires that the following Permits be obtained in addition to Land Use Change Permits:

1. **ACCESS PERMIT.** An Access Permit shall be obtained from the Gunnison County Public Works Department for any private driveway accessing onto a County road, public road or highway under the jurisdiction of Gunnison County.
2. **HIGHWAY ACCESS PERMIT.** If a Highway Access Permit is required from the Colorado Department of Transportation for any driveway or road accessing onto any state or federal road, the County shall not give final approval to a Land Use Change Permit until the County has received and commented on the Highway Access Permit application. The County may condition a Land Use Change Permit approval on receipt of the approved Highway Access Permit.
3. **MOBILE HOME PERMIT.** Location of a mobile home on a lot or within a mobile home community shall require a Mobile Home Permit, pursuant to Section 9-201: *Individual Manufactured and Mobile Homes*.
4. **SIGN PERMIT**. Sign Permit, pursuant to Section 13-109: *Signs*.
5. **RECLAMATION PERMIT FOR REVEGETATION AND NOXIOUS WEED CONTROL**. Any development defined and/or regulated by the County that results in road cutting and/or construction, homesite clearing or berm construction shall be required to obtain a Reclamation Permit from the Gunnison County Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.
6. **SURFACE ALTERATION PERMIT**. Surface Alteration Permit, pursuant to the *Gunnison County Standards and Specifications for Road and Bridge Construction*.
7. **ROAD CUT PERMIT.** Road Cut Permit, pursuant to the *Gunnison County Standards and Specifications for Road and Bridge Construction.*
8. **BUILDING PERMIT.** Building Permit, as required for construction of structures pursuant to the applicable building code, adopted and amended by Gunnison County.
9. **ON-SITE WASTEWATER TREATMENT SYSTEM PERMIT**. On-Site Wastewater Treatment System Permit, as required for the installation or repair of an On-Site Wastewater Treatment System, pursuant to the *Gunnison County On-Site Wastewater Treatment System Regulations.*
10. **FLOODPLAIN DEVELOPMENT PERMIT.** Floodplain Development Permit pursuant to Section 11-103: *Development in Areas Subject to Flood Hazards.*
11. **TEMPORARY PRIVATE PLOWING PERMIT.** Temporary Private Plowing Permit, pursuant to Section 11-110: *Development of Land Beyond Snowplowed Access.*
12. **SNOW REMOVAL PERMIT.** Snow Removal Permit pursuant to and described in the *Gunnison County Standards and Specifications for Road and Bridge Construction.*
13. **MANUFACTURED HOME PERMIT.** Manufactured Home Permit pursuant to Section 9-201: *Individual Manufactured and Mobile Homes.*
14. **LONG-TERM CAMPING PERMIT**. Long-Term Camping Permit, pursuant to Section 9-509: *Camping on Individual Parcels.*
15. **OUTDOOR VENDING PERMIT.** Outdoor Vending Permit, pursuant to Section 9-502: *Temporary Structures.*
16. **STATE AND FEDERAL PERMITS.** Granting of a Land Use Change Permit for a specific land use change shall not exempt that land use change from compliance with any applicable Colorado or federal statutory and regulatory requirements. Gunnison County shall require documentation that each applicable permit has been issued, either as a prerequisite to, or as a condition of, approval of the Land Use Change Permit.

SECTION 1-105: SECTIONS NECESSARY FOR IMMEDIATE PRESERVATION OF PUBLIC HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENTAL 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, 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.*
5. **SECTION 11-107**: *Protection of Water Quality*.
6. **SECTION 12-105**: *Water Supply*.
7. **SECTION 12-106**: *Sewage Disposal/Wastewater Treatment*.
8. **SECTION 12-107**: *Fire Protection*.
9. **SECTION 11-109: D.:** *Domestic Animal Controls*; and Section 11-106: G.3.d.: *Domestic Animal Controls*.
10. **SECTION 13-107**: *Installation of Solid-fuel-burning devices*.
11. **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 1-106: PARTIALLY EXEMPTED LAND USE CHANGES

The following land uses are partially exempted from the requirements of this *Resolution*:

A. **PENDING LAND USE CHANGE PERMIT APPLICATIONS.** A complete and conforming Land Use Change Permit application submitted to Gunnison County before the effective date of this *Resolution* ("pending application") shall be governed by the former *Gunnison County Land Use Resolution* except pursuant to this Section.

1. **VOLUNTARY COMPLIANCE WITH THIS *RESOLUTION***. Any applicant who has a pending application has the right, upon written request to the Community Development Department, to have the pending application processed pursuant to the process and standards of this *Resolution* rather than those of the former Gunnison *County Land Use Resolution*.

2. **REQUIRED COMPLIANCE WITH EXISTING CODES AND PUBLIC HEALTH AND SAFETY REQUIREMENTS**. Each application, whether processed pursuant to the former *Gunnison County Land Use Resolution* or this *Resolution*, shall comply with the following requirements:

   a. **COMPLIANCE WITH APPLICABLE REGULATIONS AND CODES**. All regulations and codes that are general in nature and are applicable to all property that is subject to the jurisdiction of Gunnison County including the applicable building code, adopted and amended by Gunnison County, the *Gunnison County On-Site Wastewater Treatment System Regulations*, the *Gunnison County Standards and Specifications for Road and Bridge Construction*, and each applicable fire, plumbing, electrical and mechanical code in effect on the date a permit is applied for pursuant to each of those codes; and

   b. **COMPLIANCE WITH ALL OTHER SECTIONS OF THIS *RESOLUTION* AND OTHER CODES, ORDINANCES OR REGULATIONS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC HEALTH AND SAFETY.** To the maximum extent feasible with the provisions of Section 1- 105: *Section Necessary For Immediate Preservation of Public Health and Safety*, and any other code, ordinance or regulation that is general in nature and applicable to all property that is subject to the jurisdiction of Gunnison County and that is found necessary by the ~~Board~~BOCC for the immediate preservation of public health and safety.

B. DEVELOPMENT ON INDIVIDUAL LOTS IN SUBDIVISIONS APPROVED BY GUNNISON COUNTY BEFORE THE EFFECTIVE DATE OF THIS *RESOLUTION.* Individual lots in subdivisions approved by Gunnison County before the effective date of this *Resolution*, that have protective covenants included as an element of a Final Plan approved by Gunnison County, shall be issued a Building Permit without a separate Land Use Change Permit, subject to the following:

1. **COMPLIANCE WITH PERMIT CONDITIONS.** Compliance with all applicable conditions in the Land Use Change Permit approval of the subdivision; and

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

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

4. **COMPLIANCE WITH ALL OTHER SECTIONS OF THIS *RESOLUTION* AND OTHER CODES, ORDINANCES OR REGULATIONS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC HEALTH AND SAFETY**. Compliance to the maximum extent feasible with the provisions of *Section 1-105: Sections Necessary For The Immediate Preservation of Public Health And Safety,* and any other code, ordinance or regulation that is general in nature and applicable to all property that is subject to the jurisdiction of Gunnison County and that is found necessary by the ~~Board~~BOCC for the immediate preservation of public health and safety.

C. DEVELOPMENT ON INDIVIDUAL TRACTS IN EXEMPT 35-ACRE TRACT DEVELOPMENTS EXISTING WITH IDENTIFIED BUILDING ENVELOPES BEFORE JANUARY 1, 2000, THAT HAD PROTECTIVE COVENANTS RECORDED BEFORE JULY 1, 2000.

1. **PRE-EXISTING EXEMPT 35-ACRE TRACT DEVELOPMENTS**. There are certain divisions of land that are excluded from the definitions of "subdivision" or "subdivided land" as defined by C.R.S. 30-28-101 and that:

   a. **EXISTED BEFORE JANUARY 1, 2000**. Existed on or before January 1, 2000; and

   b. **TRACTS LARGER THAN 35 ACRES**. Are comprised solely of tracts that are each 35 acres or larger; and

   c. **RECORDED PLAT**. Were platted and recorded in the Gunnison County Clerk and Recorder's Office on or before January 1, 2000 ("pre-existing 35-acre tract development"), specifically identifying designated building envelopes in which primary development must be confined ("pre-existing building envelopes"); and

   d. **RESTRICTED BY RECORDED PROTECTIVE COVENANTS**. Are subject to specific protective covenants that were recorded in the Office of the Gunnison County Clerk and Recorder's Office before July 1, 2000 that restrict the form, location, and type of development that can occur within the development ("preexisting protective covenants").

2. **IDENTIFICATION OF PRE-EXISTING EXEMPT 35-ACRE TRACT DEVELOPMENTS**. For purposes of Section 1-106: C. *Development on Individual Tracts in Exempt 35-acre Tract Developments Existing With Identified Building Envelopes before January 1, 2000, That Had Protective Covenants Recorded Before July 1, 2000.* The pre-existing exempt 35-acre tract developments include:

   a. East River Ranches;
   b. Red Mountain Ranch;
   c. The Pinnacles;
   d. Trappers Crossing at Crested Butte; and
   e. Eagle Ridge Ranch.

3. **BUILDING ON INDIVIDUAL TRACTS IN A PRE-EXISTING EXEMPT 35-ACRE TRACT DEVELOPMENT SHALL COMPLY WITH THIS *RESOLUTION* TO THE MAXIMUM EXTENT FEASIBLE**. Land uses on individual tracts in a pre-existing exempt 35-acre tract development shall comply with the requirements of this *Resolution*, including:

   a. **COMPLIANCE WITH SECTIONS OF THIS *RESOLUTION* AND OTHER CODES, ORDINANCES OR REGULATIONS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC HEALTH AND SAFETY**. Compliance to the maximum extent feasible with the provisions of Section 1-105: *Sections Necessary For The Immediate Preservation of Public Health And Safety*, and any other code, ordinance or regulation that is general in nature and applicable to all property that is subject to the jurisdiction of Gunnison County and that is found necessary by the ~~Board~~BOCC for the immediate preservation of public health and safety; except:

   b. **CONFLICT BETWEEN PROTECTIVE COVENANTS/ENVELOPE AND THIS *RESOLUTION***. The County recognizes that the limitations associated with the pre-existing building envelopes and pre-existing protective covenants in preexisting exempt 35-acre tract developments identified in *Section 1-106:C.2: Identification of Pre-Existing 35-Acre Tract Developments* may make it difficult for the owner of such a tract to comply with all requirements of this *Resolution*. It is the intent of this Section that each provision of this *Resolution* be enforced regarding such tracts to the maximum extent feasible without requiring relocation of the pre-existing building envelopes and/or changes to the pre-existing protective covenants.

1. **CLASSIFICATION OF IMPACT WHEN CONFLICT IDENTIFIED**. When County review of an application for a Building Permit, On-Site Wastewater Treatment System Permit, or Access Permit for a tract in a development identified in Section 1-106: C. 2: *Identification of Pre-Existing Exempt 35-Acre Tract Developments* discloses that there is a conflict between the pre-existing building envelope and/or pre-existing protective covenants regarding a building envelope, and any standard or requirement of this *Resolution*, the Community Development Director shall then determine the appropriate impact classification, pursuant to Section 4-111: *Classification of Impact.*

2. **PERMIT REVIEW PROCESS.** The application for a permit shall be processed subject to the applicable level of review pursuant to Article 3: *General Review Process.* The decision-making body shall determine how, and to what degree, the conflicting provision shall be applied to the maximum extent feasible without requiring a relocation of the building envelope and/or change to the protective covenants regarding form, location or type or other requirements or restrictions on residences.

4. **LAND USES ON INDIVIDUAL TRACTS IN A PRE-EXISTING 35-ACRE TRACT DEVELOPMENT SHALL COMPLY WITH APPLICABLE REGULATIONS AND CODES.** Except as specifically exempted by Section 1-106: C.3. b: *Conflict Between Protective Covenants/Envelopes And This Resolution,* land uses on individual tracts in a pre-existing exempt 35-acre tract development shall comply with all regulations and codes that are general in nature and are applicable to all property that is subject to jurisdiction of Gunnison County including the applicable building code, adopted and amended by Gunnison County, the *Gunnison County On-Site Wastewater Treatment System Regulations*, the *Gunnison County Standards and Specifications for Road and Bridge Construction*, and each applicable fire, plumbing, electrical and mechanical code, in effect on the date a permit is applied for pursuant to each of those codes.

D. DEVELOPMENT ON INDIVIDUAL TRACTS IN EXEMPT 35-ACRE TRACT DEVELOPMENTS EXISTING BEFORE JANUARY 1, 2000, THAT HAD PROTECTIVE COVENANTS RECORDED BEFORE JULY 1, 2000 THAT SPECIFICALLY APPROVED A MAXIMUM INDIVIDUAL STRUCTURE SIZE OR MAXIMUM AGGREGATE STRUCTURE SIZE THAT WOULD NORMALLY REQUIRE MINOR IMPACT PROJECT REVIEW PURSUANT TO SECTION 13-105: E. Development on individual tracts in exempt 35-acre tract developments that existed before January 1, 2000 that had protective covenants recorded before July 1, 2000 that specifically approved a maximum individual structure size or maximum aggregate structure size that would normally require Minor Impact Project review, pursuant to Section 13-105: E: *Residential Building Sizes and Lot Coverages.*

1. **PRE-EXISTING EXEMPT 35-ACRE TRACT DEVELOPMENTS.** There are certain subdivisions of land that are excluded from the definitions of "subdivision" or "subdivided land" as defined by C.R.S. 30-28-101 and that:

   a. **EXISTED BEFORE JANUARY 1, 2000.** Existed on or before January 1, 2000; and

   b. **TRACTS LARGER THAN 35 ACRES**. Are comprised solely of tracts that are 35 acres or larger; and

   c. **RECORDED PLAT**. Were platted and recorded in the Gunnison County Clerk and Recorder's Office on or before January 1, 2000 ("pre-existing 35-acre tract development"); and

   d. **PROTECTIVE COVENANTS RECORDED BEFORE JULY 1, 2000 SPECIFICALLY APPROVED A MAXIMUM INDIVIDUAL STRUCTURE SIZE OR MAXIMUM AGGREGATE STRUCTURE SIZE THAT WOULD NORMALLY REQUIRE MINOR IMPACT PROJECT REVIEW PURSUANT TO SECTION 13-105: E**. Are subject to specific protective covenants that were recorded in the Office of the Gunnison County Clerk and Recorder's Office before July 1, 2000 that specifically approved a maximum individual structure size or maximum aggregate structure size that would normally require Minor Impact Project review pursuant to Section 13-105: G: *Impact Classification and Required Findings for Coverage Exceeding Standard.*

2. **IDENTIFICATION OF PRE-EXISTING 35-ACRE TRACT DEVELOPMENTS**. For purposes of this Section 1-106: D: *Development On Individual Tracts In Exempt 35-acre Tract Developments Existing Before January 1, 2000, That Had Protective Covenants Recorded Before July 1, 2000 That Specifically Approved A Maximum Individual Structure Size Or Maximum Aggregate Structure Size That Would Normally Require Minor Impact Project Review Pursuant To Section 13-105: G:*, the pre-existing 35-acre tract developments include:

   a. Cement Creek at Crested Butte South;
   b. Eagle Ridge Ranch;
   c. East River Ranches;
   d. Red Mountain Ranch;
   e. Trappers Crossing at Crested Butte;
   f. Trappers Crossing South;

g. Trappers Crossing at Wildcat; and
h. Trappers Crossing at Wildcat II.

3. **NO REVIEW REQUIRED PURSUANT TO SECTION 13-105: E.** No review pursuant to Section 13-105: G: *Impact Classification and Required Findings for Coverage Exceeding Standard* is required for tracts in those developments identified in Section 1-106: D. 2: *Identification of Pre-Existing 35-Acre Tract Developments.*

4. **COMPLIANCE WITH ALL OTHER SECTIONS OF THIS *RESOLUTION* AND ALL OTHER CODES, ORDINANCES OR REGULATIONS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC HEALTH AND SAFETY.** Except as specifically exempted in Section 1-106: D.3.: *No Review Required* pursuant to Section 13-105: G: *Impact Classification and Required Findings for Coverage Exceeding Standard* in those developments identified in Section 1-106: D.2.: *Identification of Pre-Existing 35-Acre Tract Developments*, shall comply with the provisions of this *Resolution* and with the provisions of Section 1-105: *Sections Necessary For The Immediate Preservation of Public Health And Safety*, and any other code, ordinance or regulation that is general in nature and applicable to all property that is subject to the jurisdiction of Gunnison County and that is found necessary by the ~~Board~~BOCC for the immediate preservation of public health and safety.

5. **COMPLIANCE WITH APPLICABLE REGULATIONS AND CODES**. Land uses on individual tracts in those developments identified in Section 1-106: D.2.: *Identification of Pre-Existing 35-Acre Tract Developments* shall comply with all regulations and codes that are general in nature and are applicable to all property that is subject to the jurisdiction of Gunnison County including the applicable building code, adopted and amended by Gunnison County, the *Gunnison County On-Site Wastewater Treatment System Regulations*, the *Gunnison County Standards and Specifications for Road and Bridge Construction*, and each applicable fire, plumbing, electrical and mechanical code, in effect on the date a permit is applied for pursuant to each of those codes.

E. **LAND USE CHANGES WITH A COMMON LAW VESTED PROPERTY RIGHT**. Each land use change approved by a Land Use Change Permit before the effective date of this *Resolution*, during the term of which the permittee has reasonably and substantially relied in good faith on the permit approval to his detriment shall not require a new Land Use Change Permit. The determination of substantial reliance shall be based on the progress made in developing the Project, including the effort to obtain other permits, actual construction initiated and completed, and documented expenditures to develop the Project. Such a land use change shall comply with:

1. **PERMIT CONDITIONS**. The terms and conditions of the permit approval; and

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

3. **APPLICABLE REGULATIONS AND CODES**. All regulations and codes that are general in nature and are applicable to all property subject to the jurisdiction of Gunnison County including the applicable building code, adopted and amended by Gunnison County, the *Gunnison County On-Site Wastewater Treatment System Regulations*, the *Gunnison County Standards and Specifications for Road and Bridge Construction*, and each applicable fire, plumbing, electrical and mechanical code, in effect on the date a permit is applied for pursuant to each of those codes; and

4. **ALL OTHER SECTIONS OF THIS *RESOLUTION* AND OTHER CODES, ORDINANCES OR REGULATIONS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC HEALTH AND SAFETY**. To the maximum extent feasible, with the provisions of Section 1-105: *Sections Necessary For Immediate Preservation of Public Health And Safety*, and any other code, ordinance or regulation that is general in nature and applicable to all property subject to the jurisdiction of Gunnison County, that is found necessary by the ~~Board~~BOCC for the immediate preservation of public health and safety.

F. **EXCEPTION FOR CONSTRUCTION MATERIALS EXTRACTION**. For each Land Use Change Permit for extraction of construction materials issued before the effective date of this *Resolution*, such extraction of construction materials shall be excepted from the requirements of Section 11-107: E: *Buffer Standards,* in that such extraction is allowed to be no closer than five feet from the nearest ordinary high water mark in average hydrologic years on each side of the water body, but not in the stream channel.

G. **LAND USE CHANGES WITH A STATUTORY VESTED RIGHT**. Each land use change previously approved by Gunnison County and for which a property right is currently vested by statute on the effective date of this *Resolution* in accordance with Section 1-109: *Vested Property Rights,* may be developed during the three years following the effective date of this *Resolution* without a new Land Use Change Permit approval, subject to the following:

1. **COMPLIANCE WITH PERMIT CONDITIONS**. Compliance with the terms and conditions of the permit approval; and

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

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

4. **COMPLIANCE WITH ALL OTHER SECTIONS OF THIS *RESOLUTION* AND OTHER CODES, ORDINANCES OR REGULATIONS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC HEALTH AND SAFETY**. Compliance to the maximum extent feasible with the provisions of Section 1-105: *Sections Necessary For The Immediate Preservation of Public Health And Safety,* and any other code, ordinance or regulation that is general in nature and applicable to all property subject to the jurisdiction of Gunnison County, that is found necessary by the ~~Board~~BOCC for the immediate preservation of public health and safety.

H. LOCATION AND EXTENT REVIEW PROJECTS. Authorization and construction of a road, park, or other public way, ground, or space, public building or structure, or public utility governed by C.R.S. 30-28-110 , {~~as amended~~}. Such projects shall be subject to this statute and any corresponding regulations promulgated by the BOCC, and shall remain subject to this *Land Use Resolution* and all other County rules and regulations to the fullest extent permitted by law.

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SECTION 1-107: ONE RESIDENCE PER LEGAL LOT, SUBJECT TO COMPLIANCE WITH THIS *RESOLUTION*

Unless otherwise provided by this *Resolution*, there shall be a right to have one residence per each legal lot existing as of the effective date of this *Resolution* if that residence fully complies with:

A. APPLICABLE REQUIREMENTS OF THIS *RESOLUTION*. All applicable requirements of this *Resolution*, except as partially exempted by Section 1-106: *Partially Exempted Land Use Changes*; and

B. OTHER REGULATIONS. All other regulations and ordinances that are general in nature and are applicable to all property subject to land use regulation by Gunnison County, including the applicable building code, as adopted and amended by Gunnison County, the *Gunnison County On-Site Wastewater Treatment System Regulations*, the *Gunnison County Standards and Specifications for Road and Bridge Construction*, and each applicable fire, plumbing, electrical and mechanical code which governs the permit approval.

SECTION 1-108: NONCONFORMING USES

A. PURPOSE. Within unincorporated Gunnison County, there are uses of land and structures that were legally established before the effective date of this *Resolution* that do not conform to the legal requirements of this *Resolution*. The purpose of this Section is to regulate those nonconforming uses and structures.

B. NON-ABATEMENT PROVISION. Unless otherwise stated herein, it is the intent of this Section that nonconforming uses of land and structures that were legally established before the effective date of this *Resolution* are permitted to continue.

C. LEGALLY ESTABLISHED NONCONFORMING USES AND STRUCTURES.

1. **NONCONFORMITY MAY CONTINUE.** Legal nonconforming land uses and nonconforming structures may continue, so long as they remain otherwise legal and comply with the requirements of this Section.

2. **REPAIRS AND MAINTENANCE.** Ordinary repairs and maintenance to permit continuation of a legal nonconforming use or structure shall be permitted.

3. **EXTENSION OR EXPANSION**.

   a. **LIMITED EXTENSION OR EXPANSION**. A legal nonconforming use or structure shall not be extended or expanded except as allowed in the following Section 1-108: B. 3. b*: Expansion Shall Not Increase Nonconformance.* This prohibition shall be construed to prevent the additional land uses or structures from being used in a nonconforming manner.

b. EXPANSION SHALL NOT INCREASE NONCONFORMANCE. A legal nonconforming use or structure shall only be extended, expanded or altered in a manner that does not expand, or that decreases, the nonconforming use or aspect.

c. EXPANSION SUBJECT TO SECTION 1-105: Extension or expansion of a legal nonconforming land use or structure is subject to the provisions of Section 1-105: *Sections Necessary for the Immediate Preservation of Public Health and Safety*.

d. EXTENSION OR EXPANSION ONTO LAND OUTSIDE OF PERMITTED AREA. Any extension or expansion of a legal nonconforming use, including but not limited to a mining operation, onto land outside of the area specifically identified and approved by a Land Use Change Permit, shall comply with the requirements of this *Resolution*.

4. RELOCATION. A legal nonconforming land use or structure shall not be moved, in whole or in part, unless the relocation brings the use or structure into compliance with the requirements of this *Resolution*.

5. CHANGE OF USE. A legal nonconforming use shall not be changed to another use, unless the use to which it is changed is pursuant to the requirements of this *Resolution*.

6. ABANDONMENT OF NONCONFORMING COMMERCIAL OR INDUSTRIAL USE OR STRUCTURE. If any legal nonconforming commercial or industrial use or structure is abandoned for a period of one year, renewal of that use or the use of that structure shall not be initiated until a review by the Community Development Department has determined that the renewed use will not pose a threat to public health or safety. For the purpose of this Section, "abandonment" means the intent not to continue the legally established nonconforming use or use of the structure coupled with the discontinuance of the nonconforming use or use of the structure. There is a presumption that there is intent to abandon if the property is physically abandoned. Seasonal discontinuance of a use, or discontinuance of a use during active marketing of the property for sale, is not abandonment.

7. RESTORATION OF DAMAGED NONCONFORMING USE. A legal nonconforming use or structure including any structure that would normally require Minor or Major Impact Project review pursuant to Section 13-105: G: *Impact Classification and Required Findings for Coverage Exceeding Standard*, that is demolished or destroyed by an act of God or through any manner not willfully accomplished by the owner may be restored within one year of the damage or destruction as of right, regardless of the extent of demolition or destruction, conditioned upon issuance of each required permit, pursuant to Section 1-104: *Permits Required*. A one-time, two-year extension of the initial year may be granted by the Community Development Director upon findings that:

a. HARDSHIP. There would be a substantial hardship to the owner without the extension; and

b. SUBSTANTIAL EFFORT TO RESTORE. Within the first six months of the initial year, the owner has substantially cleaned up the damaged structure.

D. NO NEW NONCONFORMING USES. Except as specifically provided by this *Resolution*, no land use change shall be approved to create a new nonconforming use or new nonconforming aspect.

SECTION 1-109: VESTED PROPERTY RIGHTS

A. PURPOSE. This purpose of this Section is to establish a system of vested property rights pursuant to Article 68 of Title 24, C.R.S: as amended.

B. EFFECT OF VESTING. A vested property right, once established pursuant to this Section, precludes during its term, any zoning or land use action by Gunnison County or pursuant to an initiated measure that would alter, impair, prevent, diminish, impose a moratorium on, or otherwise delay the development or use of the subject land consistent with the terms and conditions of the site-specific development plan, except:

1. LANDOWNER CONSENT. With the consent of the affected landowner;

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

3. JUST COMPENSATION PAID TO LANDOWNER. To the extent that the affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner, including costs incurred in preparing the site for development consistent with the site-specific development plan, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultants' fees, together with interest

thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property that is caused by such action.

4. **NEW REGULATIONS THAT ARE GENERAL IN NATURE**. The application of ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by Gunnison County, including building, fire, plumbing, electrical, and mechanical codes. These also include the provisions of Section 1-105: *Sections Necessary for the Immediate Preservation of Public Health and Safety,* as they may be amended from time to time.

5. **SUBSEQUENT REVIEW AND APPROVAL**. Following approval or conditional approval of a Land Use Change Permit for a site-specific development plan, nothing in this Section shall exempt the site-specific development plan from subsequent reviews by Gunnison County to ensure compliance with the terms and conditions of the approval.

6. **FORFEITURE.** Failure to abide by any applicable terms and conditions of the Land Use Change Permit or of the site-specific development plan may result in the suspension or revocation of the statutory vested property right or the implementation of any other enforcement mechanism identified in Article 16: *Enforcement*.

7. **SUBJECT TO RIGHTS OF REFERENDUM AND JUDICIAL REVIEW; PUBLIC NOTICE**. Approval of a site-specific development plan and its associated statutory vested right shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication in a newspaper of general circulation in Gunnison County, advising the general public that the site-specific development plan has been approved, and a vested property right granted pursuant to Article 68 of Title 24, C.R.S. The property description shall be included in the notice. The Community Development Director shall cause such notice to be published, at the applicant's cost, no later than 14 days following approval of the site-specific development plan. If a statutory vested right is extended, suspended or revoked, notice of such extension, suspension or revocation and any reinstatement subsequent to a suspension shall be made in like fashion.

C. GRANT OF VESTED PROPERTY RIGHT TO EACH LAND USE CHANGE PERMIT APPLICATION APPROVED BETWEEN JANUARY 1, 1988 UNTIL THE EFFECTIVE DATE OF THIS *RESOLUTION*. In addition to any common law vested right that may exist, the ~~Board~~BOCC hereby expressly authorizes and grants for each Land Use Change Permit approved by Gunnison County between January 1, 1988 and the effective date of this *Resolution*, a statutory vested property right for a period of three years beginning with the effective date of this *Resolution*. When a statutory vested right exists as of the effective date of this *Resolution*, the ~~Board~~BOCC expressly authorizes and grants such extension of that statutory vested right for only three years from the effective date. No vested right authorized and granted under this Section shall be extended except as provided in Section 1-109: F. 2: *Requirements for Extensions During Term.*

D. SITE-SPECIFIC DEVELOPMENT PLAN APPROVALS THAT CAUSE PROPERTY RIGHTS TO VEST. A site-specific development plan (SSDP) is the plan for a land use change that describes with reasonable certainty the type and intensity of use for a specific parcel or parcels, that receives final approval by the required decision-making body, and for which each applicable requirement of this Section is met. Property rights shall vest only as follows:

1. **ADMINISTRATIVE REVIEWS.** If the SSDP is approved pursuant to Article 5*: Administrative Review Projects That Require a Land Use Change Permit* property rights shall vest upon the last of the following acts, each of which is a prerequisite to property rights vesting:

   a. **ISSUANCE OF CERTIFICATE OF ADMINISTRATIVE APPROVAL**. The issuance of the appropriate Certificate of Administrative Approval, which shall be signed by the Community Development Director.

   b. **FULL PLAT EXECUTION**. Full execution of any required plat and the recording of such plat by the County at the applicant's cost, in the Office of the Clerk and Recorder of Gunnison County;

   c. **FULL EXECUTION AND FUNDING OF DEVELOPMENT IMPROVEMENT AGREEMENT**. Full execution and funding of any Development Improvement Agreement as may be required by *the Certificate of Administrative Approval*;

   d. **RECORDING OF CERTIFICATE OF ADMINISTRATIVE APPROVAL**. At the cost of the applicant, recording by Gunnison County of the Certificate of Administrative Approval in the Office of the Clerk and Recorder of Gunnison County.

2. **MINOR AND MAJOR IMPACT PROJECT REVIEWS**. If the SSDP is approved as a Minor Impact pursuant to Article 6: *Minor Impact Projects* or as a Major Impact pursuant to Article 7: *Major Impact Projects,* property rights shall vest upon the last of the following acts, each of which is a prerequisite to property rights vesting:

a. **ISSUANCE OF FINAL PLAN APPROVAL**. Adoption by the Planning Commission or the ~~Board~~BOCC of a resolution memorializing the final approval of the Project following the required public notice and hearing;

b. **FULL EXECUTION AND RECORDING OF PLAT**. Full execution of any required plat and the recording of such plat by the County at the applicant's cost in the Office of the Clerk and Recorder of Gunnison County;

c. **FULL EXECUTION AND FUNDING OF DEVELOPMENT IMPROVEMENT AGREEMENT**. Full execution and funding of any Development Improvement Agreement as may be required by the resolution of approval or *Certificate of Major Impact Approval*;

d. **RECORDING OF RESOLUTION OF APPROVAL**. At the cost of the applicant, recording of the required resolution or *Certificate of Major Impact Approval* by the County in the Office of the Clerk and Recorder of Gunnison County.

E. VESTED RIGHT RUNS WITH THE LAND. Statutory vested property rights shall attach to and run with the land for which the SSDP is approved. As a legislative act, the ~~Board~~BOCC may extend the term of the statutory vested property right and, if appropriate, limit to an identified landowner or landowners the benefits of a statutory vested right after it is extended, pursuant to Section 1-109: F: *Duration and Extension*.

F. DURATION AND EXTENSION.

1. **DURATION.** Unless expressly extended pursuant to this Section, a statutory vested right as defined in this Section shall be effective for a period of three years from its establishment.

2. **REQUIREMENTS FOR EXTENSION DURING TERM**. An extension of the term of a statutory vested right may be requested by the applicant, or recommended by the Planning Commission. The term of a statutory vested right may only be extended as a condition of initial approval or within the final 18 months of the approved term of the permit, and only if the ~~Board~~BOCC, after a public hearing on the request, noticed and conducted pursuant to Sections 3-112: *Notice of Public Hearing* and 3-113: *Conduct of Public Hearing*, finds that an extension is warranted based on all of the following criteria:

   a. **EXTENSION OF STATUTORY VESTED RIGHT REQUESTED AS PART OF INITIAL PERMIT APPROVAL.** When extension of a statutory vested right is requested as part of the initial approval of the Land Use Change Permit all of the following criteria must be met:

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

      2. **SIZE OF PROJECT AND ECONOMIC CONDITIONS**. The size and phasing of the development, economic cycles and market conditions warrant the extension of the permit term.

   b. **EXTENSION OF STATUTORY VESTED RIGHT REQUESTED WITHIN 18 MONTHS OF END OF PERMIT TERM**. When extension of a statutory vested right is requested within 18 months of the end of the term of the Land Use Change Permit, all of the following criteria must be met:

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

      2. **SIZE OF PROJECT AND ECONOMIC CONDITIONS**. The size and phasing of the development, economic cycles and market conditions warrant the extension of the permit term; and

      3. **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 permit term; and

      4 **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; and

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

      6. **NEEDS OF APPLICANT AND COUNTY**. The needs of the applicant and County will be served by the extension; and

      7. **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

8. **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

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

SECTION 1-110: PROCESS FOR DESIGNATING SPECIAL AREAS

A. PURPOSE. The purpose of this Section is to establish a process by which the County may designate particular geographical areas, basins, or other land areas as being subject to specialized land use regulations.

B. AUTHORITY TO INITIATE DESIGNATIONS. Designation of a particular area as being subject to specialized land use regulations may be initiated by the ~~Board~~BOCC, by the Planning Commission, the Community Development Director, by any person who owns a legal interest in real property within the county, or by any person residing within the county.

1. **PROCESS FOR DESIGNATION OF AN AREA**. The following process shall be followed for designation of a special area:

   a. **~~BOARD~~BOCC IDENTIFIES PROPOSED AREA**. The ~~Board~~BOCC, by motion at a regular meeting, shall identify a proposed, designated special area, shall identify, generally, the rationale for specially designating such area, and shall instruct the Community Development Director to prepare the map, report and proposed regulations required by Section 1-110: B.1. b: *Preparation of Map, Report and Proposed Regulations*.

   b. **PREPARATION OF MAP, REPORT AND PROPOSED REGULATIONS**. The Community Development Director shall prepare a map specifically identifying the area to be included within the designated geographic area and a report evaluating the need for the proposed designation. The map shall be drawn at a scale no smaller than the standard U.S. Geological Survey quadrangle map for that area. The Community Development Director shall also prepare a draft of regulations governing the Special Area, and applicable amendments to this *Resolution* that would accompany the designation. Those amendments shall be evaluated pursuant to Section 1-113: *Amending This Land Use Resolution*, and shall be reviewed concurrently with the proposed designation. Notwithstanding any provision in any Special Area regulations to the contrary, the persons ~~set forth in~~ set forth in Section 1-113(B)(1): *Amending this Land Use Resolution* may initiate amendments to any Special Area regulations for any Special Area designated by the BOCC. Such initiation of amendments shall follow the procedures set forth in Section 1-113: *Amending this Land Use Resolution*.

   c. **MATERIALS FORWARDED TO PLANNING COMMISSION AND ~~BOARD~~BOCC**. The map, report, and any amendments proposed for this *Resolution* shall be forwarded to the Planning Commission and the ~~Board~~BOCC.

   d. **PUBLIC HEARING**. The ~~Board~~BOCC and Planning Commission shall jointly conduct a public hearing. Notice shall be provided pursuant to Section 3-112: *Notice of Public Hearing*, except that the County shall be responsible for notifying all those persons whose properties would be located in the proposed special area. Conduct of the hearing shall comply with Section 3-113: *Conduct of Public Hearing*.

   e. **PLANNING COMMISSION REVIEW AND RECOMMENDATION**. The Planning Commission shall review the materials, considering the requirements of Section 1-110: C: *Standards of Approval* and shall forward its recommendations to the ~~Board~~BOCC.

   f. **~~BOARD~~BOCC REVIEW AND ACTION**. The ~~Board~~BOCC shall consider the map, report, the proposed regulations, the Planning Commission's recommendation, the public testimony and evidence provided at the public hearing, and the requirements of Section 1-110: C: *Standards of Approval*. The ~~Board~~BOCC, by written resolution, shall adopt the designation and proposed regulations, adopt the designation and proposed regulations with modifications, or deny the designation and proposed regulations.

   g. **RECORDING THE DESIGNATION**. If the ~~Board~~BOCC adopts the proposed designation and proposed regulations, with or without modification, then within 30 days following the action, a copy of the map depicting the geographic area, the resolution adopting the designation and the proposed regulations shall be recorded in the office of the Gunnison County Clerk and Recorder.

C. STANDARDS OF APPROVAL. The Planning Commission and the ~~Board~~BOCC, at a minimum, shall consider the following when designating a particular geographical area as subject to specialized land use regulations, and in their respective actions, shall enter findings relative to each of the following elements:

1. **DEVELOPMENT ACTIVITY.** The intensity and type of current and foreseeable development in the area.
2. **RATIONALE AND NEED FOR DESIGNATION**. The purpose and need of the proposed designation.
3. **BOUNDARIES**. The proposed boundaries of the area proposed for designation.
4. **COMMUNITY PLAN OR TECHNICAL STUDY**. Any community plan or technical study that may have been conducted regarding the proposed designation.
5. **ALTERNATIVES**. Whether the particular purpose to be achieved by the designation can be best achieved by designating that geographic area for specialized land use regulation, or whether the purpose could better be achieved by an alternative method, including the adoption of regulations that would apply countywide.
6. **ADVERSE IMPACTS AND EXPECTED BENEFITS**. Any adverse impacts that can reasonably be anticipated to result from development in the area if the designation were not to occur, and the expected benefits that can reasonably be anticipated to result from the review of that development in a specialized manner.

SECTION 1-111: CONSTRUCTION AND WORD USAGE

A. LIBERAL CONSTRUCTION. This *Resolution* and the terms of it are to be liberally construed to effect the purposes of this *Resolution*.

B. MORE VERSUS LESS RESTRICTIVE REQUIREMENTS. Where there exists a conflict or overlap between different requirements in this *Resolution*, or between this *Resolution* and any other resolution, regulation or ordinance adopted by Gunnison County, or between this *Resolution* and any other applicable state or federal requirement or statute, the requirement that is the more restrictive or particular shall prevail over that which is less restrictive or is more general.

C. TEXT VERSUS TABLE, ILLUSTRATION, GRAPHIC DEPICTION OR TITLE. If a conflict or overlap arises between the requirements of the text of this *Resolution* and any table, illustration, graphic depiction, or the title of any table, illustration, graphic depiction or section, the requirements of the text shall prevail.

D. PRIVATE AGREEMENTS. It is not the intent of this *Resolution* to unreasonably interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the requirements of this *Resolution* impose a greater restriction than imposed by a private agreement signed after the effective date of this *Resolution*, the requirements of this *Resolution* shall control; if the requirements of a private agreement impose the greater restriction, the requirements of the private agreement shall take precedence. The County shall not be responsible for enforcing applicable requirements of private agreements other than those to which the County is a party, in which case the County shall have the sole discretion to decide whether to enforce.

E. REQUIREMENTS ARE MINIMUM REQUIREMENTS. The requirements of this *Resolution* shall be regarded as the minimum requirements necessary for the protection of the public health, safety, general welfare, and the environment.

F. DELEGATION OF DUTIES BY DEPARTMENT HEAD. Whenever a provision requires the Community Development Director or the head of any other County department to perform an act or duty, it shall be construed to authorize the Community Development Director, or the head of that other County department, to designate, delegate, and authorize subordinates to perform the duty or act, unless the terms of the provision or section specify otherwise.

G. COMPUTATION OF TIME. The time in which an act is to be done shall be computed by excluding the first and including the last day. If a deadline falls on a weekend or County holiday, the deadline extends to the end of the next working day. Time shall be based on calendar days, not working days, unless otherwise specified.

1. **DAY**. The end of a day shall be at 5:00 p.m., Gunnison time.
2. **WEEK**. The word "week" shall mean seven days.
3. **MONTH**. The word "month" shall mean 30 days.
4. **YEAR.** The word "year" shall mean 365 days.

H. FRACTIONS. Whenever a fraction is generated in any calculation required by this *Resolution*, then fractions from .01 to .49 shall be rounded down to the next lowest whole number, and fractions from 0.50 to 0.99 shall be rounded up to the next highest whole number, unless otherwise specified.

I. MEANINGS OF CERTAIN WORDS.

1. **SINGULAR/PLURAL**. A word used in the singular may also be applied to several persons and things as well as to one person or thing. The use of the plural number shall include any single person or thing, unless the context clearly indicates the contrary.
2. **SHALL/WILL/MUST/MAY/SHOULD**. "Shall", "will" and "must" all mean the provision is mandatory; "may" means it is permissive; "should" means it is preferred.
3. **MASCULINE/FEMININE**. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
4. **CONJUNCTIONS**. Unless the context clearly suggests otherwise, conjunctions shall be interpreted as follows:

   "**AND**" means that all connected items, conditions, requirements, or events apply.

   "OR" means that one or more of the connected items, conditions, requirements, or events apply.
5. **COMMON/TECHNICAL TERMS.** Words and phrases shall be construed according to the common usage of the term, but technical words and phrases that have acquired a particular meaning shall be understood according to that particular meaning.
6. **LISTS AND EXAMPLES.** Unless otherwise specifically indicated, lists of items or examples that use terms including "for example," "including" or similar language, are intended to provide examples, not exhaustive lists of all possibilities.

J. ABBREVIATIONS. The following abbreviations used in this *Resolution*, or as are otherwise used by the County in its review and disposition of land use issues, have the following meanings:

1. **AASHTO** means the American Association of State Highway and Transportation Officials.
2. **CDOW** means Colorado Division of Parks and Wildlife.
3. **CDOT** means Colorado Department of Transportation.
4. **CGS** means Colorado Geologic Survey.
5. **C.R.S**. means Colorado Revised Statutes, including all amendments thereto.
6. **OWTS** means On-Site Wastewater Treatment System.
7. **SQ. FT**. means square feet.

SECTION 1-112: USE OF MAPS

Gunnison County uses the following maps as general sources of information to provide initial guidelines for siting development, and for alerting the County, the applicant and the public about the physical characteristics of a parcel and the area in which it is located. Site-specific studies may be required of individual parcels to determine individual characteristics more definitively, and how they may affect a development proposal.

A. MAPS ADOPTED. Gunnison County hereby adopts the following maps in this *Resolution*, as if they were actually included as illustrations in the *Resolution*. These maps may be updated from time to time, pursuant to Section 1-112: B: *Adoption of New or Updated Maps.*

1. **FLOODPLAIN MAPS**. National Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency May 16, 2013, and as more specifically adopted in Section 11-103: E: *Official Maps*.
2. **GUNNISON COUNTY ROAD MAINTENANCE MAPS**. Maps of roads within Gunnison County, designating roads maintained and/or plowed by Gunnison County (dated April 1997, as amended).
3. **GUNNISON SAGE-GROUSE HABITAT MAP**. Gunnison County map that depicts private lands located within areas defined as Gunnison Sage-grouse habitat, as currently adopted by the ~~Board~~BOCC.

B. ADOPTION OF NEW OR UPDATED MAPS. New or updated maps may be adopted by Gunnison County from time-to-time to reflect new studies, to correct map designations, or to otherwise replace or augment the floodplain, road maintenance and other maps. The adoption of a new map or the amendment of any adopted map shall be accomplished by amending or adding the reference to the map in this Section and by following the process and standards of Section 1-113: *Amending This Land Use Resolution.*

C. MAPS TO BE USED AS REFERENCES. Gunnison County may use the following and other maps as they may be amended as general references. Amendment or other update by the agencies that prepared them requires no action by the County.

1. **WILDFIRE HAZARD MAPS**. Wildfire Hazard Maps prepared by Community Planning Assistance for Wildfire (CPAW) and as they may be amended from time to time.
2. **SOILS MAPS**. Soil Survey Maps prepared by the Natural Resource Conservation Service (Soil Conservation Service).
3. **GEOLOGIC HAZARD MAPS**. Geologic Hazard Maps prepared by the Colorado Geologic Survey.
4. **WILDLIFE MAPS**. The ~~Wildlife Resource Information System (WRIS) and National Diversity Information Source (NDIS) maps available from the~~ The Colorado Wildlife Species Map Viewer available on the Colorado Division of Parks and Wildlife website, and the Gunnison Basin Sage Grouse Habitat Maps (in the *Gunnison Sage Grouse Conservation Plan*), or their successors.
5. **WETLANDS MAPS**. Wetlands identification maps for lands around the Town of Crested Butte prepared by David Cooper, PhD: Ecologist, in cooperation with the U.S. Environmental Protection Agency.

SECTION 1-113: AMENDING THIS *LAND USE RESOLUTION*

A. PURPOSE. The purpose of this Section is to provide a process by which the ~~Board~~BOCC may, from time to time, amend, supplement or repeal this *Resolution*.

B. PROCESS TO AMEND. The following process shall apply to an application for an amendment to this *Resolution*:

1. **INITIATION.** An amendment to this *Resolution* may be initiated by any of the following:
   a. **~~BOARD~~BOCC MOTION**. The ~~Board~~BOCC may initiate an amendment by motion directing the Community Development Director to submit a proposed amendment and report to the Planning Commission for review and for further action pursuant to this Section.
   b. **PLANNING COMMISSION INITIATIVE**. The Planning Commission may initiate an amendment by submitting a written recommendation for proposed amendment to the ~~Board~~BOCC.
   c. **COMMUNITY DEVELOPMENT DIRECTOR**. The Community Development Director may initiate an amendment by submitting a written recommendation for proposed amendment directly to the ~~Board~~BOCC, or by first submitting it to the Planning Commission for review and recommendation to the ~~Board~~BOCC.
   d. **PROPERTY OWNER OR OTHER RESIDENT INITIATIVE**. An amendment may be initiated by a person who owns a legal interest in real property within the County, or by any person living within the County, by the submittal of an application to the Community Development Department.
2. **SUBMITTAL OF DRAFT AMENDMENT LANGUAGE**. Any initiative or application for amendment shall be submitted to the Community Development Department, and at a minimum shall include the following:
   a. **IDENTIFICATION OF APPLICANT, IF RESIDENT- OR PROPERTY OWNER-INITIATED**. The applicant's name, address, and telephone number. If the applicant is to be represented by an agent, a notarized letter signed by the applicant shall also be submitted, authorizing the agent to represent the applicant and stating the representative's name, address, and telephone number.
   b. **PRECISE WORDING**. The precise wording of the proposed amendment, and the language of the article, division and/or section that it will change.
   c. **RATIONALE FOR PROPOSED AMENDMENT**. A concise statement of the purpose and need for the proposed amendment.
3. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW**. The Community Development Department shall review the application for completeness pursuant to Section 1-113: B. 2: *Submittal of Draft Amendment Language*, and compliance with Section 1-113: C. *Review Standards*.
4. **PLANNING COMMISSION REVIEW**. A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the Community Development Department's report. The Planning Commission shall review the application, considering the standards of Section 1-113: C. *Review Standards,* and shall make a recommendation to the ~~Board~~BOCC to approve, approve with modifications, table for further study, or deny the proposed amendment.
5. **~~BOARD~~BOCC PUBLIC HEARING**. The Planning Commission's recommendations shall be forwarded to the ~~Board~~BOCC, together with a complete copy of the application, and a copy of the Community Development

Department Review. The ~~Board~~BOCC shall conduct a public hearing pursuant to Sections 3-112: *Notice of Public Hearing*, and 3-113: *Conduct of Public Hearing*.

6. **~~BOARD~~BOCC REVIEW AND ACTION.** The ~~Board~~BOCC shall consider the application, any relevant support materials, the Community Development Department's report, the Planning Commission's recommendation, the public testimony and evidence given at the public hearing, and compliance of the application with Section 1- 113: C: *Review Standards.* Following closure of the public hearing, the ~~Board~~BOCC may, by written resolution, adopt the amendments, adopt the amendments with modifications, table for further study or deny the amendments. Such resolution shall include findings that address the review standards in Section 1-113: C: *Review Standards*.

C. REVIEW STANDARDS. The decision to amend the text of this *Resolution* is at the legislative discretion of the ~~Board~~BOCC and is not controlled by any one factor. The ~~Board~~BOCC shall consider the following in determining whether to adopt a proposed amendment, adopt a proposed amendment with modifications, table it for further study or deny it:

1. **CONSISTENCY WITH ANY COMPREHENSIVE PLAN ADOPTED BY GUNNISON COUNTY**. Consistency of the proposed amendment with any applicable comprehensive plan adopted by Gunnison County;
2. **CHANGED CONDITIONS**. Changed conditions, including the economy of Gunnison County;
3. **EFFECT ON THE NATURAL ENVIRONMENT**. Effect of the proposed amendment on the natural environment;
4. **COMMUNITY NEEDS**. Community needs;
5. **DEVELOPMENT PATTERN**. Development pattern;
6. **CHANGES IN APPLICABLE LAW**. Changes in applicable law;
7. **PUBLIC HEALTH, SAFETY AND WELFARE**. Public health, safety and welfare;
8. **COMPLIANCE WITH ANY APPLICABLE INTERGOVERNMENTAL AGREEMENTS ADOPTED BY GUNNISON COUNTY.** Compliance with any applicable intergovernmental agreements adopted by Gunnison County.

D. FEES. When an amendment is initiated by a property owner or resident, a fee to cover the cost of publishing notice of the public hearing shall be paid by the applicant as shown in a schedule of fees issued by the Community Development Department, adopted and amended from time to time by the ~~Board~~BOCC. When the amendment is initiated by the ~~Board~~BOCC, the Planning Commission or the Community Development Director, no fee shall be charged.

SECTION 1-114: INTERPRETATIONS

A. AUTHORITY. The Community Development Director shall be authorized to make a written interpretation of the requirements of ~~the~~ this *Resolution*, and the designations made on official County maps to determine whether a piece of property does or does not lie within or partly within a designated hazard zone, resource area, or other designated geographic area.

B. PROCESS. Persons who wish to have an interpretation of any portion of this *Resolution* may request it as follows:

1. **INITIATION.** A request for a written interpretation may be made by any person by submitting a written request to the Community Development Director. The written request shall specify the provision of this *Resolution* or the particular map designation for which an interpretation is requested. The written request shall also state the factual basis for the request. A Land Use Change Permit applicant may request a Pre-Application Conference before submitting the request for an interpretation.
2. **DETERMINATION OF COMPLETENESS FOR REVIEW**. Within 15 days of receipt of the request for an interpretation, the Community Development Director shall determine whether the request is complete, specific, and ready for review. If the Community Development Director determines the request is not complete or specific, written notice shall be sent to the applicant specifying the deficiencies. No further action shall be taken on the request until the deficiencies have been remedied.
3. **RENDERING OF INTERPRETATION**. Within 30 days of determining that the request for an interpretation is complete, the Community Development Director shall evaluate the application, consult with the County Attorney and other staff as necessary, and render a written interpretation. When rendering the interpretation, the Community Development Director shall consider the County's legislative intent in adopting the provision, as expressed in this *Resolution*, and as may be determined from the County's official records.

C. OFFICIAL RECORD. The Community Development Department shall keep an official written record of all written interpretations that have been rendered. The record shall be available at the Community Development Department for public inspection, on reasonable request, during normal business hours.

D. **APPEALS**. Interpretations or final decisions rendered by the Community Development Director may be appealed to the ~~Board~~BOCC ~~of Commissioners~~Board of ~~Adjustments~~Adjustment~~BOA~~. The appeal shall be submitted and considered pursuant to the requirements of Section 8-603: *Appeals*.

SECTION 1-115: ESTABLISHMENT OF GUNNISON COUNTY PLANNING COMMISSION

A. ESTABLISHMENT. The Gunnison County Planning Commission is hereby established.

B. **POWERS AND DUTIES.** The Planning Commission shall have authority to act as provided by state statute and by the ~~Board~~BOCC in this *Resolution*. Authority under state law includes the following: Title 30, Article 28; Title 24, Article 65.1; Title 24, Article 67; Title 29, Article 20; and Title 30, Article 11.

C. INITIAL COMMISSION. The membership and composition of the initial Planning Commission established pursuant to this Section shall be the same as the Planning Commission existing at the time immediately before the effective date of this *Resolution*. Members shall serve out their respective remaining terms of office.

D. REGULAR MEMBERS. The Planning Commission shall be comprised of five regular members.

E. REGULAR MEMBER'S LENGTH OF TERM. The term of each member shall be three years.

F. ALTERNATE MEMBERS. The ~~Board~~BOCC, in its discretion, may appoint as many as two alternate members.

G. RESIDENCY REQUIRED. Each regular and alternate member shall be a resident and shall have been a resident of Gunnison County for at least one year before appointment.

H. VACANCIES AND REMOVAL OF MEMBERS. The ~~Board~~BOCC of Commissioners shall fill vacancies and may remove a member for non-performance of duty or misconduct, as it deems appropriate in the exercise of its discretion. In the event that any member is temporarily unable to act owing to absence, illness, conflict of interest, or any other cause, such position shall be filled during the temporary disability by an alternate member in accordance with the bylaws or guidelines, if applicable, or by order of the chairperson of the Commission.

I. COMMISSION BYLAWS OR GUIDELINES. The ~~Board~~BOCC, after recommendation by the Planning Commission, shall adopt or amend bylaws or guidelines establishing the Commission's procedures. A copy of the bylaws or guidelines shall be available to the public during regular business hours in the Community Development Department.

J. RECORD OF COMMISSION PROCEEDINGS. The Planning Commission shall keep a record of its proceedings, which record shall be open to inspection at the Community Development Department by the public during regular business hours.

SECTION 1-116: ESTABLISHMENT OF GUNNISON COUNTY BOARD OF ADJUSTMENT~~S~~

A. **ESTABLISHMENT**. There is hereby established the Gunnison County ~~Board~~Board ~~of~~ ~~Adjustments~~Adjustment.

B. **POWERS AND DUTIES**. The powers and duties of the Board of ~~Adjustments~~Adjustment shall be as follows:

1. **GRANTING OF VARIANCES FROM SETBACK REQUIREMENTS.** The Board of ~~Adjustments~~Adjustment shall have the final authority to grant variances from setback requirements where, by reason of unusual narrowness, shallowness, or shape of a specific parcel existing as of the effective date of this *Resolution*, or by reason of unusual topographic conditions or other situations or conditions of the parcel, none of which shall be self-imposed, the strict application of the requirements of Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way* would result in peculiar practical difficulties to, or undue hardship upon, the owner of that property. The Board of ~~Adjustments~~Adjustment may grant a variance from such strict application to relieve those difficulties or hardship, if such relief may be granted without substantial detriment to the public health, safety and welfare and without substantially impairing the intent and purposes of this *Resolution*.

2. **APPEAL~~S OF ACTION BY COMMUNITY DEVELOPMENT DIRECTOR~~**. The Board of ~~Adjustments~~Adjustment shall have the authority to hear and decide appeals~~,~~ as set forth in Section 8-103: *Appeals*. ~~when it is alleged by an applicant that the Community Development Director has made an error in any order, requirement, decision, or refusal related to the granting of variances from setback requirements, pursuant to Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*~~

~~**C. INITIAL BOARD**. The membership and composition of the initial Board of AdjustmentsAdjustment established pursuant to this Section shall be the same as the Board of AdjustmentsAdjustment existing at the time immediately before the effective date of this *Resolution*. Members shall serve out their respective remaining lengths of terms of office.~~

~~D~~C. **REGULAR MEMBERS**. The Board of ~~Adjustments~~Adjustment shall be comprised of ~~five~~ two ~~regular~~ members appointed by the ~~Board of County Commissioners~~BOCC and the three elected Commissioners of the BOCC. ~~Board of County Commissioners.~~ The two members who are not ~~BOCC~~Gunnison County Commissioners may also be members of the Planning Commission.

~~E~~D. **REGULAR MEMBER'S LENGTH OF TERM.** The term of the two regular ~~each~~ members and any associate members shall be ~~three~~ one years. ~~The Board shall establish staggered terms for the members.~~ The BOCC may remove any member of the BOA, who is not also a BOCC member, pursuant to Section 1-116(G): *Vacancies and Removal of Members*.

~~F~~E. ~~**ALTERNATE**~~ **ASSOCIATE MEMBERS**. The ~~Board~~BOCC, in its discretion, may appoint as many as two ~~alternate~~ associate Board of ~~Adjustments~~Adjustment members. In the event that any regular member is temporarily unable to act owing to absence from the County, illness, interest in a case before the BOA, or any other cause, his or her place may be taken during such temporary disability by an associate member designated by the BOCC, or the majority vote of the BOA, for that purpose.

G**F. RESIDENCY REQUIRED**. Each regular and alternate member shall be a resident and shall have been a resident of Gunnison County for at least one year before appointment.

~~H~~G. **VACANCIES AND REMOVAL OF MEMBERS**. The ~~Board of Commissioners~~BOCC shall fill vacancies and may remove a member of the BOA ~~for~~ for cause after the BOCC, by resolution, adopts written charges and after a public hearing conducted by the BOCC, ~~non-performance of duty or misconduct, as it deems appropriate in the exercise of its discretion, except for currently elected Board of County Commissioners~~ that an elected Commissioner of the BOCC may not be removed in such a manner. ~~In the event that any member is temporarily unable to act owing to absence, illness, conflict of interest, or any other cause, such position shall position during the temporary disability by an alternate member in accordance with the bylaws, if applicable, or by order of the chairperson of the CommissionBoard of County Commissioners.~~ In the event that any regular member is temporarily unable to act owing to absence from the County, illness, interest in a case before the BOA, or any other cause, his or her place may be taken during such temporary disability by an associate member designated by the BOCC, or the majority vote of the BOA, for that purpose. A person appointed to fill a vacancy on the BOA shall serve the remainder of the term of the member whose removal or resignation caused the vacancy.

~~I~~H. ~~**BOARD**~~**BOCC OF ADJUSTMENTS BYLAWS OR GUIDELINES**. The ~~Board~~BOCC, after recommendation by the ~~Board~~Board of ~~Adjustments~~Adjustment, shall adopt and amend such bylaws or guidelines establishing procedures for the ~~Board~~Board of ~~Adjustments~~Adjustment as may be necessary. A copy of the appropriate document shall be available for public inspection during regular business hours in the Community Development Department.

~~J~~I. **RECORD OF BOARD OF ADJUSTMENT~~S~~ PROCEEDINGS**. The ~~Board~~Board of ~~Adjustments~~Adjustment shall keep a record of its proceedings, which record shall be available to the public during regular business hours of the Community Development Department.

SECTION 1-117: REPEALER

A. **REPEAL OF FORMER *GUNNISON COUNTY LAND USE RESOLUTION*.** Adoption of this *Resolution* repeals the former *Gunnison County Land Use Resolution* and amendments to it.

B. Adoption of this *Resolution* repeals the former Gunnison County Mobile Home Park and Individual Mobile Home Regulations.

C. **REPEAL OF GUNNISON COUNTY SIGN CODE.** Adoption of this *Resolution* repeals the former *Gunnison County Sign Code*.

D. **REPEAL OF GUNNISON COUNTY FLOOD DAMAGE PREVENTION RESOLUTION**. Adoption of this *Resolution* repeals the former *Gunnison County Flood Damage Prevention Resolution.*

E. **REPEAL OF RESOLUTION NO. 99-20**. Adoption of this *Resolution* repeals the ~~Board~~BOCC of County Commissioners' Resolution No. 99-20, *A Resolution Promulgating Temporary Land use Regulations Regarding For Staging Special Events, Erecting Temporary Structures On Construction Sites, And Camping On Private Property.*

F. NON-REVIVAL OF FORMERLY REPEALED ORDINANCE, CODES, AND OTHER REGULATIONS. The repeal of the documents listed in Sections 1-117: A through E does not revive any other requirements, resolutions, ordinances, codes, or other regulations repealed by any of those documents.

G. EFFECT ON PENDING APPLICATIONS AND PREVIOUSLY APPROVED PERMITS. Repeal of the documents listed in Sections 1-117: A through E does not affect approval of applications pending as of the effective date of this *Resolution*, or enforcement of permit conditions imposed under the requirements of those documents.

SECTION 1-118: SEVERABILITY

If any Article, Division, Section, paragraph, clause, provision, or portion of this *Resolution* is determined to be unconstitutional or invalid by a court of competent jurisdiction, such determination shall not affect the validity of this *Resolution* as a whole or any part of this *Resolution* other than the part determined to be unconstitutional or invalid. If any application of this *Resolution* to a particular structure, parcel of land, or body of water is determined to be unconstitutional or invalid by a court of competent jurisdiction, such determination shall not be applicable to any other structure, land, or water not specifically included or referenced in that judgment.

SECTION 1-119: IMPACT FEES AND DEDICATIONS

Gunnison County may require an applicant, as a condition of approval of a Land Use Change Permit, to dedicate real property to the public, or pay money to a public entity if there is an essential nexus between the dedication or payment and a legitimate government interest, the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of such property, and Gunnison County has duly adopted standards for such dedication or payment that are sufficiently specific to ensure that the condition is imposed in a rational and consistent manner.

ARTICLE 2: DEFINITIONS

SECTION 2-101: PURPOSE

The purpose of this Article is to define words, terms, and phrases used in this *Resolution*, or that are otherwise used by the County in its review and actions concerning land use issues.

SECTION 2-102: DEFINITIONS

The following words, terms, and phrases shall have the following meanings when used in this *Resolution* or that are otherwise used by the County in its review and disposition of land use issues.

ABUT means adjacent or contiguous to, or sharing a common border.

ACCESS means the place, method or way by which pedestrians and vehicles obtain usable ingress and egress to a property or land use.

- **RESIDENTIAL ACCESS** means an ingress or egress to no more than two residences or lots, including any that includes a home occupation, or a multiple-family residence as defined by this *Resolution*.
- **AGRICULTURAL ACCESS** means the access providing ingress and egress exclusively to an agricultural operation, and not to any residences.
- **COMMERCIAL ACCESS** means the access providing ingress and egress to any activity defined by this *Resolution* as commercial.
- **INDUSTRIAL ACCESS** means the access providing ingress and egress to any activity defined by this *Resolution* as industrial.

ACCESSORY STRUCTURE OR SECONDARY USE STRUCTURE means a use or structure that is located on the same parcel as the primary use or structure, clearly incidental, secondary and subordinate to the primary use or structure on the parcel; is devoted to the primary use or structure; is customarily found in conjunction with the primary use or structure; is not incompatible with the primary use or structure; and is subordinate in purpose to the primary use or structure.

ACTIVE SOLAR SPACE HEATING means a heating system that includes all of the following:

- A means of collection of the sun's energy; and
- Absorption of the solar gain into a mass capable of storing the heat such as concrete, rock or water; and
- Distribution of the heat by mechanical means; and
- Control of the system by convective venting, circulating fans or shading.

ADJACENT means abutting or contiguous to or sharing a common border.

ADJACENT PROPERTY OWNER means an owner of record (as recorded in the most current records on file in the Gunnison County Assessor's Office) of any estate, right, or interest in real property that immediately abuts another parcel.

ADMINISTRATIVE REVIEW PROJECT means a Project that is classified and reviewed pursuant to Article 4: *Administrative Review Projects That Do Not Require Land Use Change Permits* and Article 5: *Administrative Review Projects That Require Land Use Change Permits.*

ADULT-ORIENTED USE means a use of property where the primary, accessory or other use, or a significant adjunct to another use of the property, is the sale, rental, display, or offering of books, magazines, publications, tapes or films, live entertainment, dancing, or material, that is distinguished or characterized by its emphasis on depicting, exhibiting, describing, or relating to sexual activities or special anatomical areas that include the following body parts, when they are less than completely and opaquely covered: human genitals, public region, buttocks, and female breast below a point immediately above the top of the aureola. An adult-oriented use includes, but is not limited to, an adult bookstore; adult club, cabaret or restaurant, with or without a liquor license; and adult motion picture or audio-visual theatre.

ADVERSE means unfavorable or harmful.

AFFORDABLE HOUSING means housing that is affordable to very low-income, low-income, or moderate-income persons, as defined by the U.S. Department of Housing and Urban Development, and is legally restricted to occupancy solely by those very low-income, low-income or moderate-income person(s) through the use of a covenant, deed restriction, a Development Improvement Agreement, or by transfer of an appropriate interest to a state, county, or municipal housing authority or nonprofit housing organization.

AGGREGATE:

- **AGGREGATE STRUCTURES** means the whole of the square footages of all residences and other structures on the same lot.
- **AGGREGATE MATERIALS** means the material formed of particles of soil and rock found in the extraction of construction materials and processing for concrete or batch product.

AGRICULTURE means the use of the land for the primary purpose of making a profit from farming or ranching as it may include:

- The production, cultivation, growing, and harvesting of plant crops, but not including the harvesting of trees unless incidental to other agricultural operations; or
- The raising and/or the breeding of livestock including horses, dairy and beef cattle, sheep, goats, fur-bearing animals, poultry and swine, so long as they are not large confined animal feeding operations (CAFO); or
- The production of nursery products and sod; and
- The harvesting, storage, grading, packaging, processing, distribution, and sale or trade of such commodities where such activities occur at the point of production.

It specifically does not include the uses, structures and retail services normally associated with kennels, veterinary hospitals, the commercial slaughter of animals or commercial riding stables. For purposes of this *Resolution*, classification of the use of the property by the Gunnison County Assessor's Office is not definitive or binding for purposes of this definition, nor shall the existence of a conservation easement on the property otherwise defined as agricultural affect that definition.

AGRICULTURAL LANDS means any lands primarily in agricultural use.

AGRICULTURAL OPERATION means an activity that primarily involves agriculture as defined in this *Resolution*.

AGRICULTURAL STRUCTURE means a structure located on a farm or ranch and used in an agricultural operation for the storage, repair, and maintenance of farm or ranch equipment and supplies, or for the raising and/or storage of crops and livestock. These include, but are not limited to, barns, corrals, silos, workshops, equipment sheds, greenhouses smaller than 2,500 sq. ft., storage and shelter structures. An agricultural structure does not include greenhouses that are 2,500 sq. ft. or larger, enclosed arenas or other enclosed areas when the activities that occur there provide services and/or goods to the general public on site.

AIRCRAFT means any device capable of flight that is licensed or regulated by the Federal Aviation Administration.

AIR DESTRATIFICATION SYSTEM means a system devised for circulation of air, comprised of an air return system, and ceiling fan.

AIRPORT means any area of land, water, or structure that is used for the landing or taking off of aircraft, for private, business or commercial purposes, including, but not limited to, all facilities for passenger or cargo loading, or maintenance, fueling, shelter or storage of aircraft; including, but not limited to, any area for provision of services, including flight instruction, charter or air freight service, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities, and all appurtenant rights-of-way. An airport is "publicly owned" for purposes of this *Resolution* if the area used for the landing and taking off of aircraft is owned, operated, controlled, leased to or leased by Gunnison County.

AIRPORT HAZARD means any natural formation, structure, or use of land that obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or is otherwise hazardous or creates hazards to such safe landing or taking off of aircraft, endangers the lives and property of the general public, of users of the airport or of occupants of land in its vicinity, or reduces the size of the area available for the landing, taking-off, or maneuvering of aircraft, thus tending to destroy or impair the utility of the airport.

ALLEY means a public way of limited use intended only to provide access to the rear or side of lots within recorded platted townsites or subdivisions.

ALTERATION means a change in the structural parts of, or an enlargement of a structure, whether by extending it on a side, by increasing its height, or by moving it from one location to another, whether on the same or separate parcels.

ALTERNATIVE TRANSPORTATION FACILITY means a trail, sidewalk, public bus or van, rail, or other facility that

provides an alternative mode of transportation to travel by private automobile.

ANIMAL:
- **DOMESTIC ANIMAL** means a small animal customarily kept in a dwelling for company as a pet, including, but not limited to, dogs and cats.
- **EXOTIC ANIMAL** means an animal, other than livestock, introduced from outside the Rocky Mountain region.
- **LIVESTOCK** means horses, dairy and beef cattle, sheep, goats, fur-bearing animals, poultry and swine.
- **NON-DOMESTIC ANIMAL** means an animal not customarily adapted to live and breed in a tamed condition, such as a red-tailed deer, antelope, moose or elk.

APPLICANT means any person applying for any permit described in this *Resolution*.

AQUIFER RECHARGE AREA means any area where surface water may infiltrate to a water-bearing stratum of permeable rock, sand or gravel.

AREA MEDIAN INCOME (AMI) means the median income for Gunnison County adjusted for household size, as established and defined in an annual schedule published by the U.S. Department of Housing and Urban Development (HUD).

ARCHEOLOGICAL RESOURCE, CULTURAL RESOURCE OR HISTORICAL RESOURCE means those resources that have been designated by the Gunnison County Historical Preservation Commission, on the National Register of Historic Places (National Register), and/or as may be considered under the National Historic Preservation Act. A site may also be so identified by the Colorado State Historic Preservation Officer.

ASPECT means the primary direction the land surface faces.

ASPHALT PLANT/BATCH PLANT means a site, temporary or permanent, where gravel, sand, cement or various petroleum derivatives are combined for the production of paving and/or construction materials, or to create a substance used for paving, roofing and waterproofing.

AVALANCHE HAZARD AREA means an area where a mass of snow or ice and other material that may be incorporated into it moves rapidly down a mountain slope with a predictable recurring frequency over time and at a predictable impact pressure.

BACK COUNTRY, WINTER BACK COUNTRY, OR INACCESSIBLE WINTER BACK COUNTRY means a remote area that is not reasonably accessible during the entire winter for the timely provision of emergency services.

BACK-FILLING means the dumping of earthen materials into excavated holes, or covering exposed features with soil. This can be done to protect features, or to level ground for construction of a road or building. In mining practice, it means the return of overburden or non-toxic waste material into an adit or excavated portion of a mine property.

BED AND BREAKFAST means a single-family residence used primarily for that purpose and that provides temporary accommodations to guests for compensation, with or without meals.

BEST MANAGEMENT PRACTICES means those conservation techniques and management measures that:
- Control soil loss and reduce water quality degradation caused by nutrients, human and animal waste, toxins, and sediment; and
- Minimize adverse impacts to groundwater and surface-water flows; and
- Minimize adverse impacts to the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

BOA means the Board of ~~Adjustments~~Adjustment of Gunnison County, Colorado.

BOARD means the ~~Board~~Board of County Commissioners ~~(BOCC)~~ of Gunnison County, Colorado.

BOCC means the Board of County Commissioners of Gunnison County, Colorado.

BORROW SITE means a site used for the extraction of earthen materials including sand, gravel, rock or dirt.

BOUNDARY LINE ADJUSTMENT means the transfer of a portion of a parcel from that parcel to an adjacent parcel, or the realignment of boundary lines between adjacent parcels, resulting in no increase in the number of parcels.

BUFFER means landscape and/or architectural elements, either existing or additional, which provide a logical and reasonable transition to and between adjoining uses.

BUILDING means any structure used for shelter, or enclosure of persons, animals or property of any kind; a fence is not a building.

BUILDING ENVELOPE means a designated area of a lot or parcel within which all structures, and, if required, an

Commented [MH1]: "The board of county commissioners of any county which enacts zoning regulations under the authority of this part 1 shall provide for a board of adjustment[.]" § 30-28-117, C.R.S.

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On-Site Wastewater Treatment System, are to be confined.

BUILDING FOOTPRINT means the outline of the total area that is covered by a building at ground level.

BUILDING HEIGHT (STRUCTURE HEIGHT) means the vertical distance from grade plane to the average height of the highest roof surface

BUILDING INSPECTOR means the County staff person authorized to administer and enforce the applicable building code, adopted and amended by Gunnison County.

BUILDING PERMIT means a permit that is required to be obtained from the Building Inspector before the erection, construction, alteration, moving, relocation, or change of use of any structure.

BUILDING SIZE means the maximum area of square footage measured by the same standards as set forth in the applicable building code, adopted and amended by Gunnison County, excluding permanently unenclosed decks, patios, and porches.

BUSINESS has the same meaning as "Commercial."

CAMPGROUND means a tract or development providing facilities or accommodations for the temporary parking or placement of camping or other recreational vehicles or tents for recreation, education, or outdoor recreational activities, including, but not limited to, structural improvements including covered cooking areas, group facilities, self-contained travel trailer/motor home sites, tent sites, restroom and shower facilities, and laundry facilities for the convenience of temporary occupants.

CAMPING – LONG TERM CAMPING means the use of a camping shelter for the private, non-commercial use by the owner or guests on a legal parcel, for camping that exceeds 14 days in a consecutive three month period. A maximum stay of 180 days cumulative, in a calendar year, is permitted with the issuance of a long term camping permit. Long term camping is a temporary, recreational or leisure activity.

CAMPING SHELTER means a tent, a yurt not placed on a permanent foundation, a self-propelled or towed camping unit including, but not limited to, vacation trailer, or camper, intended for recreational purposes, and not for permanent residential purposes, constructed of a combination of man-made and natural materials and that is not addressed as a habitable residence by the applicable building code, adopted and amended by Gunnison County.

CHANGE IN CIRCUMSTANCES OR CHANGE IN CONDITION means that the land uses, public facilities, infrastructure capacity, or environmental characteristics impacting or surrounding a development have changed.

CHARACTER means the distinct physical characteristics of a structure or area that set it apart from its surroundings and contribute to its individuality. Structural character refers to density, height, coverage, setbacks, massing, design and type of windows, materials, and scale of materials. Character of an area means the nature of the area in terms of intensity of use.

CHILD CARE CENTER means a residence or facility that provides regular care and supervision, for compensation, for an entire day or a portion of a day, for children who are not related to the owner, operator, or manager of the center. For purposes of this *Resolution*, a child-care center shall not mean in-home baby-sitting.

CHURCH means a building, together with its accessory buildings and uses, that by design and use is primarily intended for conducting organized public religious services.

CIVIC BUILDING means any building (public or private) primarily used for public or civic functions including, but not limited to, government offices, community centers, schools, and religious buildings.

CLUSTER OR CLUSTER DEVELOPMENT means the concentration of development, including buildings, driveways, and water supply and wastewater treatment facilities, on one or more areas of a development parcel, preserving the remainder as productive agricultural land or undeveloped open space, and avoiding impacting areas of identified value for wildlife habitat, scenic features of a rural landscape, historical agricultural uses, and significant environmental features including wetlands, bodies of water, geologic hazard, or significant vegetation. Clustering allows flexibility in layout and protection of identified valuable characteristics of a development parcel.

CODE OF THE WEST means the publication distributed by several counties in the Western United States that explains to new residents and visitors the differences in levels of services between urban and rural areas, and activities that take place in ranching communities that may be different from those in urban areas. Gunnison County has written and printed its own version, available online and in the Community Development Department.

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

COMPATIBLE means consistent with, harmonious with, similar and complementary to, the use and/ or function of natural systems and/or existing land uses in an area.

CONDOMINIUM means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSERVATION DEVELOPMENT means a parcel of at least 120 acres, of which at least 110 acres is permanently preserved by conservation easement acceptable to the County, and on the remainder of which there is or will be no more than one primary residence, and that is legally and permanently prohibited from future subdivision.

CONSTRUCTION MATERIALS means rock, clay, silt, sand, gravel, limestone, dimension stone, topsoil, marble or shale extracted for use in the production of nonmetallic construction products.

CONSTRUCTION MATERIALS PROCESSING means any activities associated with the extraction, storage or preparation of construction materials for use, including but not limited to, crushing, screening, washing, slabbing, polishing, grinding, concrete or asphalt preparation, batching or recycling, or other such action.

CONTIGUOUS means abutting or adjacent to or sharing a common border.

CORRECTION PLAT means a rerecording of a previously approved plat that is intended to correct a technical error in the plat.

COST means the total monetary amount to be paid, including, but not limited to, any amounts to be paid for land acquisition, capital improvements, construction, fixtures, equipment, labor, materials, operation, maintenance, monitoring, financing, debt service, planning, permitting, and similar purposes.

COUNTY means Gunnison County, Colorado, its officers, employees and agents.

CRITICAL PATH means the sequence of tasks that forms the longest time a Project will take. Therefore, if a task on the critical path is delayed, it will add additional time to the Project. The critical path is "critical" because one task that follows another in a Project cannot be started until all the previous tasks on the critical path are completed.

CUMULATIVE IMPACTS/EFFECTS means the combined impacts of two or more uses or activities. The impacts may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative impacts/effects can result from individually minor but collectively significant actions taking place over a period of time.

CUT means an area where soil or earth is excavated or removed in conjunction with development activities.

DECISION-MAKING BODY means the individual or body that has final authority to approve or deny a particular type of application.

DEDICATED CONSERVATION EASEMENT means the permanent written conveyance or setting aside by the owner of an interest in land or water by an appropriate recorded conservation easement, or by an appropriate recorded deed with conservation covenants acceptable to the County. A recorded conservation easement or deed with conservation covenants shall be acceptable only if the County determines that the preserved land will be preserved essentially in its natural or agreed-upon improved state, and is subject to the County's determination that the easement or otherwise conserved land has public benefit. The Grantee of Conservation Easements must be an organization qualified to hold conservation easements (as defined by the Internal Revenue Service) acceptable to Gunnison County.

DEDICATION means the conveyance or setting aside by the owner of an interest in land or water to the County or other public entity for the use of the public, and accepted for such use by or on behalf of the public by the ~~Board~~BOCC or other public entity, or by an appropriate recorded conservation easement or recorded deed with conservation covenants acceptable to the County, to which the County is a party and that the County has authority to enforce.

DEED RESTRICTION OR DEED RESTRICTED means a provision in a deed, recorded in the records of the Clerk and Recorder of Gunnison County, mandating, limiting or prohibiting certain uses of a parcel of real property and/or structures, in perpetuity.

DENSITY means the number of units within a fixed area, for example, the number of residences per acre.

- **GROSS DENSITY** means the total number of units divided by the total land area within the boundary of the proposed land use change, including publicly dedicated roads, open space or other facilities.

- **NET DENSITY** means the total number of units divided by the total land area within the boundary of the Project, excluding publicly dedicated roads, open space or other facilities.

DETENTION means the practice and process associated with the delayed release of storm water to reduce peak flow, to maintain base flow, to increase opportunity for recharge to groundwater, to reduce nutrient and sediment loading to surface water bodies, and to reduce opportunity for surface runoff and soil erosion.

DETENTION STRUCTURE means a permanent structure for the temporary storage of storm water runoff that is designed so as not to create a permanent pool of water.

DEVELOPMENT means any activity that is a land use change. (Also, see "Land Use Change.") For purposes of Section 11-103: *Development in Areas Subject to Flood Hazards* "development" means a man-made change to improved or unimproved real estate, including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. The County reserves the right to make interpretations as to what constitutes development in areas subject to flood hazards.

DEVELOPMENT AREA means those geographic areas within the county that will be developed or altered directly by the construction or operation of a proposed Project.

DEVELOPMENT AGREEMENT means a legal agreement entered between Gunnison County and an applicant for a Land Use Change Permit, providing for the extension of a statutory vested property right and identifying the consideration and conditions for such an extension.

DEVELOPMENT IMPROVEMENT AGREEMENT means a legal agreement entered between Gunnison County and an applicant for a Land Use Change Permit providing the applicant's financial and other guarantees to construct the approved improvements.

DEVELOPMENT SITE means the area of a parcel on which construction or activity, or an otherwise designated change in use is proposed or will occur as part of a land use change Project. It may include all or part of a parcel.

DISTRIBUTION LINE means a line whose principal purpose is to distribute electric power, oil, water, natural gas, telephone, cable television, or similar amenities or services from a transmission line or other local point of origin (such as a substation) to an individual customer or customers to provide greater reliability for an overall distribution system. Connection between the distribution line or system and customers is typically, but not always, made by means of a service line.

DRAINAGE FACILITIES OR DRAINAGE SYSTEM means a system of man-made structures designated to collect, convey, hold, divert or discharge storm water, and to mitigate surface water quality impacts, and includes storm water sewers, culverts, control structures, detention and retention facilities.

DUDE RANCH See "Resort."

DUPLEX See "Residence."

DWELLING UNIT See "Residence."

EASEMENT means a conveyance or reservation of an incident of ownership in real property for one or more specific purposes, public or private.

EFFECTIVE DATE OF THIS *RESOLUTION* means January 8, 2001, the date on which this *Resolution* was adopted by the ~~Board~~BOCC.

ENERGY-EFFICIENT APPLIANCES means appliances that have been rated energy- efficient by a program such as Energy Star.

ENGINEERED LUMBER means recycled/reconstituted wood materials that employ laminated wood chips or strands and finger jointing (the gluing of larger pieces together).

ENHANCED SOLAR ORIENTATION AND ACCESS means orienting a building on a site so that access to sunlight is substantially unobstructed, and so that the long axis of the building is oriented east/west to minimize solar gain in the summer and maximize solar gain in the winter, and there is minimal use of windows on the north and west sides of the building.

ENVIRONMENTAL HEALTH OFFICIAL means the County staff person authorized to administer and enforce the *Gunnison County On-Site Wastewater Treatment System Regulations*, or his/her authorized designee.

EQUIVALENT PERFORMANCE ENGINEERING BASIS means, with regard to manufactured housing, that by using engineering calculations or testing, following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety and functional requirements to the same extent as required for other

single-family residences.

ERODIBLE SOIL means a soil whose particles are easily detached and entrained by air or water passing over or through the soil, a soil that lacks significant internal strength and has little resistance to erosion.

ESSENTIAL HOUSING means housing for qualified households as determined by the Gunnison County Housing Authority.

ESSENTIAL HOUSING PROJECTS means housing developments in which all residences are deed-restricted Essential Housing.

ESSENTIAL SERVICES means the development and/or maintenance of public utilities or County-approved underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, including, but not limited to, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals and hydrants.

EXPANSIVE SOILS means soil and rock that contain clay and expand or swell to a significant degree upon wetting, and shrink upon drying.

EX PARTÉ COMMUNICATION means an oral or written, off-the-record communication made to or by a member of a review or decision-making body, other than the Community Development Director, without notice to all parties involved, that discusses the merits, or could affect the outcome, of a decision or recommendation to be made by that decision-making body.

FACTORY-BUILT HOUSING means any structure, or component thereof, designed primarily for residential occupancy, including a mobile home that is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site.

FARM OR RANCH STAND means a temporary structure for the display and sale of primarily raw farm or ranch products.

FILL means material such as earth, clay, sand, concrete, rubble or waste of any kind, placed, stored or dumped upon the surface of the ground, which increases the natural ground surface elevation.

FINAL PLAN means the plan described in Section 7-401: *Final Plan Application for Major Impact Projects.*

FINAL PLAT means a map prepared by a surveyor registered in the State of Colorado, in accordance with this *Resolution* as an instrument for recording of real estate interests that is approved by the ~~Board~~BOCC and is acceptable for filing with the Gunnison County Clerk and Recorder. The Final Plat shows the exact location, dimensions, size, shape, etc: of a condominium, townhouse, or subdivision, including all lots, blocks, roads, easements, and other parcels of land therein. It shall include reference to all relevant supporting materials, protective covenants, statements, opinions, and certifications as may be required by this *Resolution*.

- **SUBDIVISION FINAL PLAT** means the final design of the proposed subdivision, showing the exact location, size, and shape of lots, blocks, roads, easements, and other parcels of land therein.
- **CONDOMINIUMS, TOWNHOMES AND TOWNHOUSES PLAT** means the final as-built design of the condominium or townhouse development, showing exact locations, dimensions, sizes, and shapes of structures, as well as blocks, lots, roads, and/or easements.

FIREPLACE OR "TRADITIONAL OPEN FIREPLACE" means, indoors, an open recess for holding a fire at the base of a chimney, a hearth. Not a cook stove or an unapproved solid-fuel-burning device.

FLOOD OR FLOODING means a general or temporary condition of partial or complete inundation of normally dry land from:

- The overflow of inland waters; or
- The unusual and rapid accumulation or runoff of surface waters from any source; or
- Mudflows that are proximately caused or precipitated by accumulations of water on or under the ground.
- The collapse or subsidence of land along the shore of a lake or other water body as a result of erosion or undermining caused by waves or currents of water exceeding the anticipated cyclical levels or suddenly caused by an unusually high water level in a natural water body, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

FLOODPLAIN (100-YEAR) means land area subject to inundation because of the base flood. The 100-year floodplain is made up of three parts: the stream channel, the floodway and the floodplain. The physical location of the floodplain on flood hazard maps is representative of existing ground conditions and may be based, among other things, on historical flood records or other readily available data. Floodplain-related elements include:

- **"A ZONE"** means a Special Flood Hazard Area subject to inundation from the 100-year flood. Because detailed hydraulic analyses have not been performed, no base flood lavation or depths are shown on the FIRM map.

- **BASE FLOOD** means a flood having a one percent chance of being equaled or exceeded in any given year. Equivalent to 100-year flood.
- **BASE FLOOD ELEVATION** means the height (above sea level) that floodwaters will reach at a given elevation during the Base (100-year) event.
- **BASEMENT** means any area of the building having its floor below ground level (subgrade) on all sides.
- **CONDITIONAL LETTER OF MAP AMENDMENT (CLOMAR)** means a conditional letter of map amendment (See LOMR).
- **CRITICAL FACILITY** includes:
  Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
  Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
  Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and
  Public and private utility facilities that are vital to maintaining or restoring normal services to flooded area before, during, and after a flood.
- **DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)** FEMA digital floodplain map. Digital maps that serve as "regulatory floodplain maps" for insurance and floodplain management purposes.
- **DEVELOPMENT IN A FLOODPLAIN** for purposes of Section 11-103: *Development in Areas Subject to Flood Hazards* means a man-made change to improved or unimproved real estate, including buildings and other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. The County reserves the right to make interpretations as to what constitutes development in areas subject to flood hazards.
- **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**-
  The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- **EXISTING CONSTRUCTION OR STRUCTURES** for purposes of Section 11-103: *Development in Areas Subject to Flood Hazards*, means structures for which the "start of construction" began before the effective date of Gunnison County's Flood Insurance Rate Map (September 29, 1989).
- **FLASH FLOODING** means a temporary flooding condition due to the rapid accumulation and runoff of surface waters from any source and is characterized by a large volume of water over a short period of time. Also, see "flood prone area."
- **FLOOD HAZARD AREA** means the land within the floodplain subject to a one percent or greater chance of flooding in a given year.
- **FLOOD INSURANCE RATE MAP** (FIRM) means an official map on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to Gunnison County.
- **FLOOD INSURANCE STUDY** means the official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, the Flood Insurance Rate Mate (FIRM), and the water surface elevation of the base flood.
- **FLOODPLAIN MANAGEMENT PROGRAM** means a program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.
- **FLOOD PRONE AREA** means an area adjoining a watercourse, that may be considered subject to flooding during the 100-year flood based on reliable historical information, topography, vegetation, and other naturally occurring indicators, but where precise dimensions of the 100-year floodplain have not been delineated, and includes flash-flood areas.
- **FLOODPROOFING** •means any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, utilities, structures and their contents.
- **FLOODWAY (REGULATORY FLOODWAY) -** The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.
- **FREEBOARD** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrologic effect of urbanization of the watershed.
- **LETTER OF MAP REVISION (LOMR)** - FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).
- **LETTER OF MAP REVISION BASED ON FILL (LOMR-F) –** FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
- **LEVEE** means a manufactured structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
- **LEVEE SYSTEM** means a flood protection system that consists of a levee, or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

- **LOWEST FLOOR** means the lowest floor of the lowest enclosed area (including basement) of a structure. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built to render the structure in violation of the applicable flood proofing and non-elevation design requirements of this *Resolution*.
- **MANUFACTURED HOME -** A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- **MANUFACTURED HOME PARK OR SUBDIVISION -** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- **NEW MANUFACTURED HOME PARK OR SUBDIVISION -** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- **MEAN SEA LEVEL** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referred.
- **PRINCIPALLY ABOVE GROUND** for purpose of Section 11-103: *Development in Areas Subject to Flood Hazards*, means that at least 51 percent of the actual cash value of a structure, less land value, is above ground.
- **RECREATIONAL VEHICLE -** means a vehicle which is:
  1. Built on a single chassis;
  2. 400 square feet or less when measured at the largest horizontal projections;
  3. Designed to be self-propelled or permanently towable by a light duty truck; and
  4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- **SPECIAL FLOOD HAZARD AREA –** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.
- **START OF CONSTRUCTION** for purpose of Section 11-103: *Development in Areas Subject to Flood Hazards* means the date the Building Permit was issued, if actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. Actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of roads and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as detached garages or sheds not occupied as residences or not part of the main structure; it includes substantial improvements.
- **STREAM CHANNEL** for purposes of Section 11-103: *Development in Areas Subject to Flood Hazards* means the area of the floodplain that carries the normal course of a river, stream or other watercourse.
- **SUBSTANTIAL IMPROVEMENT** for purposes of *Section 11-103: Development in Areas Subject to Flood Hazards*, means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement is said to occur when the first alteration of any wall, ceiling, floor or other structural part of the building begins, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any Project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the Colorado State Inventory of Historic Places.
- **VARIANCE -** A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance.
- **VIOLATION -** The failure of a structure or other development to be fully compliant with the floodplain regulations.
- **WATER SURFACE ELEVATION** means the height, in relation to the NGVD of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

FOREGROUND means the areas within one-half mile on either side of a public road or trail.

FORMER *GUNNISON COUNTY LAND USE RESOLUTION* means the former edition of the *Gunnison County Land Use Resolution* in effect until the effective date of this *Resolution*.

FRONTAGE means the length of that property line of a parcel that abuts a public road or highway right-of-way or easement.

GANG OF NINE means that informal term often used to reference the standards of this *Resolution* that are required to be met by all land uses pursuant to Section 1-106: *Partially Exempted Land Use Changes*.

GARAGE means a secondary structure (or part of a structure) for housing automobiles and other vehicles, but not including a commercial or industrial repair shop where cars and trucks are serviced and repaired.

GEOLOGIC HAZARD means a geologic phenomenon that conflicts with construction or land use so as to constitute a significant hazard to public health, safety, or to property, including, but not limited to, avalanches, landslides, rockfalls, alluvial fans, talus slopes, steep, unstable, or potentially unstable slopes, Mancos shale, mudflows, and faults. For purposes of this *Resolution*, the following definitions shall apply:

- **ALLUVIAL FAN** means a sloping, wedge-shaped deposit of loose rock, earth, and vegetative debris near or at the junction of a smaller stream with a larger stream valley, or where the gradient of a stream abruptly decreases. It is created by a debris flow, that is the downstream or down slope propulsion of rocks, vegetative matter, and other materials in a watery, muddy slurry.
- **DEBRIS FLOW** means an event of rapid movement of mud and fine-grained earth materials in which more than one-half the solids in the mass are larger than sand grains (including rocks, stones and boulders).
- **FAULT** means a crack or fracture in the earth's surface. A fracture or zone of fractures in the earth's surface along which there has been displacement of the sides relative to one another, parallel to the fracture.
- **LANDSLIDE HAZARD AREA** means an area where falling, slipping, or mass movement of land occurs due to a distinct surface rupture or zone of weakness. Landslides include slope failure complexes, debris slides, bedrock slides, and areas of accelerated soil creep.
- **MANCOS SHALE** means the material comprised of clays, silts, and thin layers of sand deposited during the Cretaceous Epoch, that is commonly found in areas within Gunnison County.
- **MUDFLOW HAZARD AREA** means an area subject to rapid movement of mud and fine-grained earth materials that flow down a stream, ravine, canyon, or gulch after a heavy rainfall or snowmelt runoff. Such an area is formed by successive episodes of deposition of mud and fine-grained materials. If more than one-half of the solids in the mass are larger than sand grains (including rocks, stones, and boulders) then the event is a debris flow and the area is an alluvial fan.
- **POTENTIALLY UNSTABLE SLOPE** means any slope with most of the attributes of an unstable slope, but where a past or present slope failure is not apparent.
- **ROCKFALL HAZARD AREA** means an area of either active or potential falling, rolling, or sliding of large bedrock blocks or rocks.
- **TALUS SLOPE** means an area of potential rockfall and small, localized debris flows.
- **UNSTABLE SLOPE** means a slope with landslide/earthflow physiography, where recent slope movement may not be apparent or is uncertain. Such an area may have undergone slope movement in the recent geologic past and may be susceptible to landslide, mudflow, rockfall or accelerated creep of slope-forming materials.

GRADE, FINISHED means the elevation of the finished ground after construction, filling or excavation.

GRADE, NATURAL means the elevation of the ground level in its natural state, before construction, filling or excavation.

GRADE PLANE means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plan shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

GRADING means any excavating or filling of earth materials or any combination thereof.

GRAVEL PROCESSING means any activities associated with the preparation of gravel and associated materials for use. These activities include on-site transport, crushing, screening, washing, storing, slabbing, polishing, grinding, and concrete or asphalt mixing or other such action, exclusive of extraction.

GROUND-SOURCE HEAT PUMP means a mechanical device, with a closed loop system, that operates by pumping heat, and that uses the earth as a heat source.

GROUP HOME means a residential building that is owned and operated by a nonprofit organization, or is owned and operated by a individual or group of individuals who actually reside in and maintain their primary place of residence at the group home, that:

- **IS OCCUPIED BY ELDERLY PERSONS** Is occupied by not more than eight persons who are 60 years of age or older who do not require skilled or intermediate care facilities; or
- **IS OCCUPIED BY DEVELOPMENTALLY DISABLED PERSONS** Contains a state- licensed facility for the exclusive use of not more than eight persons who are developmentally disabled due to their having cerebral palsy, multiple sclerosis, mental retardation, autism, epilepsy or similar afflictions; or
- **IS OCCUPIED BY MENTALLY ILL PERSONS** Contains a state-licensed facility for the exclusive use of not more than eight persons who have been screened by a mental health professional and have been determined to be mentally ill.

GUEST HOUSE. See "Residence."

GUNNISON COUNTY HOUSING AUTHORITY means the agency of Gunnison County created pursuant to C.R.S. 29-4-503 *et seq*.

GUNNISON SAGE-GROUSE HABITAT means areas that are mapped as habitat for Sage-grouse as defined by the Gunnison Basin Gunnison Sage-grouse Habitat Prioritization Tool (Gunnison Basin Sage-grouse Strategic

Committee 2012), as may be amended by the Gunnison Basin Sage-grouse Strategic Committee, with final approval by the Gunnison County Board of County Commissioners.

GUNNISON SAGE-GROUSE RANGEWIDE CONSERVATION PLAN means the document titled the *Gunnison Sage-grouse Rangewide Conservation Plan, Gunnison Sage-grouse Rangewide Steering Committee, Colorado Division of Parks and Wildlife, Denver, Colorado, 2005*, as may be amended and accepted by resolution of the ~~Board~~BOCC. If not listed specifically within this *Resolution*, definitions related to the Gunnison Sage-Grouse shall be as specified in the *Gunnison Sage-grouse Rangewide Conservation Plan*.

HAZARD means a significant source of potential risk, danger, or peril resulting from natural phenomena or conditions, and including those precipitated or caused by activities of man.

HAZARDOUS MATERIAL means any substance or material that, because of its toxic, caustic, corrosive, abrasive, explosive, biohazardous or otherwise injurious properties, may be detrimental or deleterious to the health of the environment or any person handling or otherwise being exposed to such material or substance.

HELIPAD means any area of land, water or structure that is designed or used, temporarily or permanently, as a takeoff/landing area for helicopters.

HELISPOT means a helipad that does not contain any auxiliary facilities.

HIGHWAY means state and federal highways and major county arterials.

HISTORIC RESOURCE. See "Archeological, Historic or Cultural Resource."

HOME OCCUPATION means the conduct of a business, occupation, or trade in a residence or within another structure on the property on which a residence is located, that is incidental and secondary to the residential use and does not change the residential character of the property.

HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION means an association of home or property owners within a development created to govern a subdivision, condominium or other development; powers of the association include the setting and collection of assessments from the members of the association, the control and maintenance of common areas, and the enforcement of protective covenants.

HORSES, BOARDING OF means the stabling, feeding, and grooming for a fee or the renting of stalls or stables for the care of horses not belonging to the owner of the property, including related facilities.

HORSE/HAY SHED means a detached secondary structure used for the keeping of livestock and/or storage of hay, not intended for human habitation.

HORSE TRAINING AND PERFORMANCE FACILITIES means those facilities that may or may not be directly integrated with stalls, stables or the general care of horses, but that include facilities including, but not limited to, training and performance arenas, corrals, and exercise tracks and that are rented to, or otherwise provide services for, the general public.

HOUSEHOLD, for the purposes of Essential Housing, means one person living alone or two or more persons sharing residency whose income, time of residency and place of employment are considered to determine eligibility and housing payment requirements for Essential Housing.

HOTEL, MOTEL, LODGE means a building designated, intended or used for rental occupancy as the transient or temporary lodging place of five or more people who are lodged with or without meals.

IMPACT means the direct or indirect effect or consequence that development has upon land, the environment, wildlife, neighborhood property use or the community. It includes physical, environmental, biological, health, economic, visual, aesthetic, historical, auditory, or social effects or consequences, whether beneficial or harmful.

IMPACT AREA means those geographic areas, including the development area, in which any impacts are likely to be caused by a proposed Project. The impact area may be located either within the County and/or within an adjoining jurisdiction, provided that areas within an adjoining jurisdiction will be considered only if such jurisdiction has entered into an agreement with Gunnison County under which it will cooperate in regulating development that may impact both jurisdictions.

IMPERVIOUS COVER OR MATERIALS means a surface that does not readily allow water to infiltrate into the ground, including, but not limited to, roof, roadway or parking area surfaces.

IMPROVEMENTS means an addition to or enhancement of property or its condition, amounting to more than mere repairs or replacement, including, but not limited to, structures, infrastructure, habitat compensation, restoration, reclamation, general landscaping, or such other installations as may be designated by the County.

INCIDENTAL TO means affiliated with or dependent on the principal use.

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

INDUSTRIAL OR BUSINESS PARK means a group of industrial or commercial uses clustered within a single development, either on subdivided, separately-owned lots, or on a lease or rental basis.

INFILTRATION means the downward movement of water from the surface to the subsoil. Infiltration rate is typically expressed as inches per hour.

INFRASTRUCTURE means basic facilities, services, installations or systems needed for the development, support or efficient operations of the county, or developments within it, including, but not limited to, highways, roads, bridges, airports, public transit, sanitary and storm sewers, culverts, sidewalks, parks, trails, drainage, water supply and wastewater treatment systems, lighting, gas, cable television, lighting and electrical utilities.

INHOLDING means a parcel of government-owned or privately-owned land, including subsurface rights of such owners underlying public lands or a valid mining claim or other valid occupancy that, as of the effective date of this *Resolution*, is within or effectively surrounded by one or more areas in the National Wilderness Preservation System.

- **EFFECTIVELY SURROUNDED** for purposes of the definition of "inholding," means that at least two-thirds of the boundary of the inholding is adjacent to an area in the National Wilderness Preservation system. In the case of adjacent private parcels, the measurement shall not include the boundary between the private parcels.

IRRIGATED MEADOW means any artificially- or naturally-irrigated land used as pasture for the growing of hay, grain, or other crops.

IRRIGATION DITCH means a naturally occurring or artificially constructed channel used to carry water from a stream, lake, reservoir, or other source to agricultural or other lands for the purpose of watering crops, forage, or livestock.

KENNEL means a structure or enclosed area used to house domestic animals.

KITCHEN means any room in a structure containing all of the following facilities: stove or cooktop, refrigerator, sink and conventional oven.

LANDSCAPE means improvement to an area of land by the planting and maintenance of trees, shrubs, or ground cover, and/or non-vegetative materials

LAND USE means the purpose for which any land, building, or structure is designed, maintained, renovated, occupied, or used, the basic character or nature of the occupation or utilization of land or a building.

LAND USE CHANGE means any development, grading, construction, activity, or ongoing operation that changes the basic character, configuration, or use of the land or environment on which the activity occurs, including any division of land. The following activities are among those requiring the applicant to obtain a Land Use Change Permit pursuant to this *Resolution*:

- **BUILDING ACTIVITY:** The construction, reconstruction, conversion, expansion, or structural alteration, relocation, or enlargement of structures, or accessory structures.
- **CHANGE IN USE:** Any activity resulting in a change in use, or the intensity of use, or expansion of the sizes or numbers of structures or the amount of land affected by a use.
- **DRIVEWAY**: The proposed or actual cutting or construction of a driveway that is determined by the Gunnison County Director of Public Works or the Community Development Department to require review pursuant to Section 3-111: B.1.: *Additional Criteria*.
- **MINING, DREDGING, DRILLING, GRADING OR DRAINING:** The mining, dredging, drilling for gas or oil, or grading or draining activities.
- **ROAD CUTTING OR CONSTRUCTION**: The cutting or construction of any road, including roads constructed by or for a governmental entity, or roads constructed pursuant to a permit issued by a state or federal agency. Agricultural roads that are part of an agricultural operation as defined by this *Resolution* are not land use changes and do not require a Land Use Change Permit.
- **SUBDIVISION:** The subdivision of a parcel of land into two or more parcels or divisions, except for those divisions that are excluded from the definition of subdivision (see definition of "Subdivision"), or by Colorado statutes.

LAND USE CHANGE PERMIT means written approval of a Land Use Change Permit application by resolution, certificate, or other designated form of the ~~Board~~BOCC, Planning Commission, or Community Development Director that sets forth in detail the terms and conditions of the final approval of an application for a Land Use Change Permit.

LEGAL ACCESS means the physical access recognized by law, from the state highway system to the subject lot.

LEGAL DESCRIPTION means a written metes and bounds description created by a surveyor registered in the

State of Colorado, or a lot, block or tract description of a parcel of land for perpetuating location and title.

LEGAL LOT means a lot, parcel or tract of land that meets the definition of a "subdivision," or "subdivided land" as defined in C.R.S. 30-28-101 (10) (a) as it may be amended, or that is one of the exceptions to the definition of "subdivision" or "subdivided land" set out in the definition of "Subdivision or Subdivided Land" in C.R.S. 30-28-101 (10) (b), (c) or (d) as they may be amended, and that was created pursuant to all applicable laws, ordinances and regulations in effect at the time of its creation, and the legal description of which was recorded at the time of its creation in the records of the Clerk and Recorder of Gunnison County. A parcel as mapped for tax assessment records is not necessarily a legal lot.

LEK means an arena where male Sage-grouse display for the purpose of gaining breeding territories and attracting females. These arenas are usually open areas with short vegetation within sagebrush habitats, usually on broad ridges, benches, or valley floors where visibility and hearing acuity are excellent.

LIGHT INDUSTRIAL means any establishment engaged in the commercial processing, fabrication, alteration, or manufacture of raw or semi-processed materials, manufactured goods, or any components thereof; and conforming to *Section 9-301:E.: Design Standards for Light Industrial Uses.*

LIGHTING means the use of light fixtures to illuminate. For purposes of this *Resolution*, the following specific definitions shall apply:

- **BULB** means the source of electric light. To be distinguished from the whole assembly (See Luminaire).
- **DOWN-DIRECTED** means the shielding and alignment of light fixtures so that the light source points downward, 45 degrees or less from vertical, rather than horizontally, or upward.
- **FIXTURE** means the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
- **FLOODLIGHTS (AND SPOTLIGHTS)** means those lighting fixtures defined as having a full beam width or beam spread of less then 110 degrees; any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
- **CUTOFF ANGLE** means the angle formed by a vertical downward line from a light source and the line beyond which no direct light is emitted because of the fixture.
- **FIXTURE** means the assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens, or diffuser lens.
- **FULL CUTOFF** means a light fixture that directs light down onto only the surface that needs to be lit. "Cut-off" light fixtures avoid glare, and the light source from being visible from adjoining properties or roads.
- **GLARE** means light emitted from a luminaire with intensity great enough to produce annoyance, discomfort, or a reduction in a viewer's ability to see.
- **LUMINAIRE** means a complete lighting system, including a lamp or lamps and a fixture.

LOADING DOCK means an off-road portion of a lot used for the temporary parking of a commercial vehicle while loading or unloading materials. Such space shall be designed to allow an adequate vehicle turning radius, and shall not obstruct or endanger pedestrian, bicycle, or vehicular traffic.

LONG-TERM RENTAL means rental of a residence for six months or longer.

LOT means a parcel or tract of land. Also, see "Legal Lot."

LOT AREA means the number of sq. ft. included within the boundaries of a lot measured on a horizontal plane, exclusive of any area within a public or private road or road easement.

LOT CLUSTER means the vacation of the line(s) between adjacent lots that are commonly owned.

LOT LINE means any boundary of a lot.

LOW VOC INTERIOR PAINT means interior paint that contains less than 250 grams volatile organic compounds per liter in solution.

MAJOR FACILITY OF A PUBLIC UTILITY means a central office building of a telephone utility; a transmission line, power plant, or substation of an electrical utility; or a pipeline or storage area of a utility providing natural gas or other petroleum derivatives.

MAJOR IMPACT PROJECT means a land use change classified as a Major Impact Project pursuant to Article 7: *Major Impact Projects.*

MANUFACTURE means to make or process a raw material into a finished product.

MANUFACTURED HOME means a single family residence that:

- Is partially or entirely manufactured in a factory; and

- Is not less than 24 feet in width and 36 feet in length; and
- Is installed on an engineered permanent foundation; and
- Has brick, wood, or cosmetically equivalent exterior siding and a pitched roof, and,
- Is certified pursuant to the "National Manufactured Standards Act of 1974," 42 U.S.C. 5401 *et seq*: as amended.

MATTER OF STATE INTEREST means an area of state interest or an activity of state interest, or both, as listed in C.R.S. 24-65.1 - 201(1), through -203 (1).

MAXIMUM EXTENT FEASIBLE means that all practical efforts to comply with the regulations or minimize potential harm or adverse impacts have been undertaken and that no feasible and prudent alternative exists. Economic factors may be taken into account but shall not be the overriding or dispositive factor in determining whether no feasible and practical alternative exists in a particular situation.

MINERAL means any inanimate constituent of the earth in either solid, liquid, or gaseous state including coal, oil, natural gas, oil shale, sand, gravel, quarry aggregate, limestone, and metals that, when extracted from the earth, are usable in their natural form or are capable of conversion into usable forms as metals, metallic compounds, chemicals, energy sources, or raw materials for manufacturing or construction. This term does not include surface or ground water subject to appropriation under the laws of the State of Colorado.

MINERAL RESOURCE means a natural deposit of mineral located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools, or otherwise and that, under present or reasonably foreseeable technological and economic conditions, is or will be capable of economic recovery.

MINERAL RESOURCE AREA means any area in Gunnison County in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

MINING EXPLORATION means the excavation of an exploratory shaft, adit or decline, and the removal of a limited amount of material for the purpose of testing. For purposes of this *Resolution*, it does not include exploration carried out underground involving the construction of new, or expanding the dimensions of existing mine workings, or the reopening of underground mine workings by the removal of fixed or permanently fastened caps, or involving the excavation of backfilled shafts or portals, or activity that may alter, destroy, remove or impair any rehabilitation work made in accordance with a reclamation plan approved by the Colorado Division of Minerals and Geology.

MINING OPERATIONS means the commercial development or extraction of a mineral or construction materials, or drilling of oil, gas or other wells for purpose of extraction, and any construction associated with mining, pre-development exploration, including associated blasting operations. The term shall include underground mining, open pit mining, strip mining, surface operations, the disposal of mining wastes, concentration of ores, milling, evaporation, and other processing, mine wastes and tailings, and construction and use of accessory office and storage buildings; and transportation. It does not include the extraction of construction materials used on one or more parcels used for the agricultural operations of a single owner or operator.

MINOR IMPACT PROJECT means those land use changes classified as Minor Impact Project pursuant to Article 6: *Minor Impact Projects*.

MITIGATION means the following actions, prioritized in order of preference:
- **AVOIDING IMPACTS** Avoiding an impact by not taking a certain action or parts of an action; or
- **MINIMIZING IMPACTS** Limiting the degree or magnitude of the action or its implementation, or by changing its location; or
- **RECTIFYING IMPACTS** Repairing, rehabilitating, or restoring the impact area, facility or service; or
- **REDUCING OR ELIMINATING IMPACTS** Reducing or eliminating the impact over time by preservation and maintenance operations; and
- **COMPENSATING FOR IMPACTS** Compensating for the impact by replacing or providing equivalent biological, social, environmental and physical conditions, or a combination thereof.

MOBILE HOME means a detached, single-family residence that has all the following characteristics: It is designed for long-term occupancy and has sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, and that has plumbing and electrical connections provided for attachments to outside systems. It is designed to be transported after fabrication, on its own wheels, or on a flatbed or other trailer, or on detachable wheels. It arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation support or jacks, underpinned and connections to utilities. It exceeds eight feet in width and 32 feet in length, excluding towing gear and bumpers. It is without motive power. It is also referred to as a "single-section" manufactured home, and is designed to be used year-round.

MOBILE HOME COMMUNITY means any parcel of land for which the primary purpose is the placement of mobile homes in a community setting. A mobile home community may be developed either as a conventional "park," in

which lots and/or homes are rented to residents, and/or as a subdivision, in which individual lots may be sold. A mobile home community does not include the use of land for the display and sale of mobile homes.

MOBILE HOME LOT means a plot of ground within a mobile home community designed for the accommodation of one mobile home with its accessory uses.

MUNICIPAL OR INDUSTRIAL WATER PROJECT means a system and all integrated components thereof through which any entity, political subdivision (including any municipality, county, or district) or an industrial user derives its water supply, whether directly or by exchange, and whether from surface or subsurface sources.

MUNICIPALITY means an incorporated statutory or home-rule city or town of the State of Colorado.

MUNICIPAL THREE-MILE PLAN means a master plan adopted by a municipality pursuant to C.R.S. 31-23-206 for the physical development of areas outside its boundaries. Also, see "Three-Mile Plan."

NATURAL HAZARD means a natural phenomenon that so conflicts with construction or land use as to constitute a significant hazard to public health and safety, or to property, including but not limited to, geologic hazards, flood hazards, and wildfire hazards.

NATURAL HAZARD AREA means an area containing or directly affected by a natural hazard as sometimes designated on quadrangle mapped overlays in the Community Development Department, or available in the Gunnison County MIS Department.

NEIGHBORHOOD means an area or locality characterized by similar or compatible land uses, that may be identified by a place name and/or has boundaries composed of major streets, distinct changes in land use and/or land formations, topography or water bodies.

NET EFFECT OR NET IMPACT means the impact of an action after mitigation; includes social, economic, physical, health, biological (including, but not limited to, effects on natural resources and on the structure and function of affected ecosystems), aesthetic, and historical effects.

NONCONFORMING USES means those uses addressed in Section 1-108: *Nonconforming Uses*.

NON-MOTORIZED TRANSPORTATION WAY means that area within a road, whether paved, graveled or otherwise surfaced, suitable for bicycle, wheelchair, pedestrian, and, as applicable, equestrian travel.

NOXIOUS WEEDS means the non-native plant species including certain grasses that have been introduced into an environment with few, if any, natural biological controls, thus giving them a distinct competitive advantage in dominating and crowding out native plant species, and the ability to dominate plant communities to the extent plant diversity and ecosystem integrity is threatened.

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

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

OBTRUSIVELY VISIBLE STRUCTURE means a structure or part of a structure that stands out in the context of its surroundings or that draws attention to itself.

ON-DEMAND HOT WATER PUMP means a recirculating pump that brings hot water quickly to a faucet when needed, is installed between the hot and cold water lines at the faucet farthest from a water heater, and shuts off once hot water has filled the line.

ON-SITE WASTEWATER TREATMENT SYSTEM means an absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or dispersing sewage generated in the vicinity, which system is not a part of or connected to a sewage treatment works.

OPEN SPACE means any open, essentially unimproved parcel or area of land (including, but not limited to, grazing lands) that is specifically set aside, dedicated, designated, or reserved for public or private use or enjoyment for park, agricultural, recreation or conservation purposes, or reserved for such uses and enjoyment by residents and/or the general public.

ORDINARY HIGH WATER LINE OR MARK means the high line of a water body or mudflow established by the fluctuations of water on the flow of mud and indicated by physical characteristics including, but not limited to, a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and the presence of litter or debris.

ORIENTED STRAND BOARD means engineered, mat-formed panel products made of strands, flakes or wafers sliced from small-diameter, round wood logs and bonded with an exterior-type binder under heat and pressure.

- **ORIENTED STRAND BOARD PANELS** means layered mats of oriented strand boards; exterior or surface layers consisting of strands aligned in the long panel direction; and inner layers consisting of cross- or randomly-aligned strands.

PARCEL means a tract or lot of land. Also, see "Legal Lot."

PARK means a public or private parcel of land devoted primarily to outdoor recreation or scenic purposes.

PARKING AISLE means the traveled way by which cars enter and depart parking stalls or spaces.

PARKING AREA means an area other than a road or alley that is permanently reserved and maintained for the parking of motor vehicles on a temporary (daily or overnight) basis.

PASSIVE SOLAR SPACE HEATING means a heating system that includes all of the following:

- The use of integral building components to capture the sun's energy; and
- A means of collection of the sun's energy; and
- Absorption of the solar gain into a mass capable of storing the heat such as concrete, rock or water; and
- Control of the system by convective venting, circulating fans or shading.

PERMANENT POPULATION means the permanent population of Gunnison County, as determined by the State of Colorado.

PERMIT means any written authorization issued by Gunnison County and recorded by a document in the Office of the Gunnison County Clerk and Recorder or otherwise issued by the appropriate County Department, or issued in accordance with the requirements of Colorado or federal agencies.

PERSON/PERSONS means any individual, partnership, corporation, association, company, or other public or corporate entity, including the state or federal governments, and any of their political subdivisions, agencies, instrumentalities.

PIPELINE means any conduit or pipe and appurtenant facilities especially designed for, or capable of, transporting water, or gas or other petroleum derivatives.

PLANNING COMMISSION means the Gunnison County Planning Commission.

COMMUNITY DEVELOPMENT DEPARTMENT means those employees of Gunnison County who have been designated by the ~~Board~~BOCC to implement, administer, and enforce the requirements of this *Resolution*.

COMMUNITY DEVELOPMENT DIRECTOR means the Director of the Gunnison County Community Development Department or his/her authorized designee.

POLLUTANT means a material or substance that contaminates air, soil or water.

POPULATION CENTERS means the communities of Somerset, Ohio City, Almont or Crested Butte South and the incorporated municipalities of Gunnison, Crested Butte, Mt. Crested Butte, Pitkin or Marble.

POWER PLANT means any electrical energy generating facility including, but not limited to, pumped storage facilities with a generating capacity of ten megawatts or more, and any facilities appurtenant to any existing power plant, or any addition thereto, increasing the existing design capacity of the facility by ten megawatts or more.

PRIMARY STRUCTURE means the chief or principal structure. In the case of multiple residences or mixed-use structures, the largest residence.

PRIMARY USE means the primary purpose or function for which a parcel is used.

PRIVATE POWER PROJECT means a complex of structures, machinery and associated equipment for generating electricity or providing natural gas or other petroleum derivatives, that is not part of a public utility.

PROJECT means any activity that is a land use change. (Also, see "Land Use Change.")

PROPOSED SPECIAL DEVELOPMENT PROJECT means a development including all of its components and associated elements, as defined in the *Gunnison County Special Development Projects Regulations*.

PUBLIC HEARING means a public meeting, conducted by the applicable body pursuant to Sections 3-112: *Notice of Public Hearing* and 3-113: *Conduct of Public Hearing*, with the principal purpose of receiving testimony or public comment on a specific application or issue.

PUBLIC MEETING means any meeting open to the public that meets the requirements of C.R.S. 24-6-401 *et seq*.

PUBLIC ROAD means the following; the status of a road as a public road does not require nor imply that the

~~Board~~BOCC shall maintain, repair or snowplow it:

- All roads over private lands dedicated to the public use by deed to that effect, filed with the Office of the Gunnison County Clerk and Recorder when such dedication has been accepted by the ~~Board~~BOCC; and
- All roads over private or other lands dedicated to public uses by due process of law, including a subdivision plat approved by Gunnison County and recorded in the Office of the Gunnison County Clerk and Recorder; and
- All roads over private lands that have been used adversely without interruption or objection on the part of the owners of such lands for 20 consecutive years; and
- All toll roads or portions of them that may be purchased by the ~~Board~~BOCC from the incorporators or charter holders of them, and thrown open to the public; and
- All roads over the public domain, whether agricultural or mineral.

PUBLIC SERVICES AND FACILITIES means those services and facilities provided by a public entity or public utility (including, but not limited to, any municipality, county, or special district) including, but not limited to, roads, trails, schools, wastewater treatment, water treatment and distribution, solid waste disposal, storm drainage, health care, law enforcement, fire protection, emergency medical services, social services, recreational services, libraries, and government and administrative services, facilities, and personnel, cultural facilities, public transportation, electric, gas, and telephone utilities.

PUBLIC UTILITY has the meaning set forth at C.R.S. 40-1-103.

PUBLIC WORKS DIRECTOR means the Director of the Gunnison County Public Works Department or his/her authorized designee.

QUALIFIED HOUSEHOLD means a household that earns less than 120 percent of the AMI as qualified by the Gunnison County Housing Authority.

RADON MITIGATION means the installation of a vapor diffusion retarder and connection to the vent pipe in a structure.

- **RADON MITIGATION, ROUGH-IN** means the installation of a vent pipe from a crawl space up through the roof of a structure.

RANCHING means the practice of raising cattle, horses, sheep, and other livestock in a manner traditional to Gunnison County, and all associated activities, including, but not limited to, irrigation, raising of associated crops, and storage. Ranching shall not include large confined animal feeding operations of a scale not traditionally found in Gunnison County.

RECLAMATION means the construction of topographic, soil and plant conditions after disturbance, which may not be identical to the site before it was disturbed, but which permits the disturbed site to function adequately in the ecosystem of which it was and is a part.

RECORDED, OR RECORDATION means recorded with the records of the Office of the Gunnison County Clerk and Recorder.

RECREATION, ACTIVE means leisure-time activities that are typically of a formal nature and are performed with others, usually requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, PASSIVE means leisure-time activities that involve relatively inactive or less energetic activities, including, but not limited to, walking, sitting, picnicking, nature observation, sun-bathing, card and board games.

RECREATIONAL DEVELOPMENT means any development whose primary purpose it is to serve a tourist or other recreational clientele, whether as a destination or day-use facility, long or short-term, and whether it is single or multiple-use in nature.

RECREATIONAL VEHICLE means a vehicle primarily designed as temporary living quarters for recreational, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle including a travel trailer, camping trailer, truck camper, and motor home.

RECREATIONAL VEHICLE PARK means a parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

RECYCLED CONTENT SIDING OR ROOFING means roof materials that contain high percentages of recycled content.

RECYCLED CONTENT SHEATHING means oriented strand board used for sheathing.

RECYCLED INSULATION means insulation material that includes recycled material including, but not limited to,

cotton or rock wool insulation.

RECYCLED PLASTIC DECK MATERIAL means material made from recycled polyethylene plastic such as milk jugs and other bottles.

REHABILITATION means the process of making an ecosystem healthy again after a disturbance, and involves the recovery of ecosystem functions and processes in a degraded habitat. Rehabilitation does not necessarily reestablish the site to its predisturbed condition, but does involve establishing geologically and hydrologically stable landscapes that support the natural ecosystem.

RESIDENCE means a structure or any part of a structure designed for residential purposes having one or more rooms, not more than one kitchen, and at least one bathroom, that is designed for long-term occupancy by one or more persons for living and sleeping purposes, and that may or may not be placed on a permanent foundation. In addition, residences includes factory-built housing, and alternative construction including, but not limited to, yurts, tepees, or plastic units that comply with the requirements of this *Resolution*, and, as applicable, with standards of the applicable building code, adopted and amended by Gunnison County. Vehicles, excluding mobile homes, but including recreational vehicles, shall not be considered to be habitable residences.

- **DETACHED SECONDARY RESIDENCE** means a secondary residence that is physical separate from the primary residence.
- **DUPLEX** means a single building that contains two residences.
- ~~**INTEGRATED SECONDARY RESIDENCE** means a secondary residence that is structurally integrated within, and has an internal access to a single family residence.~~
- **MULTIPLE-FAMILY RESIDENCE** means a building that contains three or more residences, but not including hotels, motels, or lodges.
- **PRIMARY RESIDENCE** means the largest single-family residence on a parcel.
- **SECONDARY OR ACCESSORY RESIDENCE** means a residence that is an accessory structure to a primary residence, except this shall not include a secondary structure intended only for sleeping, pursuant to *Section* 9-101: *Uses Secondary to a Primary Residence*.
- **SINGLE-FAMILY RESIDENCE** means a building that contains one residence.

RESIDENTIAL LIVING AREA means one single-family residence, or any combination of a primary single-family residence, an integrated secondary residence, and/or a detached secondary residence allowed by Section 9-101: *Uses Secondary to a Primary Residence.*

RESORT (INCLUDING INNS, LODGES, DUDE RANCHES AND GUEST RANCHES) means those establishments used for housing and providing either organized entertainment or recreational opportunities for overnight lodging, generally several nights in duration. This type of facility either provides all recreational opportunities on-site, or as part of an organized or duly licensed and/or permitted recreational activity on public or private lands in the vicinity of the inn, lodge or guest ranch.

RESTORATION means the reestablishment of a structure and function of an ecosystem after a disturbance. Ecological restoration is the process of returning an ecosystem as closely as possible to the conditions and functions before it was disturbed.

RETENTION means the practice of holding or directing storm water except that portion evaporated or bypassed in an emergency, in or to a given area so that all the storm water will be infiltrated into the subsoil.

RETENTION POND means a recharge basin that is designed to infiltrate all of the storm water it receives and that normally has no outflow.

RETENTION STRUCTURE means a permanent structure that provides for the storage of storm water run-off by means of a permanent pool of water.

REVIEW AGENCIES means any agencies or persons who, in the opinion of the Community Development Department, Planning Commission, or the ~~Board~~BOCC, may be affected by a proposed land use change, or from whom it is reasonably necessary to request relevant information or analysis concerning the potential impacts of the land use change. These agencies include:

- The applicable school district;
- Any community or municipality likely to be affected by the proposal;
- Utility, local improvement and service districts, and ditch companies, when applicable;
- The Colorado State Forest Service
- The United States Forest Service, Bureau of Land Management, or National Park Service, when applicable;
- The appropriate local Natural Resources Conservation Office/Soil Conservation Service Board;
- The Colorado Department of Public Health and Environment;
- The Colorado ~~Division of Minerals and Geolog~~Geological Survey~~y~~;

- The Colorado Division of Reclamation, Mining, and Safety;
- The Colorado Division of Water Resources;
- The Colorado Division of Parks and Wildlife;
- The Colorado Department of Transportation;
- The Gunnison County Trails Commission;
- The Gunnison County Historic Preservation Commission;
- The Gunnison County Emergency Services Office; and
- Other agencies, entities, and groups that the Community Development Department, Planning Commission, or ~~Board~~BOCC may deem advisable.

RIDGELINE means the horizon line at the crest or shoulder or top of a ridge, hillside, or mesa at which the natural ground and the sky appear to meet when viewed from any point on a ridgeline vantage, pursuant to Section 11-108: *Standards for Development on Ridgelines.*

RIPARIAN AREA means the area located between the water's edge of aquatic ecosystems (rivers, lakes, streams, ponds, springs and seeps) and upland areas, whose soils tolerate a high water table, provide sufficient moisture in excess of that otherwise available locally, and provide a moister habitat than that of contiguous floodplains and uplands. Riparian areas include groups of plants, animals and aquatic communities whose presence is either directly or indirectly attributed to water-influenced or water-related factors. Areas exempt from this definition are manmade agricultural structures and devices including irrigation ditches, sprinklers, and artificial ponds.

RIVERINE means relating to, formed by, or resembling a river (including tributaries), stream, brook or other watercourse.

ROAD, HIGHWAY, STREET OR TRAIL means an open way reserved for the passage, generally, of people, vehicles, animals and goods and includes trails and non-motorized ways.

ROAD AND BRIDGE CONSTRUCTION SPECIFICATIONS, GUNNISON COUNTY means the *Gunnison County Standards and Specifications for Road and Bridge Construction*, as it may be amended.

ROADBED means the graded portion of a highway, usually considered as the area between the intersections of top and side-slopes, upon which the subbase, base course, surface course and shoulders are constructed. Divided highways are generally considered to have two roadbeds.

ROAD CONSTRUCTION means construction, enlargement, or relocation of a road.

RUN WITH THE LAND means passing with the transfer of the land.

RURAL means the character of an area that is primarily agricultural, low-density residential, unimproved and open.

SALVAGE (OR JUNK) YARD means an area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, rubber tires and recyclable materials. A junk or salvage yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

SATELLITE DISH DEVICE means a device for the reception or transmission of satellite signals, including, but not limited to, television, radio, telemetry, data communication, or any other signals that use free air space as a medium, whether for commercial or private use.

SCREENING means the general landscaping, vegetation, fencing or other design feature(s) used to mitigate or eliminate the visual impact of one land use from another.

- **FULLY SCREENED** means that a structure or other land use is not visible when viewed from a specified vantage point.

SEASONAL USE means use limited to those months when snow normally is not on the ground in Gunnison County, that is, the months of May through October inclusively.

SECONDARY USE. See definition of "Accessory or Secondary Use."

SENSITIVE AREAS means those areas identified by the ~~Board~~BOCC that contain, or in which activity will have a significant impact on, human, historical, natural, environmental, cultural or archeological resources of great significance; a sensitive area shall be a specific geographic location that is defined with specific boundaries.

SERVICE AREA means the primary geographic area to be served by a proposed Project.

SERVICE LINE means a line whose principal purpose is to provide utility service to an individual customer or customers, from the distribution line or system to the point of common coupling between the utility and customer system. In electrical and gas utilities, the point of common coupling is generally the utility meter.

SETBACK means the required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line as measured perpendicular to that lot line.

SIGHT DISTANCE TRIANGLE means the area on any corner parcel, where an area is kept clear of structures, fences or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting road, highway or driveway.

SIGN means any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. A sign includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matter is made visible, but does not include a vehicle on which the name of a business appears, nor does it include the use of barns for inscription of a family name or brand, nor the normal painting of a residence. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to support a sign.

- **CLUSTER SIGN** means any sign identifying a business, commercial or industrial use and that provides one space per each business entity within the development to display an off-premise sign.
- **DIRECTIONAL SIGN** means any off-premise sign that directs the movement or placement of pedestrian or vehicular traffic to the subject use.
- **FLASHING SIGN** means any directly or indirectly illuminated sign either stationary or animated that exhibits changing natural or artificial light or color effects.
- **GROUND SIGN** means a sign supported by poles, uprights or braces extending from the ground but not attached to any part of a building.
- **ILLUMINATED SIGN** means a sign lighted by or exposed to artificial lighting, either by lights that are part of the sign, or by lights directed toward the sign.
- **OFF-PREMISE SIGN** means a sign advertising a business, product or service not on the parcel of land on which the sign is located.
- **WALL SIGN** means a sign attached to, painted on, or erected against a wall or roof of a building or other structure that extends no more than 18 inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building and does not exceed the height of the building on which it is mounted.

SIGNIFICANT means of considerable or substantial consequence.

SIGNIFICANT NET ADVERSE EFFECT/IMPACT means an impact of an action, after mitigation, which is considerable or substantial, and unfavorable or harmful; includes social, economic, physical, health, aesthetic and historical impacts, and biological impacts including but not limited to, effects on natural resources or the structure or function of affected ecosystems.

SITE DISTURBANCE means activity that changes the surface of a site, including, but not limited to, grading, tree-cutting, removal of vegetation, and cutting and filling of materials.

SITE PLAN means an accurately scaled development plan that illustrates the existing conditions on a land parcel and graphically and visually depicts the details of a proposed development. (Illustrated in Appendix Figure 1: *Site Plan Example*.)

SITE-SPECIFIC DEVELOPMENT PLAN (SSDP) means a plan describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of land that has received a Land Use Change Permit from Gunnison County.

SLOPE means the gradient of the ground surface. Slope is determined by dividing the horizontal distance or "run" of the slope into the vertical distance or "rise" of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, a slope must involve an elevation change of at least ten feet within a horizontal distance of at least 30 feet.

SOLAR-GENERATED ELECTRICITY means the production of electric current in a solid material with the aid of sunlight by direct conversion of light into electricity by use of photovoltaic (PV) cells.

SOLAR HOT WATER HEATING SYSTEM, ACTIVE means a heating system that employs pumps and controllers to capture solar energy that includes all of the following:

- Collector(s) to capture solar energy; and
- Circulation system to move a fluid between the collectors to a storage tank; and
- Storage tank; and
- Backup heating system; and,
- Control system to regulate the overall system operation.

SOLAR HEATING SYSTEM, PASSIVE means a passive system to capture solar energy that uses natural convection or water pressure to circulate water through a solar collector to a storage tank or to the point of use.

SOLID-FUEL-BURNING DEVICE means a device designed for the combustion of solid fuels including, but not limited to, wood, coal, pulp, paper, pellets or similar nonliquid or non-gaseous materials so that usable heat is derived for the interior of a building, and includes solid-fuel-burning stoves, fireplaces or wood stoves of any nature, combination fuel furnaces or heaters that burn solid fuel, or any other device used for the burning of solid combustible material.

- **APPROVED NON-SOLID FUEL BURNING DEVICE** means a device that burns a non-solid fuel including natural gas, liquefied petroleum (LP), fuel oil, or similar fuel that has been approved by Underwriter's Laboratory, International Approval Services (IAS) or other approved laboratories. This includes gas logs permanently installed in a traditional open fireplace.
- **APPROVED SOLID FUEL BURNING DEVICE** means a device that is designed or intended to burn solid fuel and that is certified to meet the EPA Phase II particulate emissions rate standard by the U.S. Environmental Protection Agency, or is certified to meet those standards by a testing laboratory accredited by the EPA, or is approved by the Colorado Air Quality Control Commission.

SPECIAL DEVELOPMENT PROJECT RESOLUTION means the *Gunnison County Regulations for Special Development Projects*, as they may be amended.

SPECIAL EVENT means a use or activity that occurs at a location not otherwise permitted for the use or activity, and at which 200 or more persons may gather, or that will attract more than 50 vehicles per day, or that have the potential to create significant net adverse impacts in terms of traffic, water or air quality, noise, lighting, and similar matters. Such uses or activities may be allowed on a non-permanent or temporary basis, upon individual review of their proposed nature, location, duration, impact, and compatibility with neighboring uses and activities. Examples of special events include outdoor concerts, athletic competitions, religious revivals, movie productions, and other types of group or mass gatherings. Funerals and weddings are excluded from this definition, except when weddings are conducted regularly or frequently at a site, or where a property owner or lessee is compensated with a site fee, they shall not be defined as special events, and the site on which the weddings are conducted shall be required to obtain a Land Use Change Permit for a commercial use.

Commented [HS2]: This addition would be beneficial for enforcement.

SPECIAL GEOGRAPHIC AREA, OR SPECIAL AREA means a particular geographic basin or other land area subject to specialized land use regulations and as approved by the ~~Board~~BOCC pursuant to Section 1-110: *Process for Designation of Special Areas*.

SPRAWL means haphazard development located beyond municipal boundaries and generally characterized by:

- Inefficient, conspicuous consumption of raw land, typically built at low densities resulting in conflict with established rural land use patterns; or
- Failure to use existing infrastructure in favor of new facilities; or
- Location outside existing service areas, disrupting continuity and heightening demand and associated costs for services; and
- Heavy dependence on automobiles as opposed to mass transit or other non-auto related transportation modes.

SQUARE FEET means the measurement of square footage as established by the applicable building code adopted and amended by Gunnison County.

STABLE, RENTAL means a facility where animals including horses, ponies, mules, burros, donkeys or llamas are rented to the general public for recreational purposes.

STOCK DRIVE ROUTES means routes over private or public land, including, but not limited to, public roads or highways that are regularly used to move livestock from one location to another by means of driving or herding such livestock.

STORAGE SHED means a detached secondary structure used for storing goods, not intended for human habitation, or the keeping of livestock.

STORM WATER means the flow of water that results from and that occurs immediately following a rainfall event.

STRIP (LEAPFROG) DEVELOPMENT means the irregular development of land in the County, including intensive development adjacent to roadways or other geographical features, as well as sprawl or leapfrog development.

STRUCTURE means anything constructed or erected, that requires location on the ground, or is attached to something having location on the ground, including portable shelters for human habitation or use, recreational vehicles and tents, storage, transmission or distribution facilities or public utilities, but not including transmission lines of less than 45 kilovolt capacity, or fences.

SUBDIVISION OR SUBDIVIDED LAND means any parcel of land that is divided into two or more parcels, separate

interests, or interests in common, or is to be used for condominiums, townhomes or townhouses, apartments, or any other multiple-dwelling units, unless the previous subdivision of such land was accomplished pursuant to a Land Use Change Permit that complied with the requirements of this *Resolution*, or the County's land use regulations in effect at that time, with substantially the same density; or unless expressly exempted within this definition. As used in this definition, "interests" includes any and all interests in the surface of land but excludes any and all subsurface interests.

The terms "subdivision" and "subdivided land" shall not apply to any division of land that creates parcels of land each of which comprises 35 or more acres of land and none of which is intended for use by multiple owners.

Unless the method of disposition is adopted for the purpose of evading the statutes of Colorado or this *Resolution*, the terms "subdivision" and "subdivided land" shall not apply to any division of land:

- That creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in 35 or more acres per interest;
- That is created by any court in Colorado pursuant to the law of eminent domain, or by operation of law, or by order of any court in Colorado if the ~~Board~~BOCC is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of the statutes of Colorado or this *Resolution* before entry of the court order; and, if the ~~Board~~BOCC does not file an appropriate pleading within 20 days after receipt of such notice by the court, then such action may proceed without the County's participation;
- That is created by a lien, mortgage, deed of trust, or any other security instrument;
- That is created by a security or unit of interest in any investment trust regulated under the laws of Colorado or any other interest in an investment entity;
- That creates cemetery lots;
- That creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;
- That is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for purposes of this *Resolution* as only one interest;
- That is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than 35 acres in land area, only one interest in that land shall be allowed. If the resulting parcel is greater than 35 acres in land area, that land area, divided by the number of interests in the resulting parcel, must result in 35 or more acres per interest. Easements, licenses and rights-of-way shall not be considered interests for purposes of this subparagraph.
- That is created by a contract concerning the sale of land that is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this *Resolution* and any other applicable County regulations, the land that he/she is to acquire pursuant to the contract;
- That creates a cluster development as defined by C.R.S. 30-28-401, *et seq*.

The ~~Board~~BOCC may, pursuant to rules and regulations or resolution, exempt from this definition any division of land if the ~~Board~~BOCC determines that such division is not within the purposes of this *Resolution*, pursuant to C.R.S. 30-28-101 (10) (d).

APPROVED SUBDIVISION means a subdivision that has been approved by the ~~Board~~BOCC.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

STATION means any facility designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity.

TANKLESS HOT WATER HEATER means a hot water heating system that heats water on demand, and stores no hot water.

TECHNICAL MODIFICATION means a minor deviation of not more than ten percent from any minimum or maximum numerical standard of this *Resolution*, pursuant to Section 8-101: *Technical Modifications*.

TEMPORARY SHELTER means a structure without any foundation or footings, that is located for a fixed period on the same site as a residence that is under construction to house the owner of the property temporarily, and is removed immediately after the permanent structure is completed.

TEMPORARY USE means a use that is limited in scope, duration, and frequency.

THREE-MILE PLAN means a master plan adopted by a municipality pursuant to C.R.S. 31-23-206 for the physical development of areas outside its boundaries.

TIER 1 HABITAT means seasonally important Sage-grouse habitat defined in the Rangewide Conservation Plan 2005, by the Gunnison Basin Gunnison Sage-grouse Habitat Prioritization Tool as having a score of +15 or higher.

TIER 2 HABITAT means Sage-grouse habitat defined by the Gunnison Basin Gunnison Sage-grouse Habitat Prioritization Tool as having a score of +14 or lower.

HABITAT PRIORITIZATION TOOL means the modeling methodology adopted by the Gunnison Basin Sage-grouse Strategic Committee (2012) to map Gunnison Sage-grouse habitat types and provide comparative numerical scoring of those habitats. The Habitat Prioritization Tool is maintained by the Gunnison County Geographic Information Systems (GIS) Department.

TIMBERLINE means the elevation on a particular parcel beyond which trees do not grow except sparsely or as stunted forms.

TOWNHOUSE OR TOWNHOME means a residence attached to other residences with one or both sides sharing common walls, depending on whether the unit is in a center or end position, erected as single buildings on adjoining lots, each residence being separated from the adjoining unit or units by a party wall or walls extending from the basement floor to the roof along the dividing lot line. Townhomes can be grouped together as small units, such as duplexes or triplexes, or they can be parts of a larger complex.

TRACT means a parcel or lot of land. Also, see "Legal Lot."

TRAIL means an open way reserved for the passage, generally, of people, non-motorized vehicles, animals and goods.

TRANSMISSION LINE means a line and related facilities whose primary purpose is the delivery of electric power, oil, water, natural gas, telephone, cable television, or similar amenities or services in bulk to all or a part of a distribution line or system that serves individual customers, except that an electrical transmission line shall be defined as the line and related facilities whose primary purpose is to deliver electrical power whose voltage is greater than 45 kv.

URBAN SERVICE AREA OR URBAN GROWTH AREA means an area adjacent to an incorporated municipality that has been designated by such municipality, and accepted by resolution of the County, as an area within which the municipality will or may provide utility or other services upon compliance with applicable municipal ordinances.

USE means the purpose for which any parcel of land, building, or structure is designed, maintained, occupied, or used.

VAPOR-PERMEABLE INFILTRATION BARRIER means a vapor-permeable air barrier wrapped around the exterior of a house and made of materials including but not limited to polyolefin fabric wrap on sheathing, pressed cardboard and pleated polystyrene with paper facings.

VEHICLE STACKING AREA means a queuing area made up of individual stacking spaces for motorists who remain in their vehicles awaiting service at a drive-thru window or a gasoline pump.

VIEWSHED OR VIEW CORRIDOR means areas of significant visual value that may include foreground areas (including, but not limited to, irrigated meadows, or undeveloped bank areas of reservoirs and lakes), ridgelines, or butte and mountain tops, and hillsides or buttes in front of mountain backdrops.

WARMING HUTS/ OR WAY STATIONS means a shelter from adverse weather conditions or overnight layovers on longer trips, not intended for extended stays or permanent residential occupancy.

WASTEWATER RECYCLING means the treatment of wastewater in a manner that will restore its quality to the water supply standard established by the Colorado Department of Health where permissible by Colorado water law.

WASTEWATER (SEWAGE) TREATMENT SYSTEM means a system or facility for treating, neutralizing, stabilizing or disposing of sewage, which system or facility has a designed capacity to receive more than two thousand gallons of sewage per day. A wastewater treatment system designed to receive more than 2,000 gallons of sewage per day shall not be constructed of or include an On-Site Wastewater Treatment System, or collection of such systems. The term "sewage treatment works" includes appurtenances such as interceptors, collection lines, outfall and the outlet sewers, pumping station, and related equipment.

WATER BODY means a perennial or intermittent river, stream, lake, reservoir, pond, spring, or wetland but does not include irrigation ditches, roadway drainage ditches, artificial lakes, ponds, or wetlands that are created and used for the primary purpose of agricultural operations. Water bodies in Gunnison County include but are not limited to the following:

- Anthracite Creek
- East River
- Slate River

- Brush Creek (all locations)
- Carbon Creek
- Carbonate Creek
- Cebolla Creek
- Cement Creek
- Cimarron Creek
- Coal Creek
- Cochetopa Creek
- Copper Creek
- Crystal River
- Farris Creek
- Gold Creek
- Gunnison River (including North Fork and Lake Fork)
- Illinois Creek
- Lottis Creek
- Ohio Creek
- Pine Creek (all locations)
- Quartz Creek
- Red Creek
- Soap Creek
- Spring Creek
- Steuben Creek
- Taylor River
- Texas Creek
- Tomichi Creek
- Washington Gulch
- Willow Creek
- Yule Creek

WATER BODY-RELATED TERMS:

- **HEADCUTTING** means the development and upstream movement of a vertical or near vertical change in stream bed or stream bank slope.
- **HYDROLOGIC BALANCE** means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit including, but not limited to, a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, transpiration, and changes in ground and surface water storage.
- **INTERMITTENT RIVER, STREAM, LAKE, RESERVOIR, POND, SPRING OR WETLANDS** means a water body that normally holds water or flows at least 60 days a year because of ground water discharge or surface runoff.
- **NATURAL WATER BODY** means a water body not created for the purpose of a land use change.
- **PERENNIAL RIVER, STREAM, LAKE, RESERVOIR, POND, SPRING OR WETLANDS** means a water body that normally holds water or flows continuously during all of the year because of ground water discharge or surface runoff.
- **UNSTABLE STREAM BANK** means a stream bank that is subject to failure, collapse, slippage, slumping, seepage, headcutting or significant erosion.

WATER CONSERVATION PLAN means a plan demonstrating that 10,000 gallons of water will be saved annually by use of devices, including but not limited to, low-flow toilets, low-flow shower heads and sprinkler systems that are on timers.

WATER SUPPLY SYSTEM means a system of wells, diversions, pipes, treatment plants, structures and facilities, including impoundments and their associated structures, through which a water supply is obtained, treated to alter the physical, chemical, or bacteriological quality of the water, and sold or distributed for human consumption or residential use, or the system of wells, diversions, pipes, treatment plants, structures, and facilities through which a water supply is obtained that will be used directly, or exchanged for water that will be used for human consumption or residential use.

WATERWAY means a stream, river or creek, or any other natural channel or other topographic feature through which “live” water flows, but does not mean ditches used for agricultural purposes.

WETLAND. means an area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under usual circumstances supports, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

- Wetland areas generally include marshes, bogs, seeps, riparian and similar areas
- Wetland areas do not include artificial wetlands intentionally created from non-wetland areas, including: flood-irrigated agricultural and ranch lands and ranch ponds; irrigation and drainage ditches; grass-lined swales; canals; detention facilities; landscape amenities; and areas in which there are wastewater treatment systems, including treatment ponds and lagoons designed to meet the requirements of the Clean Water Act (33 U.S.C. Sec. 1341), treated water distribution and storage facilities or treated water that otherwise meet the criteria in this definition However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created for the purpose of mitigating loss of wetlands, if permitted by the County.

WETLANDS FUNCTIONS. The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and storm waters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; habitat; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities..

WILDFIRE HAZARD AREA means an area where potential wildfire phenomenon is so adverse to past, current or foreseeable construction or development that it constitutes a significant potential hazard to public health and safety or to property. Such areas may be shown on maps pursuant to Section 1-112: C: *Maps To Be Used As References*

- **LANDSCAPE-LEVEL WILDFIRE HAZARD** This scale represents the likelihood (probability) of a fire occurring and the intensity of the fire at the landscape level based on the inherent landscape characteristics, including broad existing vegetation, biophysical settings, fire regimes, and fire histories. The landscape-level hazard assessment is delineated into the following rankings:
    - MODERATE
    - HIGH
    - VERY HIGH

The factors influencing these rankings can be used to determine the potential landscape-level exposure that a development will be subject to. The ranking at this scale is difficult to change at the local/parcel level. Mitigation affecting change at this scale is typically done by large-scale disturbances such as insect mortality, fires, or landscape-level mitigation.

- **LOCAL-LEVEL WILDFIRE HAZARD** This scale is based on an extreme event (worst fire days). This does not show the likelihood of a fire occurring but does show where fires are likely to burn at high intensity. For example, a fire that starts in an area where the local hazard is high can spread fast and burn at high intensity creating significant wildfire exposure to any structures in the area. The same rankings used at the landscape scale are used at this local scale:
    - MODERATE
    - HIGH
    - VERY HIGH

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WILDFIRE-RELATED TERMS INCLUDE:

- **FIRE CHIMNEY** means a steep, narrow drainage or ravine that generally confines smoke and heat along with natural convection currents and thus causes rapid upward increases in fire spread and intensity.
- **FUEL** means vegetation, debris, or other substances that will support combustion in a wildfire hazard area.
- **FUELBREAK** means a strategically-located strip of land that may vary in width, on which vegetation and other fuels have been modified to reduce the rate of potential fire spread, so that fire suppression forces can be used in relative safety to control a wildfire. Examples of fuel-breaks include provision for all-wheel-drive access, greenbelts, open space, forest openings, riding and hiking trails, and underground utility corridors.
- **LADDER FUELS** means fuels arranged between two separate fuel layers, including between the forest floor and tree canopies that provide vertical continuity, and thereby support fire spread in a vertical direction.
- **SLASH** means vegetative debris left after cutting or clearing operations in forest or brush areas that require treatment to reduce wildfire hazard.

WILDLAND URBAN INTERFACE (WUI) means any developed area where conditions affecting the combustibility of both wildland and built fuels allow for the ignition and spread of fire through the combined fuel complex. The WUI is illustrated in the CPAW map titled, “Gunnison County Wildland Urban Interface.”

- **WUI Intermix**: Areas with ≥1 house per acre and ≥50 percent cover of wildland vegetation. These areas have a potential for exposure to radiant and convective heat, as well as airborne embers.
- **WUI Interface**: Areas with ≥1 house per acre and ≤50 percent cover of vegetation and within 1.5 mi of area with >= 75% wildland vegetation.
- **Non- WUI Vegetated** (no housing): Areas with ≥50 percent cover of wildland vegetation and no houses (e.g., protected areas, steep slopes, mountain tops).

WILDLIFE means native or introduced wild vertebrates.

- **CRITICAL WILDLIFE HABITAT AREA** means an area identified as the habitat for species listed by the U.S. Fish and Wildlife Service or the Colorado Division of Parks and Wildlife as threatened or endangered, or are candidates for those listings.
- **SENSITIVE WILDLIFE HABITAT** means a natural or manufactured environment that contains the elements of food, shelter, water, and space in a combination and quantity necessary to sustain one or more wildlife or plant species at stable population levels in historically-used habitats. Sensitive wildlife habitat areas include, but are not limited to, nesting, brood rearing areas; rookeries; leks; migration corridors, calving and fawning grounds for big game; critical winter range for big game and for sage grouse.

WIRELESS TELECOMMUNICATIONS DEVICES means any device used to provide wireless telecommunications services, whether the device is affixed or mounted onto a building or other structure that is used for some other primary purpose, or is a freestanding structure, building, pole, tower, or antenna used solely to provide wireless telecommunications services.

WORKFORCE means persons who are employees in Gunnison County whose household incomes are categorized as low income (i.e., a household whose annual income does not exceed 80 percent of the area median income as published annually by the U.S. Department of Housing and Urban Development) or moderate income ((i.e., a household whose income is between 81 percent and 120 percent of the area median income as published annually by the U.S. Department of Housing and Urban Development).

WORKFORCE HOUSING FEE means that fee enacted by Gunnison County and assessed to certain new

construction in the unincorporated areas of the County, based upon the number of new employees generated by it.

YARD means that unoccupied open area between any building or other structure and the nearest lot line or property boundary, or the boundary of a designated building envelope.

XERISCAPE means landscaping that includes but is not limited to the following:

- Use of low-water demanding plants and turf;
- Grouping plants with similar water and cultural requirements (such as sun and climate) together on the same irrigation zones;
- Limiting the use of high-irrigation turf and plantings to high-use areas with high visibility or functional needs;
- Use of efficient irrigation systems;
- Use of temporary mulches.

ZERO LOT LINE DEVELOPMENT means a development in which a residence is located on one side of a lot line and/or on the rear lot line of the subject lot. The reduced setback results in an equal amount of setback increase on the opposite side of the lot line.

ARTICLE 3: GENERAL REVIEW PROCESS

SECTION 3-101: PURPOSE

The purpose of this Article is to establish the review process, application submittal requirements and review standards that apply to each type of application regulated by this *Resolution*, including Land Use Change Permits for Administrative Review Projects and Minor and Major Impact Projects. Processes to allow some alteration of plans (Section 8-101: *Technical Modifications*), relief from potential takings and to appeal decisions also are included in this Article.

SECTION 3-102: OVERVIEW

A. RELATIONSHIP OF GENERAL REVIEW PROCESS TO PARTICULAR APPLICATIONS. Appendix Figure 3: *General Review Process for Land Use Change Permit* illustrates how a Land Use Change Permit application progresses from submittal to completion. Appendix Table 1: *Summary of Review Processes* summarizes how certain processes apply to each type of County-regulated Land Use Change Permit application; describes whether attending a Pre-Application Conference is mandatory or optional for each type of application; identifies which recommending and/or decision-making body is authorized to review, act on, and hear appeals for each type of application; and whether a public hearing is required.

B. OTHER SPECIFIC COUNTY PERMIT PROCESSES. Processes for other County permits regulated by this *Resolution*, such as Sign Permits, Outdoor Vending or Long-Term Camping Permits and procedures for variances from specific requirements are located in the sections of this *Resolution* to which they are relevant.

C. LAND USE CHANGES WITHIN MUNICIPAL THREE MILE PLAN AREAS. 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.

D. INITIAL CLASSIFICATION OF IMPACT AND REASONS FOR A HIGHER LEVEL OF REVIEW. If the Community Development Department determines during review of the application for a Land Use Change Permit, including a Building Permit, that the proposed use exceeds the initial classification criteria listed in Section 4-102: *Projects Classified as Administrative Review Projects That Do Not Require Land Use Changes Permits*, Section 5-102: *Projects Classified as Administrative Review Projects That Require Land Use Change Permits*, or Section 6-102: *Projects Classified as Minor Impact Projects*, the criteria detailed in Section 3-111: B. 1: *Additional Criteria* shall be considered and the appropriate review process and submittals for an Administrative Review Project, or a Minor or Major Impact Project shall be required.

SECTION 3-103: INTENT TO NOT DUPLICATE OTHER PERMIT PROCESSES OR REQUIREMENTS

Gunnison County intends to avoid duplicative regulatory submittals or processes. Processing of applications for permits generally proceeds concurrently with other required state or federal agency permitting processes.

SECTION 3-104: COORDINATION WITH STATE OR FEDERAL ACTIONS AND COUNTY PERMIT PROCESS

So that the County will have the benefit of the analysis and technical expertise of other entities, the County, in its review of a Land Use Change Permit application, may consider information available in an Environmental Assessment (EA), an Environmental Impact Statement (EIS), or other permit required a state or federal agency. To maximize use of that information without unnecessary delay of review, the following process is required of such applications:

A. NOTIFICATION TO COUNTY BY APPLICANT. 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. PUBLIC HEARING TO IDENTIFY ISSUES TO STATE OR FEDERAL AGENCY. The Planning Commission and/or ~~Board~~BOCC shall conduct a public hearing to "scope" a proposal for which an EA or EIS is required, to hear public comment and to identify issues that it believes appropriate to be addressed during any permitting process. Notice and conduct of the public hearing shall be accomplished pursuant to Section 3-112: *Notice of Public Hearing* and Section 3-113: *Conduct of Public Hearing*.

1. **MINOR IMPACT PROJECTS THAT REQUIRE EA OR EIS**. For Minor Impact Projects, the process of scoping shall occur concurrently with the public hearing Minor Impact Project review.
2. **MAJOR IMPACT PROJECTS THAT REQUIRE EA OR EIS**. For Major Impact Projects, the process of scoping shall occur concurrently with the hearing conducted during the Sketch Plan review.

C. SUBMITTAL OF INITIAL LIST OF ISSUES TO FEDERAL AGENCY. Within 35 days of the close of the public hearing, the Planning Commission or ~~Board~~BOCC shall consider the public comments made at the hearing, incorporate them into an initial list of issues of County interest regarding the proposed Project, and forward the list to the applicant and appropriate state and/or federal agency. The comments are preliminary in nature, and may change significantly, as a Project is more clearly defined in later stages of the development review process.

D. DELAY OF COUNTY DECISION. Final action by the County on a Land Use Change Permit application may be delayed until 30 days after the EA, EIS or other permit by a state or federal agency is issued unless otherwise agreed upon by the applicant and the decision-making body, and only if the applicant has applied for the required Land Use Change Permit within 60 days after applying for the required state or federal permit.

SECTION 3-105: WITHDRAWN AND INACTIVE APPLICATIONS

A. WITHDRAWAL OF APPLICATION BY APPLICANT. The applicant may withdraw an application at any phase of the process by submitting a notarized written request to the Community Development Department.

B. INACTIVE APPLICATIONS. An application that has become inactive because an applicant is required to submit additional information and has failed to do so for a period of more than six months from when it was requested shall become void and the resubmittal of a new application and fees shall be required. The Community Development Director may grant one extension of time, of no more than six months, for good cause shown, upon a notarized written request by the applicant, prior to the end of the initial six month period.

1. **TAXES TO BE PAID**. Any permit application that has been placed on inactive status shall not be reactivated until the applicant provides to the Community Development Director 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.

SECTION 3-106: PHASING OF PROJECTS

A. LAND USE CHANGES MAY BE PHASED. An applicant may propose that a land use change be designed to occur in phases, and may request that it be permitted by individual phases, so long as each phase complies with all applicable requirements of this *Resolution*. The County may require a land use change to be designed to occur in phases, if phasing is necessary or appropriate for it to comply with all of the applicable requirements of this *Resolution*.

B. EACH PHASE TO PROVIDE IMPROVEMENTS. If the land use change is to be developed in phases, each phase shall contain the required roads, utilities, landscaping, and other improvements required by the County in its approval. If the land use change incorporates any amenities for the benefit of the public, including trail connections, these shall be constructed within the first phase of the Project, or, if this is not possible, then as early in the Project as is feasible.

C. TIMING OF PHASES.

1. **MAJOR IMPACT PROJECTS.** For phased Projects that are Major Impact Projects, all uses and their locations proposed in the application shall be addressed and reviewed through Preliminary Plan approval; Final Plan submittals for individual phases then may be sequentially reviewed and approved.
2. **MINOR IMPACT PROJECT**. For phased Projects that are Minor Impact Projects, the proposed uses on all the property proposed for development shall be submitted for application review, and each phase shall be subject to new and separate impact classification pursuant to Section 3-111: *Classification of Impact.*

3. **APPROVAL OF SUBSEQUENT PHASE REQUIRES 35 PERCENT COMPLETION OF PREVIOUS PHASE.** The approval of each phase of a development after the first phase shall occur only after 35 percent of the previous phase has been constructed.

   a. **DETERMINATION OF PERCENTAGE OF CONSTRUCTION**. The percentage shall be determined by the number of lots on which homes have been constructed or installed, if the development is a residential subdivision or mobile home community; by the number of apartments, condominiums or townhomes if the development is multiple family residences; and the square footage constructed or acreage in use if the development is industrial, commercial or other non-residential.

   b. **ALL AMENITIES OF PREVIOUS PHASE REQUIRED TO BE INSTALLED**. All roads, utilities, landscaping, and amenities for the benefit of the public for the previous phase shall be installed and approved by the County before the applicant may construct a subsequent phase.

SECTION 3-107: GENERAL APPLICATION REQUIREMENTS

A. APPLICANT. An application for a Land Use Change Permit, Lot Cluster, Correction of Plat, Variance, Technical Modification or other applicable permit described in this *Resolution* shall be submitted by the owner of the property or their authorized agent, or any other person having a recognized interest in the land for which the permit is requested.

1. **APPLICANT IS NOT THE OWNER**. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal. Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process pursuant to this *Resolution*.

2. **APPLICANT IS NOT THE SOLE OWNER.** If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.

B. ADDITIONAL MATERIALS; WAIVER OF REQUIRED CONTENTS. The ~~Board~~BOCC, Planning Commission, Community Development Director, or Board of ~~Adjustments~~Adjustment may reasonably require the applicant to submit additional materials beyond those specified in this Section, as they deem reasonably necessary to aid in the review and impact classification of the application. The Community Development Director may also reasonably waive any of the required application contents that are deemed unnecessary or irrelevant to the review and impact classification of the application.

C. CONSOLIDATION OF PERMIT APPLICATIONS. The County's Land Use Change permitting process is intended to encourage efficient processing of applications. Applicants may request, and the Community Development Director may permit, the consolidated submittal and review of all permit applications related to a Land Use Change Permit application for a parcel of land. The Community Development Director is authorized to reasonably waive any overlapping submittal requirements in the consolidated review.

SECTION 3-108: PRE-APPLICATION CONFERENCE

A. PURPOSE. The Pre-Application Conference is required or optional, as shown in Appendix Table 2: *Summary of Review Process* and can be a meeting, a telephone call, or an exchange of e-mail communications between the applicant, a member of the Community Development Department, and as appropriate, other County staff or staff from other agencies. The purpose of the Pre-Application Conference is to discuss various processes, standards and submittal requirements of this *Resolution*, and/or any intergovernmental agreement, and to provide and explain to the applicant the required application form.

1. **STAFF COMMENTS ARE PRELIMINARY.** Any comments made by a staff person during the conference are preliminary in nature and may change significantly as the Project is more clearly defined in later stages of the development review process.

B. REVIEW AGENCIES. The Community Development Department shall list the agencies to which the application will be sent for review, and on request, will provide the applicant with the names, telephone numbers and addresses of those agencies.

C. WRITTEN SUMMARY. At its discretion, the Community Development Department may issue a written summary of the Pre-Application Conference.

SECTION 3-109: APPLICATION

A. APPLICATION FORM. Except as otherwise required by this *Resolution*, to each of the Permits required by this *Resolution.*

B. ADDITIONAL INFORMATION. Such additional information reasonably required by the Community Development Department as necessary to determine the impact classification or to otherwise aid in the evaluation of the proposed land use change pursuant to the applicable requirements of this *Resolution.*

C. APPLICATION AND REVIEW FEES. In order to compensate the County for the cost of reviewing and processing applications for Land Use Change Permits, each applicant shall pay the fees, as shown in a schedule of fees charged for permits issued by the Community Development Department, adopted and amended from time to time by the ~~Board~~BOCC. 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. **PARTIAL WAIVER.** Upon a finding by the ~~Board~~BOCC that the fees are disproportionate to the actual cost of review, the ~~Board~~BOCC may grant a partial waiver of such fees.

2. **ADDITIONAL FEES.** Application and review fees are intended to cover the County's costs in determining the compatibility of a proposed development with the land use policies and development guidelines contained in this *Resolution*. If the ~~Board~~BOCC determines that the cost of review is likely to exceed such fees substantially, the ~~Board~~BOCC may, after consultation and discussion with the applicant, assess an additional fee. Such additional fee shall be set in an amount that will, as far as can be determined, cover the costs of review of the application including reasonable administrative expenses, additional professional expertise, and overhead expenses. In determining the additional fee, the ~~Board~~BOCC may consider, among other things:

   a. **SECONDARY IMPACT.** The secondary impact that is likely to be associated with the development.

   b. **NEED FOR ADDITIONAL EXPERTISE**. The likelihood that proper review will require the County to retain outside professional assistance either to review the application or to perform original study and research.

   c. **NEED FOR ADDITIONAL STAFF**. The likelihood that additional staff will be required by the County to review the application.

   d. **OTHER AGENCY INVOLVEMENT**. The involvement in the review process by other governmental agencies through a joint review process agreement, federal environmental review or other process.

   e. **EXTRAORDINARY TRANSPORTATION COSTS.** The likelihood that extraordinary travel and transportation costs will be incurred by the County during the review.

SECTION 3-110: COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION REVIEW

A. TECHNICAL REVIEW. The Community Development Department shall conduct a technical review of the submitted draft application to determine completeness; to recommend which review agencies would appropriately be contacted to review and provide expertise and comments about the application; and to identify physical characteristics of the location of the proposed land use change, based upon information available on maps used by the County pursuant to Section 1-112: *Use of Maps*.

1. **IDENTIFICATION OF ADDITIONAL SUBMITTALS AND PROVISION TO THE APPLICANT OF INFORMATION AVAILABLE ON MAPS USED BY THE COUNTY.** If the Department finds by information provided by maps used by the County that the parcel on which the proposed Project is located is within a geologic hazard area, a floodplain hazard area, a wildlife habitat area, a wildfire hazard area, an area potentially affected by wetlands and federal wetlands permitting requirements; if the proposed Project includes development on a ridgeline, is above timberline or beyond snowplowed access, is on an inholding in a national Wilderness area, is in a municipal Three-Mile Plan area, and/or in a district or designated Special Area, the staff shall notify the applicant of that information, and identify additional submittals that must be submitted by the applicant pursuant to other applicable sections of this *Resolution*. 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*.

B. DETERMINATION OF COMPLETENESS. The Community Development Department shall determine whether the application is complete and shall notify the applicant in writing that the application is either complete or incomplete, or shall indicate a date by which such determination shall reasonably be made. It is the goal but not the requirement (as scheduling may be affected by limited access, inclement weather, or other unforeseen circumstances) of this *Resolution*, that this review be completed within 30 days of the submittal of the application.

1. **APPLICATION IS NOT COMPLETE**. If the application is not complete, the Community Development Department shall inform the applicant in writing of the deficiencies and shall take no further action on the application until the deficiencies are remedied.
    a. **FAILURE TO CORRECT WITHIN 60 DAYS CONSTITUTES WITHDRAWAL.** If the applicant fails to correct the deficiencies within 60 days of the postmarked or certified date of the mailing of the notification that the application was incomplete, the application shall be considered withdrawn.
2. **APPLICATION IS COMPLETE**. If the application is complete, the Community Development Department shall certify it as complete, and if required, assign the application an agenda date with the applicable review or decision-making body on the next available agenda, and provide notification of the meeting date to the applicant.
3. **COMPLETENESS IS NOT A DETERMINATION OF COMPLIANCE**. A determination that an application is complete shall not constitute a determination that it complies with the applicable standards of this *Resolution*.

C. REQUEST FOR REVIEW BY OTHER AGENCIES OR DEPARTMENTS. The Community Development Department may request the professional analysis and recommendations of other review agencies, organizations, or technical consultants 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 AND DEPARTMENTS**. Review agencies and departments that are sent a copy of the application shall be requested to make comments within 21 days of mailing by the Community Development Department. An extension of not more than 30 days may be 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, except that such extension of review of a Preliminary Plan for a Major Impact Project shall require consent by the applicant and the ~~Board~~BOCC, pursuant to Section 7-302: D. 1.: *Review and Comment by Review Agencies.* 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 AND 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.

D. COMMUNITY DEVELOPMENT DEPARTMENT REPORT. Unless otherwise required by this *Resolution*, the Community Development Department's report shall include at a minimum:

1. **DESCRIPTION OF PROPOSED PROJECT**. Briefly, but clearly describe the applicant's proposed Project or requested action, as described in the submitted application.
2. **TECHNICAL REVIEW.** A copy of the Department's technical review.
3. **INITIAL CLASSIFICATION OF IMPACT.** If applicable to the specific application, identification of the initial classification of impact, pursuant to Section 3-111: *Classification of Impact*.
4. **RECOMMENDATIONS BY REVIEW AGENCIES OR OTHER COUNTY DEPARTMENTS**. A summary or copies of the recommendations or general comments by review agencies and County Departments other than the Community Development Department if recommendations or comments were requested and have been received.
5. **DISTRIBUTION AND AVAILABILITY OF DEPARTMENT REPORT.** At least three days before the date of the meeting of the review body, the Community Development Department will distribute a copy of the report to each member of the review body, to the applicant, and will make it available in the Community Development Department for the public. Failure to complete the report and make it available within the preferred three-day period is not a jurisdictional deficiency. Any subsequent written materials prepared concerning the application shall also be available for review in the Community Development Department during regular business hours.

SECTION 3-111: CLASSIFICATION OF IMPACT

A. PURPOSE. Applications for Land Use Change Permits are initially assigned an impact classification by the Community Development Department; specific review processes are initially determined on the basis of that classification. The classification categorizes each proposed land use change by the impacts it is anticipated to generate on the County's economic, social, governmental, and environmental sectors. The amount of information and the extent of review required by the County is proportional to the impacts that will be generated by the proposed land use change. This Section addresses how a proposed Project receives an impact classification.

B. CRITERIA FOR CLASSIFYING IMPACT. An application for a Land Use Change Permit is initially assigned an impact classification by the Community Development Department pursuant to Section 4-102: *Administrative Review Projects That Do Not Require Land Use Change Projects*, Section 5-102: *Projects Classified as Administrative Review Projects That Require Land Use Change Permits*, Section 6-102: *Projects Classified as Minor Impact Projects*, and Section 7-101: *Projects Classified as Major Impact*.

1. ADDITIONAL CRITERIA. In addition to the specific criteria of each section, the County shall also consider the following in determining the impact classification:

a. DEMAND FOR PUBLIC SERVICES. Whether the proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services; and

b. IMPACTS ON IMPACT AREA AND ENVIRONMENT. Whether the proposed land use change is expected to generate a minor or a major impact on the impact area or on the environmental resource and hazard areas defined within and regulated by Article 11: *Resource Protection Standards*; and

c. IMPACTS RELATED TO ALL EXISTING AND PROPOSED DEVELOPMENT IN IMPACT AREA. The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area.

C. EXPANSION OF EXISTING USES AND SEQUENTIAL PROJECTS. If an applicant proposes a land use change that is classified as an Administrative Review or Minor Impact Project, and proposes a second Project at a later date as an addition to or expansion of the approved Project so that the Projects considered together would have been classified as at least the next higher level of impact classification, then the second and any such subsequent Project shall be reviewed as a Major Impact Project, and the cumulative impacts of the sequential Projects shall be the basis on which compliance with this *Resolution* is determined, and a decision made.

D. APPEAL OF IMPACT CLASSIFICATION. The applicant, or any affected person aggrieved by a decision of impact classification, may appeal that decision by filing a written appeal. That appeal shall follow the process outlined in Section 8-103: *Appeals.* The appeal shall be limited solely to the question of impact classification. The ~~Board's~~Board of Adjustment's decision on that appeal shall be final and subject only to judicial review.

SECTION 3-112: NOTICE OF PUBLIC HEARING

A. NOTICE REQUIRED. Appendix Table 1: *Summary of Review Processes* identifies the type of applications for which a public hearing shall be required, and at what step during the review process the hearing shall occur. When a public hearing is required, public notice shall be provided as follows:

1. MANNER AND TIMING OF NOTICE. Public notice shall be by publication of notice in the newspaper, mailing of notice to adjacent and other specified property owners, as applicable, and posting of notice on the property. The timing of the notice shall be as specified in Table 1: *Timing of Notice*.

2. RESPONSIBILITIES FOR GIVING NOTICE. Responsibilities for ensuring adequate public notice by publication, mailing and posting shall be as follows:

a. PUBLICATION OF NOTICE. The Community Development Department shall place a legal notice in the County's official newspaper, which shall be published at least once. When the proposed land use change is in an area of Gunnison County that is served by a local newspaper that is not the County's official newspaper, notice shall also be published in that local newspaper.

b. MAILING OF NOTICE. The applicant shall be responsible for mailing of the notice, except as otherwise required by Section 1-110: *Process for Designating Special Areas.* The notice shall be prepared by the Community Development Department and a copy given to the applicant. Notice shall be sent by certified or registered mail, response requested (except for an Emergency Exception, which shall require that notice be

provided by overnight express mail, pursuant to Section 8-104: *Emergency Exceptions*), to the following persons:

1. **OWNERS OF ADJACENT PROPERTIES**. All owners of surface property rights immediately adjacent to each boundary of the entire parcel, including owners of adjacent agricultural operations. When the parcel is located adjacent to a municipality, a platted townsite or platted recorded subdivision, all owners of surface property rights within 500 feet of each boundary of the entire parcel.

TABLE 1: TIMING OF NOTICE

	COMMUNITY DEVELOPMENT DIRECTOR	HEARING OFFICER	~~BOARD~~BOARD OF COUNTY COMMISSIONERS	PLANNING COMMISSION	BOARD OF ~~ADJUSTMENTS~~ADJUSTMENT
PUBLICATION OF NOTICE IN NEWSPAPER**	N/A	30 days	30 days (15 days for Emergency Exception)	15 days	15 days
MAILING OF NOTICE TO ADJACENT LANDOWNERS*	15 days***	30 days	30 days (15 days for Emergency Exception)	15 days	15 days
POSTING OF SIGN ON PROPERTY	15 days***	30 days	30 days (15 days for an Emergency Exception)	15 days	15 days

* Responsibility of the applicant.
** Responsibility of the Community Development Department
***Administrative Review Project that is a commercial or industrial use

2. **OWNERS OF NON-ADJACENT PROPERTY WITHIN AN EXISTING SUBDIVISION, OR 35-ACRE TRACT DEVELOPMENT.** Owners of surface property rights within a subdivision or within a 35-acre tract development in which the land use change is proposed shall be notified as follows:

   a. **PERSONS AFFECTED BY ALTERATIONS OF RECORDED PLAT, OR CHANGE IN CHARACTER OF ALL OR PART OF AN EXISTING DEVELOPMENT.** When the proposed land use change will alter a recorded plat, or affect the character of all or a portion of the existing development (such as a commercial use proposed in a residential area of a subdivision), all surface property owners within the existing development within which the proposed land use change is located shall be notified.

   b. **HOMEOWNERS OR PROPERTY OWNERS ASSOCIATION.** When the land use change is proposed on a parcel within an existing development, and a homeowners or property owners association exists for that development, the association shall be notified.

   c. **OWNERS OF MINERAL RIGHTS.** As applicable, all owners and lessees of mineral rights within the property proposed for the land use change (excluding the applicant), pursuant to C.R.S. 31-23-215. Records of the Gunnison Assessor's office may not include the listings of these owners.

   d. **OWNERS OF WATER RIGHTS**. As available in records of the Colorado Division of Water Resources, the owners of water rights in any ditches that would be impacted by the proposed land use change.

   e. **OWNERS WITHIN AN AREA PROPOSED AS A PARTICULAR GEOGRAPHIC AREA SUBJECT TO SPECIALIZED LAND USE REGULATIONS.** When the hearing is for the purpose of obtaining public input regarding the potential creation of a particular geographic area subject to specialized land use regulations, pursuant to Section 1-110: *Process for Designating Special Areas*, all property owners within the proposed boundaries of that proposed geographic area shall be notified.

   ~~f. **PERSONS EXPRESSING INTEREST IN THE APPLICATION.** When persons have submitted their names to the Community Development Department because they are interested in an~~

~~application for which a hearing has been conducted, the Community Development Department shall send them notice of any additional hearings by first class, postage-paid mail to the address they have provided. This notice is a courtesy to the public and the failure of anyone to receive it does not invalidate any hearing. Each of those persons is responsible for updating their address to the Department.~~

Commented [MH3]: Recommend deletion because due to electronic notice and application access this provision is unnecessary and unduly burdensome on the County and at taxpayer expense.

c. SOURCE OF NAMES OF PROPERTY OWNERS RECEIVING NOTICE. The list of property owners to whom notice is mailed shall be compiled by the applicant by using the most current list of property owners on file with the Office of the Gunnison County Tax Assessor. The list of owners of water rights in ditches that would be affected by the development shall be compiled by the applicant by contacting the local water commissioner who represents the Colorado Division of Water Resources. Owners of mineral rights may not be listed in the Gunnison County Assessor's Office; the burden is on the applicant to obtain complete, accurate and current names and addresses for property owners to whom notice shall be given.

d. POSTING OF NOTICE. The applicant shall be responsible for posting the public hearing notice on the Project property. The applicant shall obtain a copy of the notice and a posting board from the Community Development Department, attach the notice to the posting board and cover it with a waterproof material through which the notice is clearly visible.

1. **SIGN LOCATION**. The applicant shall post the sign in a conspicuous location on the Project property that is readily visible from a road adjoining or serving the area of the proposed development. Where the property does not have frontage on a public or private road, the sign shall be erected on the nearest road right-of-way, with a notation stating the direction and distance to the land on which the Project is proposed, or another location approved by the Community Development Department so it is visible to the greatest number of people.
2. **POSTING BOARD.** The dimensions of the posting board shall be no smaller than 24 inches wide by 36 inches high.
3. **PLACE OF POSTING.** The post, fence, structure or other location to which the public hearing notice is posted shall be sturdy and visible.

3. **VALIDITY OF NOTICE.** If the applicant and the Community Development Department accomplish the responsibilities listed above in good faith, then the failure of any property owner to receive notice shall not affect the validity of the hearing. By way of example, notice shall not be considered invalid because of unrecorded or subsequent transfers of title, an uncertainty concerning ownership information that is not discernible from the tax assessment rolls, or due to the failure of a sign to remain in place after the notice was properly posted.
4. **PROOF OF NOTICE.** A week before the public hearing, the applicant is required to provide the Community Development Department with an affidavit certifying that notice was accomplished pursuant to this Section. A photograph of the posted sign and a copy of the return receipts demonstrating to whom notice was mailed shall be attached to the affidavit.
5. **CONTENTS OF NOTICE.** The notice for the hearing shall clearly state information sufficient to give adequate notice to people whose rights could be affected by the proposed land use. The wording used in the notice shall be reasonably understandable by a person who is not a lawyer or planning professional, and shall contain at least the following information:

a. REVIEW OR DECISION-MAKING BODY CONDUCTING THE HEARING. The name of the review or decision-making body who will conduct the hearing.

b. LOCATION OF HEARING. The location of the public hearing, by name of building, if appropriate, and address.

c. DATE AND TIME OF HEARING. The date and time of day when the hearing will be conducted.

d. TYPE OF APPLICATION. A statement specifying the type of application being reviewed.

e. INVITATION TO INTERESTED PERSONS TO ATTEND. An invitation to interested persons to attend the hearing.

f. DESCRIPTION OF PROJECT. A brief description of the proposed Project that reflects the description submitted in the application.

g. PROPERTY LOCATION. A description of the location of the subject property by reference to known landmarks, road intersections, existing towns or developments, addresses or other similar methods; lot, block and filing number if in an approved subdivision; or quarter-section, township and range descriptions.

h. LOCATION OF ADDITIONAL INFORMATION CONTACT PERSON. The address and telephone number of the Community Development Department, stating that this is where the full details of the application may be obtained and is where written comments can be directed before the public hearing.

i. CONTACT FOR ACCESSIBILITY. A request for notification to the County of special accessibility needs of persons attending the hearing, pursuant to the requirements of the *American Disabilities Act*.

SECTION 3-113: CONDUCT OF PUBLIC HEARING

A. HEARING PROCESS. A public hearing shall be conducted in accordance with the following process:

1. RIGHTS OF ALL PERSONS. Any person may appear at a public hearing and submit evidence, including oral testimony, either individually or as a representative of an organization. Comment may also be submitted in written form before or during the hearing, or within a period of time after the hearing has closed, which shall be announced by the review body chairperson.

2. ORDER OF PROCEEDINGS. The order of the proceedings shall be as follows:

a. CONFIRMATION OF ADEQUATE PUBLIC NOTICE. The Community Development Department shall report whether or not adequate notice has been accomplished, pursuant to Section 3-112: *Notice of Public Hearing.*

b. APPLICANT'S PRESENTATION. At his/her option, the applicant may make an oral or a written presentation that informs persons at the hearing of the nature, location, and scope of the proposed land use change, including planned or proposed future phases where applicable. This presentation shall not be made by County staff or consultants, and may be waived by the Chairperson if there are no members of the public at the hearing, and the proponent has previously explained the proposed development to the review body conducting the hearing.

c. COMMUNITY DEVELOPMENT DEPARTMENT COMMENTS. The Community Development Department may discuss specific standards of this *Resolution* that apply to the proposed Project; describe the required process of review; iterate public comments that have been received by the Department on the application, cite specific submittals, plans or actions that are required in order for the application to comply with the applicable standards and provide any other relevant information concerning the application.

d. QUESTIONS BY REVIEW BODY. The review body may ask questions of the Community Development Department, or the applicant, or anyone else who is present.

e. PUBLIC COMMENTS. Public comments shall be heard. Written comments that have been received before the hearing shall be reported by the Community Development Department and acknowledged to be part of the hearing record.

1. EX PARTÉ COMMUNICATIONS. Members of decision-making bodies, and applicants and their agents shall not engage in ex parté communication about applications under review or reasonably anticipated to come under review. If an ex parté communication is attempted by telephone, in person, by FAX or other means outside of a regularly scheduled meeting, the member of the decision-making body involved shall first attempt to stop the party from the prohibited behavior, then document the communication and notify the Community Development Director by telephone or in written form. The Community Development Director shall then enter that documentation into the public record. The member or the Community Development Director shall report that documentation at the next meeting or hearing on the subject application. No ex parté communication shall be considered by a decision-making body, or any of its members, in making a decision on a Land Use Change Permit matter.

f. APPLICANT RESPONSE. The applicant may respond to any comments made by the public, or the Community Development Department, or the review body.

g. COMMUNITY DEVELOPMENT DEPARTMENT RESPONSE. The Community Development Department may respond to any statement made by the applicant, the public, or the review body.

3. TIME LIMITS FOR TESTIMONY. The chairperson conducting the public hearing shall set reasonable time limits for testimony or presentation of evidence. If any testimony or evidence is so limited, the person offering that testimony or evidence shall have an opportunity to enter it into the record in writing at the public hearing.

4. **CONTINUANCE OF PUBLIC HEARING.** At the conclusion of the hearing, the body conducting it may continue the public hearing to a fixed date and time. An applicant shall have the right to request, and be granted on a showing of good cause, one continuance of each required hearing. All subsequent continuances shall be granted at the discretion of the body conducting the public hearing and upon a finding that good cause has been shown for the continuance.

5. **CLOSURE OF PUBLIC HEARING AND ACCEPTANCE OF WRITTEN TESTIMONY AFTER CLOSURE**. If the hearing is not continued, it shall be closed. At the close of the hearing, the chairperson of the body conducting the hearing may leave the record open for a defined period of time during which only written comment will continue to be accepted. If no such time period is defined and announced by the chairperson, no further written comment shall be accepted beyond the time the hearing is closed.

   a. **NO EX PARTÉ COMMENTS ACCEPTED**. ~~The chairperson shall announce that t~~There shall be no ex parté comments accepted by members of the review or decision-making body after closure of the hearing.

   b. **ALL WRITTEN COMMENTS RECEIVED BECOME PART OF RECORD**. All written comments, along with supporting data and references, received within the specified comment period shall be made a part of the record and shall be available for public inspection at the Community Development Department when the hearing was conducted by the Planning Commission, ~~or~~ the ~~Board~~BOCC, or the ~~BOA. of~~ ~~Adjustments~~ Board of Adjustment (BOA). When the hearing was conducted by the ~~Board~~BOCC or BOA, copies of all such comments shall be available at the Administration Office. All timely written submittals shall be made a part of the record of the proceeding.

Commented [MH4]: The law does not require the chair to announce this as this principle is embedded in legal principals in any event.

6. **RECORD OF PUBLIC HEARING.** The body conducting the public hearing shall record the public hearing by any appropriate means, including audiotape or videotape, and written minutes. The written and taped record of oral proceedings, including testimony and statements of personal opinions, the minutes of the hearing and other meetings of the review body, all applications, exhibits, and papers submitted in any proceeding before the decision-making, administrative, or review body, the Community Development Department's report, and the decisions of the review and decision-making bodies, shall constitute the record. Those materials, on presentation to the County, shall become the public property of the County and shall not be removed without proper authorization.

   a. **MATERIALS ARE PART OF PUBLIC RECORD, AVAILABLE TO PUBLIC.** Said materials shall be public information, available to the public at the Community Development Department during regular business hours. The Department, as official custodian of those records, may make such rules with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the Community Development Department.

SECTION 3-114: ACTIONS BY RECOMMENDING AND DECISION-MAKING BODIES

An application shall receive a recommendation and/or decision pursuant to the applicable level of Project impact classification, pursuant to Article 4: *Administrative Review Projects That Do Not Require Land Use Change Permits*; Article 5: *Administrative Review Projects That Require Land Use Change Permits*; Article 6: *Minor Impact Projects*, and Article 7: *Major Impact Projects*. The record of action shall be finalized and recorded pursuant to each of those Articles. The role of recommending and decision-making bodies in each process is illustrated in Appendix Table 2: *Summary of Review Processes*.

ARTICLE 4:
ADMINISTRATIVE REVIEW PROJECTS THAT DO NOT REQUIRE LAND USE CHANGE PERMITS

SECTION 4-101: PURPOSE

The purpose of this Article is to identify Administrative Review Projects that do not require Land Use Change Permits.

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

SECTION 4-102: PROJECTS CLASSIFIED AS ADMINISTRATIVE REVIEW PROJECTS THAT DO NOT REQUIRE LAND USE CHANGE PERMITS

The following Administrative Review Projects require a Building Permit, an On-Site Wastewater Treatment System Permit, an Access Permit, Reclamation Permit, or other County permit, but shall not require an additional Land Use Change Permit; such Projects shall comply with all the other requirements of this *Resolution:*

A. EXEMPT PRIMARY RESIDENCE SMALLER THAN 5,000 SQ. FT. A primary residence smaller than 5,000 sq. ft. that is exempted by Section 1-106: *Partially Exempted Land Use Changes*. The residence may include an attached garage, which shall be calculated in the total square footage allowed for the residence.

BG. SECONDARY STRUCTURES AND USES. The following secondary structures and uses, pursuant to Section 9-101: C: *Secondary Structures and Uses That Do Not Require a Land Use Change Permit:*

1. **BARNS AND OTHER AGRICULTURAL BUILDINGS ON AN AGRICULTURAL OPERATION.** A barn or other agricultural building used in conjunction with an agricultural operation.
2. **FENCES.** Fences, which shall comply with Section 13-113: *Fencing.*
3. **GARDENS AND GREENHOUSES**. Private non-commercial gardens and greenhouses.
4. **ONE 200 SQ. FT. STORAGE SHED**. One storage shed ~~120~~ 200 sq. ft. or smaller is permitted without obtaining a building permit, ~~when a single-family~~ for each legally permitted residence ~~has been legally permitted~~ on the property.
5. **BARNS IN APPROVED SUBDIVISIONS**. Barns located in approved subdivisions in which there are adopted protective covenants that allow barns and that have been approved by Gunnison County.
6. **GARDENS AND GREENHOUSES THAT ARE HOME OCCUPATIONS**. Gardens and greenhouses that are home occupations created and operated pursuant to Section 9-102: *Home Occupations.*
7. **POOLS AND RECREATION FACILITIES**. Private swimming pools and private recreation facilities associated with a primary residence, and not part of a private club or membership group.

~~**8.INTEGRATED SECONDARY RESIDENCE SMALLER THAN 1,200 SQ. FT. ON ANY LEGAL LOT.** An integrated secondary residence smaller than 1,200 sq. ft. in a primary residence on any legal lot that meets the standards pursuant to Section 9- 101: F: *Standards for Integrated Secondary Residence*.~~

8.9. SECONDARY STRUCTURE INTENDED ONLY FOR SLEEPING ~~AND HAS~~WITHOUT A ~~NO~~ KITCHEN. A secondary structure without a kitchen that is to be used only for sleeping facilities. It shall comply with the requirements of the *Gunnison County On-Site Wastewater Treatment System Regulations*.

10. DETACHED SECONDARY RESIDENCE. A detached secondary residence as defined in Article 2: *Definitions*.

11. DUPLEX. A duplex as defined in Article 2: *Definitions*.

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

Commented [CP5]: Add Section references

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

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

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

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

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

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

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

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

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

ARTICLE 5: ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE LAND USE CHANGE PERMITS

SECTION 5-101: PURPOSE

The purpose of this Article is to establish the review process, application submittal requirements and review standards that apply to the review of applications classified as Administrative Review Projects that require Land Use Change Permits.

A. INITIAL CLASSIFICATION OF IMPACT AND REASONS FOR A HIGHER LEVEL OF REVIEW. If the Community Development Department determines during review of an application, including a Building Permit, that the proposed use exceeds the classification criteria of an Administrative Review Project, the criteria detailed in Section 3-111: B. 1: *Additional Criteria* shall be considered and the appropriate review process and submittals for an Administrative Review Project, a Minor or Major Impact Project shall be required and an application for a Land Use Change Permit shall be required to be submitted.

SECTION 5-102: PROJECTS CLASSIFIED AS ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE LAND USE CHANGE PERMITS

The following types of Projects are classified as Administrative Review Projects that require Land Use Change Permits:

A. MAXIMUM BUILDING SIZE 5,000 SQ. FT. OR LESS AND AGGREGATE SQUARE FOOTAGE 7,000 SQ. FT. OR LESS. No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 5,000 sq. ft. and the aggregate of all structures shall not exceed 7,000 sq. ft. pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.

B. MAXIMUM BUILDING SIZE AND MAXIMUM AGGREGATE OF ALL STRUCTURES FOR MULTIPLE-FAMILY RESIDENCE(S). No building(s) on a parcel equal to or larger than 6,500 sq. ft. shall equal or exceed 10,000 sq. ft. and the aggregate of all structure shall not equal or exceed 12,500 sq. ft.

C. AGGREGATE SQUARE FOOTAGE 12,500 SQ. FT. OR LESS FOR MULTIPLE FAMILY RESIDENCE(S). An aggregate of 12,500 sq. ft. or less of residential living area and/or accessory structures and/or secondary use structures, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.

D. MORE THAN ONE HOME OCCUPATION. More than one home occupation, pursuant to Section 9-102: *Home Occupations*.

~~**D. MOBILE HOME NOT IN A MOBILE HOME COMMUNITY.** A mobile home proposed to be located on an individual parcel of land not in a mobile home community, but adjacent to a subdivision whose protective covenants do not address, or expressly prohibit mobile homes within the subdivision, pursuant to Section 9-201: *Individual Manufactured and Mobile Homes*.~~

E. BOUNDARY LINE ADJUSTMENT. An application to adjust the lot line between adjacent parcels or lots in platted approved subdivisions when the adjustment is in compliance with Section 5-103: *Standards for Approval of Administrative Review Projects.*

F. LOT CLUSTERS. An application to eliminate the lot lines separating adjacent lots that are commonly owned.

G CORRECTION PLAT. An application to correct a technical error in a subdivision plat that has been approved and recorded.

H. REPAIR OF EXISTING DISTRIBUTION LINES. Repair of existing distribution lines located substantially within an existing utility easement.

I. ALTERATION OF APPROVED BUILDING ENVELOPES. Alterations of building envelopes on lots that were approved as an element of a Land Use Change Permit.

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J. **SUBDIVISION EXEMPTION TO "VALIDATE" AN EXISTING LOT.** Pursuant to C.R.S. 30-28-101 (10) (d)., the "validation" of a lot that existed prior to the effective date of this *Resolution*, but did not exist before September 27, 1972 and has not been reviewed and approved by the County as a legally subdivided lot "legal lot").

K. **EXPANSION OR CHANGE OF COMMERCIAL OR INDUSTRIAL USE TO TOTAL SIZE OF 5,000 SQ. FT. OR ONE ACRE OR LESS.** Expansion or change of a commercial or industrial use ~~existing as of the effective date of this *Resolution*~~, when the expansion will result in the use having a total size of less than 5,000 sq. ft. of a structure, or one acre of land.

L. **PLAT FOR APPROVED CONDOMINIUMS/TOWNHOME PROJECT.** A constructed condominium or townhome Project, or individual phase of a condominium or townhome Project, for which a Land Use Change Permit has been approved for the overall development.

M. **LIMITED MINERAL EXPLORATION.** Limited mineral exploration (activities related to proving up a patented mining claim pursuant to federal law), as addressed in Section 9-402: C.3: *Limited Mineral Exploration.*

N. **UNDERGROUND MINERAL EXPLORATION**. An application for underground mineral exploration for operations existing as of the effective date of this *Resolution*, as addressed in Section 9-402: D: *Extension and Expansion of Current Underground Mineral Exploration Required to File Notice of Activity.*

O. **EXTRACTION OF CONSTRUCTION MATERIALS**. Extraction of construction materials that generates more than 300 cubic yards, per Section 9-402: C. 1: *Limited Construction Material Extraction.*

RP. **CONSTRUCTION OF A ~~DRIVEWAY~~RESIDENTIAL ACCESS ON A VACANT PARCEL OF LAND PRIOR TO ISSUANCE OF A BUILDING OR ON-SITE WASTEWATER TREATMENT SYSTEM PERMIT.** The construction of a ~~driveway~~residential access on vacant land prior to the ~~issuance~~ application for ~~of~~ a building or on-site wastewater treatment system permit., excluding agricultural or temporary access permits. Issuance of such permit does not create any right or entitlement for future development nor relieve applicant of requirements for development of land or a land use change in compliance with this *Resolution.*

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~~**SQ.** **NON-COMMERCIAL USE OF HELICOPTER FOR ACCESS TO PRIVATE PROPERTY**. The non-commercial use of a helicopter solely for the use by the property owner for access to private property.~~

Q. **AMENDMENT OR TERMINATION OF SUBDIVISION COVENANTS.** Amendment or termination of subdivision covenants, for covenants approved as part of the subdivision approval by Gunnison County.

SECTION 5-103: STANDARDS FOR APPROVAL OF ADMINISTRATIVE REVIEW PROJECTS

A. **GENERAL STANDARDS.** An application for a Land Use Change Permit for an Administrative Review Project shall comply with the following standards:

1. **COMPLY WITH APPLICABLE STANDARDS.** The land use change shall comply with all applicable standards and other provisions of this *Resolution*.
2. **COMPATIBILITY WITH COMMUNITY CHARACTER**. The proposed land use change shall be compatible with, or an enhancement of, the character of existing land uses in the area, and shall not adversely impact the future development of the surrounding area.
3. **COMPLIANCE WITH SPECIFIC STANDARDS.** In addition, the following standards shall apply to individual types of Administrative Review Projects:
   a. **ADDITIONAL STANDARDS APPLICABLE TO BOUNDARY LINE ADJUSTMENTS.**. The Community Development Director may approve an application for a boundary line adjustment if the following additional standards are met:
      1. **INSUBSTANTIAL CHANGE**. The purpose of the adjustment shall be to make an insubstantial boundary change between adjacent parcels; and
      2. **NOT CREATE ADDITIONAL LOTS.** The adjustment shall not create more than the original number of lots or parcels, nor provide the opportunity to create a new or additional lot for resale or development purposes, nor be used to increase the maximum allowable floor area for a parcel; and,

3. **MINIMUM LOT SIZE.** Following the adjustment, the lots shall continue to meet any applicable minimum lot size standards of this *Resolution*, except in the case of a nonconforming lot, in which case the adjustment shall not increase the degree to which it is nonconforming.

b. ADDITIONAL STANDARDS APPLICABLE TO CORRECTION OF PLATS. The ~~Board~~BOCC may approve an Administrative Review Project application to correct any plat of record if the following additional standards are met:

1. **ORIGINAL PLAT APPROVED AFTER MAY 7, 1972.** The original subdivision plat was approved and recorded subsequent to May 7, 1972; and

2. **PURPOSE IS TO CORRECT TECHNICAL ERRORS**. The sole purpose of a subdivision correction plat is to correct one or more technical errors in the plat.

c. ADDITIONAL STANDARDS APPLICABLE TO MORE THAN ONE HOME OCCUPATION IN A PRIMARY RESIDENCE. The Community Development Director may approve an Administrative Review Project to allow the establishment of more than one home occupation so long as the aggregate levels of activity (such as numbers of employees) and aggregate sizes of the home occupations do not exceed the standards included in Section 9-102: *Home Occupations*.

d. ADDITIONAL STANDARDS APPLICABLE TO ALTERATIONS OF APPROVED BUILDING ENVELOPES. The Community Development Director may approve an Administrative Review Project application to alter building envelopes on lots approved as an element of a Land Use Change Permit if the following additional standards are met:

1. **NO CONFLICT WITH ORIGINAL LAND USE CHANGE PERMIT**. The alteration does not substantively conflict with any conditions of approval of the original Land Use Change Permit or subdivision; and

2. **COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS**. The alteration does not result in noncompliance with any deed restrictions or protective covenants, if such restrictions or protective covenants exist; and

3. **DOES NOT CAUSE NONCOMPLIANCE WITH STANDARDS**. The alteration will not cause the envelope to be in nonconformance with any of the standards of this *Resolution*.

e. ADDITIONAL STANDARDS APPLICABLE TO SUBDIVISION EXEMPTIONS. The ~~Board~~BOCC may approve an application for a subdivision exemption if the proposed use of the land complies with Section 1-105: *Sections Necessary for Immediate Preservation of Public Health and Safety,* and all other applicable codes and regulations, including the applicable building code, adopted and amended by Gunnison County, and the *Gunnison County On-Site Wastewater Treatment System Regulations*.

SECTION 5-104: ADMINISTRATIVE REVIEW PROJECT APPLICATION

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

B. APPLICATION AND REVIEW FEES. In order to compensate the County for the cost of reviewing and processing the submittals, 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~~BOCC. 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.

C. GENERAL APPLICATION FORM FOR ADMINISTRATIVE REVIEW PROJECTS. The Community Development Department shall provide and the applicant shall complete an application form appropriate for the specific Administrative Review Project for which the applicant seeks approval. The Department will review the application form with the applicant to determine which information must be submitted, depending upon the proposed use. At a minimum, the application shall include:

1. **APPLICANT.** The name, address, telephone and fax numbers, and email address for the applicant and the applicant's representative, if applicable,

a. APPLICANT IS NOT THE OWNER. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal.

Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process pursuant to this *Resolution*.

b. APPLICANT IS NOT THE SOLE OWNER. If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.

2. PROPERTY OWNER. Name, address, telephone and fax numbers and email address of the owner of the property and, if other than the applicant, a notarized letter from the owner consenting to the application must be submitted.

a. NOTARIZED LETTER OF CONSENT. If the property owner is a person or entity other than the applicant, a notarized letter from the owner consenting to the application must be submitted.

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

4. PROPERTY LOCATION. The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the land use change is proposed to be located. A copy of the recorded deed to the property should be included.

5. PRESENT LAND USE. Identify present land uses, and locations and sizes of structures that exist on the property.

6. PROPOSED PROJECT DESCRIPTION. A description of the proposed Project, including all uses, structures, roads, utilities, parking areas, amount and kinds of traffic to be generated.

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

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

a. SECTION 13-103: *General Site Plan Standards and Lot Measurements.*
b. SECTION 13-104: *Setbacks from Property Lines and Road Rights-of-Way*.
c. SECTION 13-105: *Residential Building Sizes and Lot Coverages.*
d. SECTION 13-107: *Installation of Solid-Fuel-Burning Devices*.
e. SECTION 13-108: *Open Space and Recreation Areas*.
f. SECTION 13-109: *Signs*.
g. SECTION 13-110: *Off-Road Parking and Loading*.
h. SECTION 13-111: *Landscaping and Buffering*.
i. SECTION 13-112: *Snow Storage*.
j. SECTION 13-113: *Fencing*.
k. SECTION 13-114: *Exterior Lighting*.
l. SECTION 13-115: *Reclamation and Noxious Weed Control.*
m. SECTION 13-116: *Grading and Erosion Control*.
n. SECTION 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff*.
o. SECTION 13-118: *Water Impoundments*.
p. SECTION 13-119: *Standards to Ensure Compatible Uses*.

D. LIST OF ADJACENT LANDOWNERS. As applicable, a listing of all landowners and land uses that are adjacent to the boundaries of the entire parcel on which the Project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the property except for the existence of the roadway. When the parcel is located adjacent to a municipality, a platted townsite or platted recorded subdivision, all owners of surface property rights within 500 feet of each boundary of the entire parcel shall be included in the listing. The source for the best-available information to identify those landowners is the Gunnison County Assessor's Office.

E. ADDITIONAL SUBMITTALS BASED UPON INFORMATION AVAILABLE ON MAPS USED BY THE COUNTY. If a land use change is proposed on a parcel located within any of the following areas delineated pursuant to Section 1-112: *Use of Maps* or in areas otherwise addressed by the following, additional submittals may be required to be submitted; the Community Development Department will provide assistance to the applicant to determine the specific information that must be submitted:

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

F. MAPS AND SITE PLANS. Maps and site plans submitted with any application shall be at a scale and sheet size that can be easily viewed. A minimum scale of 1" = 100' is preferred. Sheet size shall not exceed 24 inches by 36 inches.

1. **VICINITY MAP**. A vicinity map, which at a minimum includes the following (as illustrated in Appendix Figure 2: *Vicinity Map Example*); applications for plats of constructed condominium or townhome Projects that have been approved by the County shall not be required to submit a site plan:
   a. **PROPERTY LOCATION AND NEARBY PARCEL SIZES AND LAND USES**. Location of the property on a United States Geological Survey quadrangle map or on a recorded plat if the proposed development is within an approved subdivision, with the location highlighted so that it is easy to see, and that clearly shows sizes of parcels and land uses within a half-mile of the proposed Project.
   b. **ROADS.** All U.S. and state highways and nearest County or Forest Service, Bureau of Land Management, and/or subdivision/private roads that provide access to the proposed Project.

c. **EASEMENTS.** Easements recorded or historically used that provide access to or across, or other use of, the property.

d. **BOUNDARIES OF DISTRICTS, MUNICIPALITIES OR SUBDIVISIONS.** Locations of special district boundaries, municipalities or residential subdivisions within a half mile of the property.

e. **PROXIMITY OF MINING OR PROCESSING ACTIVITY.** Any parcel located within 1,000 feet of the property proposed for land use change on which there exists an operation involving mineral exploration or extraction or construction materials processing.

2. **SITE PLAN**. A site plan, which at a minimum, includes the following (as illustrated in Appendix Figure 1: *Site Plan Example.*); applications for plats of constructed condominium or townhome Projects that have been approved by the County shall not be required to submit a site plan:

a. **ALL PROPERTY PROPOSED FOR DEVELOPMENT**. Include all land proposed for immediate and anticipated for future development. This can be a simple, hand-drawn layout, but it must be legible, clearly marked, drawn to scale, and signed and dated by the person who drew it.

b. **PHASING.** Any proposed phases of the development, and their timing.

c. **TOTAL ACREAGE OF CONTIGUOUS PROPERTY OWNED BY THE APPLICANT.** Total acreage and location of all contiguous property owned by the applicant.

d. **TOTAL ACREAGE IN PROPOSED LAND USE CHANGE PERMIT AREA**. Total acreage of the site on which the applicant wants to obtain approval for the Land Use Change Permit.

e. **ADJACENT LOT SIZES.** Lot size(s) of properties adjacent to and in the impact area of the site proposed for the land use change.

f. **ADJACENT LAND OWNERS.** Names and actual land uses of adjacent landowners (including federal, State of Colorado and other publicly owned lands), to the site (in addition to the separate narrative listing). This includes properties that may be across a road, stream or river from the applicant's property.

g. **UTILITY LOCATIONS IN AREA**. Location of all existing utilities on the property (septic tanks, wells, electric, gas, telephone or cable lines) that will serve the property.

h. **TOPOGRAPHIC FEATURES**. Streams, lakes, ponds, wetlands, contour lines and elevations, any prominent ridgelines, and any other significant visual resource areas on the property.

i. **LIVESTOCK DRIVES AND FENCELINES**. Historic or recorded stock drive easements crossing or adjoining the development property, including the location of any existing fences along property lines, and the location of new fences or other obstacles proposed to be built across any such stock drive.

j. **IRRIGATION DITCHES**. The location(s), and name(s), of any irrigation ditch crossing or adjoining the development property, as available from the Colorado Division of Water Resources, or ditch commissioner's records.

k. **DRAINAGE**. Drainage patterns, on and adjacent to the Project property.

l. **DRIVEWAYS AND PARKING**. Driveways/parking areas, both existing and proposed.

m. **EXISTING STRUCTURES**. Locations and sizes of existing structures.

n. **PROPOSED STRUCTURES**. Locations and sizes of proposed structures.

o. **BOUNDARIES.** Boundaries and related measurements.

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

H. **ADDITIONAL SUBMITTALS BASED ON EVIDENCE OF REASONABLE PROBABILITY OF CUMULATIVE IMPACTS.** If, in the course of the Administrative Project review, evidence is submitted or gathered indicating that there is a reasonable probability that the proposed land use change will contribute to cumulative impacts within the impact area, the Community Development Department or the Planning Commission shall require that additional information, including but not limited to studies of specific issues, be submitted.

I. 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.

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

K. SPECIFICATIONS FOR CONDOMINIUM/TOWNHOME PLATS. For a constructed condominium or townhome Project for which a Land Use Change Permit has been approved for the overall development, copies of the condominium declarations, and a plat or plats that meet(s) the applicable requirements of this Section, that is suitable for recording, and:

1. **IS SIGNED.** Is signed by the developer/owner.
2. **DEPICTS BOUNDARIES AND LEGAL DESCRIPTION**. Depicts the perimeter boundaries and sets forth the legal description of the parcel of land submitted to condominium ownership.
3. **SHOWS LOCATION OF IMPROVEMENTS**. Shows the location of all improvements situated on the parcel.
4. **IDENTIFIES AIR SPACE UNITS FOR CONDOMINIUMS.** If the plat is for a condominium development, sufficient vertical horizontal cross-section drawings of improvements to allow individual air spaces to be separately identified in three-dimensional space. Those individual spaces shall be identified by number or other appropriate designation.
5. **CONDOMINIUM PLAT SHOWS FLOOR ELEVATIONS.** Shows the elevations of the floors of the residences in relation to a United States Geological Survey benchmark.

Commented [MH9]: Change because townhomes do not require floor elevations

6. **IDENTIFIES GENERAL COMMON ELEMENTS**. Identifies the general common elements and limited common elements in reasonably sufficient detail and in a manner that does not conflict with the description or definition of those elements in the condominium declarations.
7. **REQUIRED PLAT LANGUAGE.** The following plat language:

   a. **FLOODPLAIN WARNING AND DISCLAIMER.** If the subject property is located within an identified floodplain, language shall be included on the plat pursuant to Section 11-103: F. 1: *Warning and Disclaimer of Floodplain Hazards Affecting Use and Occupancy of This Property*.

   b. **GEOLOGIC HAZARDS WARNING AND DISCLAIMER.** If the subject property is located within an identified geologic hazard area, language shall be included on the plat pursuant to Section 11-104: F. 5: *Warning and Disclaimer of Geologic Hazards Affecting Use and Occupancy of This Property*.

   c. **WILDFIRE HAZARD AREA WARNING AND DISCLAIMER**. If the subject property is located within an area designated as a wildfire hazard area, language shall be included on the plat pursuant to Section 11-106: G: *Warning and Disclaimer of Wildfire Hazards Affecting Use and Occupancy of This Property.*

   d. **COMPLIANCE WITH COUNTY APPROVAL DOCUMENTS**. A Final Plat presented for approval shall contain one of the following statements, as applicable:

      1. **COMPLIANCE WITH ~~BOARD~~BOCC RESOLUTION.**

         COMPLIANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION

         The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No._____ of the Records of the Clerk and Recorder of Gunnison County.

      2. **COMPLIANCE WITH APPLICABLE CERTIFICATE OF APPROVAL.**

         COMPLIANCE WITH CERTIFICATE OF APPROVAL

         The property described on this plat is subject to all the requirements, terms and conditions of Certificate of Approval No. _____, recorded at Reception No._____ of the Records of the Clerk and Recorder of Gunnison County.

   e. **GENERAL NOTES.** Pursuant to Section 11-110: H: *Protective Covenants or Deed Restrictions and Plat Language*, the following paragraphs shall be included within a section of "General Notes" on a Final Plat:

1. **CONFINEMENT OF DOMESTIC ANIMALS.** Language directing that domestic animals must be controlled by kenneling, leashing, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.
2. **AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS**. Language referencing C.R.S. 35-46-101 *et seq*: clearly stating that a property owner is required to construct and maintain fencing in order to keep livestock off his/her property.
3. **IRRIGATORS' RIGHT TO MAINTAIN IRRIGATION DITCH**. Language notifying individual lot owners that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank.

f. ATTORNEY'S OPINION. The following opinion by the applicant's attorney:

ATTORNEY'S OPINION

I, (printed name of attorney), an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in_____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows :_____(list same or indicate none).
Dated this _____ day of _____, A.D. 20___.

_____
Attorney-at-Law

g. DEDICATION. A Final Plat presented for approval shall contain one of the following statements concerning dedication, which shall be followed by the Notary Statement set forth in (c.) below:

1. DEDICATION LANGUAGE.

DEDICATION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows: (insert legal description of land being platted and/or subdivided and include area in acres to two (2) decimal places) in Gunnison County, Colorado, under the name of (complete name of development in capital letters), have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.
In witness whereof (printed name of the owner) has (have) subscribed (his, her, their) name(s) this _____ day of _____, A.D. 20___.
By _____
Owner(s), Mortgagee(s) and Lien holder(s)

2. DEDICATION/ALTERNATIVE LANGUAGE.

DEDICATION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____, being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows: (insert legal description of land being platted and/or subdivided and include area in acres to two (2) decimal places) in Gunnison County, Colorado, under the name of (complete name of development in capital letters), have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.
In witness whereof (printed name of the owner(s)) has (have) subscribed his, her, their name(s) this _____day of _____, A.D. 20_____.
By _____
Owner(s), Mortgagee(s) and Lien holder(s)

3. NOTARIAL.

State of Colorado)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 20_____, by (printed name of owner(s): if by natural persons here, insert name; if by person acting in a representative official capacity, insert capacity; if by officers of a corporation, then insert the title of said officers and the name of the corporation).
My commission expires: _____
My address is: _____
Witness my hand and official seal:
_____ (seal)
Notary Public

h. BOARD OF COUNTY COMMISSIONERS' APPROVAL. As is consistent with the selected paragraph of dedication, any Final Plat submitted for approval shall contain one of the following statements of approval as appropriate:

1. BOARD APPROVAL LANGUAGE:

Board of County Commissioners' Approval
The within plat of (name of development in capital letters) is approved this _____ day of _____, A.D. 20_____, and the roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance or snow removal purposes. Maintenance of, or snow removal from, the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or ordinances in effect at that time.

_____
Chairperson, Gunnison County Board of Commissioners
Attest:

_____
Gunnison County Clerk and Recorder

2. BOARD APPROVAL: FIRST ALTERNATIVE LANGUAGE:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this _____ day of _____, A.D. 20_____, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners
Attest:

_____
Gunnison County Clerk and Recorder

3. BOARD APPROVAL: SECOND ALTERNATIVE LANGUAGE:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) Is approved this _____ day of _____, A.D. 20_____, as a seasonal use development only and not as a development served by a road opened or to be opened on a year-round basis. The roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance purposes. Maintenance of, or snow removal from the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or ordinances in effect at that time.

_____
Chairperson, Gunnison County Board of Commissioners
Attest:

_____
Gunnison County Clerk and Recorder

4. BOARD APPROVAL: THIRD ALTERNATIVE LANGUAGE:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this _____ day of _____, A.D. 20,_____ as a seasonal use development only and not as a development served by a road opened or

to be opened on a year-round basis. The private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners
Attest:

_____
Gunnison County Clerk and Recorder

5. **GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE.** (To be placed in the lower right-hand corner of cover sheet.)

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of _____, A.D. 20_____, Reception Number _____, Time _____, Date _____.

_____
Gunnison County Clerk and Recorder

6. **SURVEYOR'S STATEMENT.** A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him or under his direct responsibility and supervision and explaining how bearings, if used, were determined.

L. **APPLICATION FORM FOR BOUNDARY LINE ADJUSTMENTS**. In addition to completing the application form as specified in Section 5-104: *Administrative Review Project Application* applications for boundary line adjustments shall also include:

1. **CONSENT OF ALL LANDOWNERS AND MORTGAGE HOLDERS**. If the application is for a boundary line adjustment, the application shall include notarized written consent from all landowners and mortgage holders whose lot lines are being adjusted.
2. **SURVEY PLAT.** A survey shall be submitted that includes the following:
   a. **TITLE AND DESCRIPTION.** It shall include the title, "Boundary Line Adjustment," and reference the property description by township and range, or by lot, parcel or tract number, as appropriate.
   b. **LEGEND.** A legend shall be included on the survey, clearly indicating the original boundaries, and the adjusted boundaries.
   c. **ATTORNEY'S OPINION.** Any survey plat for a boundary line adjustment presented for approval shall contain this statement:

ATTORNEY'S OPINION

I, (printed name of attorney), an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in _____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows: (list same or indicate none). Dated this _____ day of _____, 20 ___.

~~/s/~~ _____
Attorney-at-Law

   d. **SURVEYOR'S STATEMENT**. A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him/her or under his/her direct responsibility, supervision and checking and explaining how bearings, if used, were determined.
   e. **COUNTY APPROVAL SIGNATURES.** Any survey plat for a boundary line adjustment presented for approval shall contain the following statements:
      1. **BOARD OF COUNTY COMMISSIONERS' APPROVAL.** Any Commissioner of the Board is authorized to sign the plat without formal Board review.

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of the boundary line adjustment (name of plat title in capital letters) is approved this _____ day of _____, A.D. 20_____, _____.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

2. **GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE.** (To be placed in the lower right-hand corner of cover sheet.)

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This survey was accepted for deposit in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of _____, 20_____, Deposit Number _____.

Time _____, Date _____.

_____
Gunnison County Clerk and Recorder

M. APPLICATION FORM FOR LOT CLUSTER. In addition to completing the application form as specified in Section 5-104: *Administrative Review Project Application* applications for lot clusters shall also include:

1. **SITE PLAN.** The site plan shall include the following (as illustrated in Appendix Figure 1: *Site Plan Example.*):

   a. **LOTS TO BE CLUSTERED.** The lots whose shared boundaries will be vacated by the Lot Cluster Agreement, the name of subdivision in which the lots are located, if applicable, and the numbers of the lots.

   b. **ADJACENT LOTS.** The lots immediately adjacent to all boundaries of the lots that will be clustered.

   c. **ROADWAYS.** Platted development, County or other public, state or federal roadways adjacent to the proposed clustered lots.

   d. **EASEMENTS.** Location of legal easements, including trails, adjacent to and across the proposed clustered lots.

   e. **CONSENT BY UTILITIES.** As applicable, notarized letters of consent to the lot cluster from utility companies whose facilities are located in legal easements on or adjacent to the proposed clustered lots and a copy of the easement agreements, if such agreements exist.

   f. **CONSENT OR SUBORDINATION BY LIEN HOLDERS.** As applicable, notarized letters of consent or a signed and notarized subordination to the lot cluster from lien or mortgage holders of the individual pre-clustered lots.

N. APPLICATION FORM FOR CORRECTION OF PLAT. In addition to completing the application form as specified in Section 5-104: *Administrative Review Project Application*, applications for corrections of plats shall also include:

1. **SURVEY PLAT.** A survey that includes the following:

   a. **TITLE AND DESCRIPTION**. It shall include the title, "Corrected Plat," and reference the property description by township and range, or by subdivision lot, parcel or tract number, as appropriate.

   b. **STATEMENT OF CORRECTION.** A statement clearly explaining the correction to the plat.

   c. **LEGEND.** A legend shall be included on the survey, the original boundaries, and the adjusted boundaries.

   d. **SURVEYOR'S STATEMENT**. A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him/her or under his/her direct responsibility, supervision and checking and explaining how bearings, if used, were determined.

   e. **COUNTY APPROVAL SIGNATURES.** Any corrected plat presented for approval shall contain the following:

      1. **BOARD OF COUNTY COMMISSIONERS' APPROVAL**. Any Commissioner of the Board is authorized to sign the plat without formal Board review.

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within corrected plat of (name of plat title in capital letters) is approved this _____ day of _____, A.D. 20_____, _____.

_____
Chairperson, Board of County Commissioners
Attest:

_____
Gunnison County Clerk and Recorder

2. **GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE**. (To be placed in the lower right-hand corner of cover sheet.)

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This survey was accepted for deposit in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of_____, 20 _____, Deposit Number _____.

Time _____, Date _____.

_____

Gunnison County Clerk and Recorder

O. **APPLICATION FORM FOR SUBDIVISION EXEMPTIONS.** In addition to completing the application form as specified in Section 5-104: *Administrative Review Project Application*, applications for subdivision exemption shall include:

1. **SURVEY PLAT**. A survey shall be submitted that includes the following:

   a. **TITLE AND DESCRIPTION**. It shall include the title, "Subdivision Exemption," and reference the property description by township and range, or by lot, parcel or tract number, as appropriate.

   b. **LEGEND**. A legend shall be included on the survey, clearly indicating the original boundaries, and the adjusted boundaries.

   c. **SURVEYOR'S STATEMENT**. A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him/her or under his/her direct responsibility, supervision and check, and explaining how bearings, if used, were determined.

   d. **ATTORNEY'S OPINION**. Any survey plat for a subdivision exemption presented for approval shall contain this statement:

ATTORNEY'S OPINION

I, (printed name of attorney), an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in _____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows: (list same or indicate none). Dated this _____ day of _____, 20 ___.

_____

Attorney-at-Law

   e. **BOARD OF COUNTY COMMISSIONERS.** Any survey plat for a subdivision exemption presented for approval shall contain the following statements:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of the subdivision exemption (name of plat title in capital letters) is approved this _____ day of _____, A.D. 20_____,

_____

Chairperson, Board of Gunnison County Commissioners

Attest:

_____

Gunnison County Clerk and Recorder

   f. **GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE**. (To be placed in the lower right-hand corner of cover sheet.)

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This survey was accepted for deposit in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of_____, 20 _____, Deposit Number _____.

Time _____, Date _____.

_____

Gunnison County Clerk and Recorder

P. ADDITIONAL INFORMATION. Such additional information reasonably required by the Community Development Department as necessary to determine the impact classification, or to otherwise aid in the evaluation of the development pursuant to the applicable requirements of this *Resolution*.

SECTION 5-105: ADMINISTRATIVE REVIEW PROJECT REVIEW PROCESS

A. GENERAL REVIEW PROCESS. The following review process (illustrated in the flowchart in Appendix Figure 5: *General Review Process for Administrative Review Projects That Require Land Use Change Permit)* shall apply to applications for Administrative Review Projects:

1. **PRE-APPLICATION CONFERENCE.** Attendance at a Pre-Application Conference is optional before submittal of an application for an Administrative Review Project.
2. **SUBMITTAL OF APPLICATION.** The applicant shall submit a complete application pursuant to this Article.
3. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW**. The Community Development Director shall review the application, pursuant to Section 3-110: *Community Development Department Application Review,* including:
   a. **REQUEST FOR REVIEW BY OTHER AGENCIES OR DEPARTMENTS**. The Community Development Department may request the professional analysis and recommendations of other 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.
4. **NOTICE TO PUBLIC OF PROPOSED COMMERCIAL OR INDUSTRIAL USE.** When the application is for an Administrative Review Project that is a commercial or industrial use, notice shall be given to the public pursuant to Section 3-112: *Notice of Public Hearing*, except that notice by publication in a newspaper shall not be required. The notice shall identify a 15-day public comment period, during which comments may be submitted to the Community Development Director. The Community Development Director shall act on the application within 15 days after the close of the comment period.
   a. **NOTICE TO MUNICIPALITY.** When the proposed commercial or industrial use is located within a municipal three-mile area, notice shall be provided to the municipality.
5. **ACTION BY COMMUNITY DEVELOPMENT DIRECTOR**. Within 30 days of having certified that the application is complete, or after having received comment from review agencies pursuant to Section 3-110: B. *Request for Review by Other Agencies or Departments,* whichever is later, the Community Development Director shall approve, approve with conditions, or deny the application, based upon the compliance of the application with the applicable standards and requirements of this *Resolution*. Conditions of approval shall include the applicant's timely and fully obtaining and complying with all applicable federal, state, municipal and other permits required for the Project.
6. **APPROVAL AND SIGNATURE OF PLAT BY ~~BOARD~~BOCC**. When an Administrative Review Project requires the submittal of a survey plat for execution by the BOCC, the Community Development Director shall schedule the item on the ~~Board~~BOCC agenda for signature.
7. **RECORDATION OF CERTIFICATE**. Within 30 days following approval of the Administrative Review application, the Community Development Director shall record a Certificate of Administrative Review in the Office of the Gunnison County Clerk and Recorder's Office. The Certificate shall describe the specific Project, the legal description of the subject property, any relevant Findings related to the Project's compliance with this *Resolution*,

or conditions of approval, and include the Community Development Director's signature line, and the date of approval.

B. **APPEAL.** A decision by the Community Development Director on an application for an Administrative Review Project may be appealed by referral to the ~~Board~~Board of ~~Adjustments~~Adjustment (BOA), pursuant to Section 8-103: *Appeals*.

ARTICLE 6:
MINOR IMPACT PROJECTS

SECTION 6-101: PURPOSE

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

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

SECTION 6-102: PROJECTS CLASSIFIED AS MINOR IMPACT PROJECTS

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

A. 2-4 UNITS. 2-~~4~~ 8 units that are subdivision lots, ~~duplex units,~~ or multiple-family residences, except as allowed pursuant to Section 9-101: D. 2.: *Secondary Structures and Uses Classified as Minor Impact Projects.*

B. MAXIMUM BUILDING SIZE LARGER THAN 5,000 SQ. FT. AND AGGREGATE SQUARE FOOTAGE LARGER THAN 7,000 SQ. FT.. No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 5,000 sq. ft. and the aggregate of all structures shall not exceed 7,000 sq. ft. unless a land use change permit is approved pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.

C. MAXIMUM BUILDING SIZE AND MAXIMUM AGGREGATE OF ALL STRUCTURES FOR MULTIPLE-FAMILY RESIDENCE(S). No building(s) on a parcel equal to or larger than 6,500 sq. ft. shall equal or exceed 10,000 sq. ft. and the aggregate of all structure shall not equal or exceed 12,500 sq. ft. unless a land use change permit is approved pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.

D. AGGREGATE SQUARE FOOTAGE MORE THAN 12,500 SQ. FT. FOR MULTIPLE FAMILY RESIDENCE(S). An aggregate of more than 12,500 sq. ft. of unless a land use change permit is approved pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*

~~**PRIMARY RESIDENCE LARGER THAN 5,000 SQ. FT.** A primary residence larger than 5,000 sq. ft. The residence may include an attached garage, which shall be calculated in the total square footage allowed for the residence, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*~~

~~**C. AGGREGATE SQUARE FOOTAGE LARGER THAN 7,000 SQ. FT.** An aggregate square footage larger than 7,000 sq. ft. of residential living area (one single-family residence, and any combination of a primary single-family residence, an integrated secondary residence, a detached secondary residence) and a garage attached to a residence (excluding from the calculation horse/hay sheds less than 500 sq. ft., one 200 sq. ft. storage shed, and a private greenhouse) and accessory structures or secondary use structures on one parcel, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*~~

~~**D. MULTIPLE FAMILY RESIDENCE LARGER THAN 10,000 SQ. FT.** A multiple family residence larger than 10,000 sq. ft. The multiple family residence may include an attached garage(s), which shall be calculated in the total square footage allowed for the residence, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.~~

E. AGGREGATE SQUARE FOOTAGE LARGER THAN 12,500 SQ. FT. MULTIPLE FAMILY RESIDENCE(S). An aggregate of 12,500 sq. ft. or larger of residential living area and/or accessory use structures and secondary structures on one parcel, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*

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

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

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

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

J. **NEW COMMERCIAL, INDUSTRIAL 10,000 SQ. FT., OR FIVE ACRES OR LESS**. A new commercial or industrial structure equal to or less than 10,000 sq. ft. or a new commercial or industrial use developed on five acres or less.

K. ~~10,000-15,000 SQ. FT.~~ EXPANSION OR CHANGE OF COMMERCIAL OR INDUSTRIAL USE TO TOTAL SIZE OF 10,000 SQ. FT. OR FIVE ACRES OR LESS. Expansion or change of a commercial or industrial use, when the expansion will result in the use having a total size of less than 10,000 sq. ft. of a structure or less than 5 acres of land ~~A 10,000–15,000 sq. ft. expansion of a commercial or industrial use, existing as of the effective date of this *Resolution*~~.

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

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

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

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

~~P~~O. BED AND BREAKFAST. Bed and breakfast business, pursuant to Section 9-103: *Bed and Breakfast.*

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

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

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

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

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

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

U. NON-COMMERCIAL USE OF HELICOPTER FOR ACCESS TO PRIVATE PROPERTY. The non-commercial use of a helicopter solely for the use by the property owner for access to private property.

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

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

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

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

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

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

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

   b. **VACATION SHALL NOT DENY ACCESS.** Vacation, amendment or replatting of all or part of the plat shall not interfere with the use of, nor deny access by public thoroughfare to public land, adjoining properties, utility service, or other improvements. In granting a vacation, the Board may reserve easements for access, and for the installation or maintenance of utilities, ditches, and similar improvements.

   c. **NOT DAMAGE ANY LOT OWNER.** The plat vacation, amendment or replat shall not result in damage to any individual lot owner.

SECTION 6-104: MINOR IMPACT APPLICATION

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. **AREA AND PHASING OF DEVELOPMENT**. The Minor Impact Project 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.

C. **APPLICATION AND REVIEW FEES**. In order to compensate the County for the cost of reviewing and processing the submittals, 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~~BOCC. 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 application 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*.

D. **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.

E. **GENERAL APPLICATION FORM FOR MINOR IMPACT PROJECTS.** The Community Development Department shall provide and the applicant shall complete an application form appropriate for the specific Minor Impact Project. The Application includes both a narrative describing elements of the proposed project, and maps and layout plans than illustrate it. Unless waived by the Community Development Department, at a minimum, the application shall include:

1. APPLICANT. The name, address, telephone and fax numbers, and email address for the applicant and the applicant's representative, if applicable,

   a. **APPLICANT IS NOT THE OWNER**. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal. Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process pursuant to this *Resolution*.

   b. **APPLICANT IS NOT THE SOLE OWNER.** If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.

2. PROPERTY OWNER. Name, address, telephone and fax numbers and email address of the owner of the property and, if other than the applicant, a notarized letter from the owner consenting to the application must be submitted.

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

b. PROPERTY LOCATION. The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the land use change is proposed to be located. A copy of the recorded deed to the property should be included.

c. DATE OF APPLICATION. The date on which the application was prepared.

3. IDENTIFICATION OF PRESENT LAND USE AND PREVIOUSLY -APPROVED USES. Identification of present land use, locations, and sizes of structures that exist on the subject property, Land Use Change Permits or other permitted activities that were previously approved for the parcel on which this land use change is proposed.

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

5. LIST OF ADJACENT LANDOWNERS. As applicable, a listing of all landowners and land uses that are adjacent to the boundaries of the entire parcel on which the Project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the property except for the existence of the roadway. When the parcel is located adjacent to a municipality, a platted townsite or platted recorded subdivision, all owners of surface property rights within 500 feet of each boundary of the entire parcel shall be included in the listing. The source for the best-available information to identify those landowners is the Gunnison County Assessor's Office.

6. MINERAL RESOURCES. Indication of mineral resources that are known, or reasonably believed to be located in the property proposed for the land use change, whether the area has been the site of underground or surface mining activity, and whether an original patent has been issued to the property under federal mining law. If reasonably available, a list of the owners or lessees of underlying mineral estates is to be included.

7. PROPOSED PROJECT DESCRIPTION. A description of what the applicant wants to do on or to the property, including the following:

a. USES AND ACTIVITIES, NUMBERS OF UNITS, OR SIZES OF USES. Proposed uses or activities, division of land, adjustment of boundaries, expansion of existing uses, construction, materials to be stockpiled, indoor and outdoor storage areas. Numbers of units or lots. Estimated square footage or acreage of commercial, industrial or other uses. The proposed number of residential and/or other units and estimated square footage of structures may be expressed as a range, provided the top end of the range is no more than 20 percent higher than the bottom end of the range.

b. DESCRIPTION OF OFF-SITE RESOURCES. Description of off-site resources such as gravel and haul routes as may be necessary to accomplish the project.

c. SEASONS AND HOURS OF OPERATION. As applicable, the seasons of the year in which the activity is proposed to be conducted, and the intended hours of operation.

d. PHASES. Any phases that may be proposed within a Final Plan for the development.

8. INFRASTRUCTURE ELEMENTS. As applicable, the elements of all infrastructure that will be required as part of the development, pursuant to the individual sections of Article 12: *Development Infrastructure Standards* including:

a. ROAD SYSTEM. If the development is to include a road or roads, location and design, pursuant to Section 12-103: *Road System* and the *Gunnison County Specifications for Road and Bridge Construction Standards.*

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

c. SEWAGE DISPOSAL/WASTEWATER TREATMENT. If applicable, how wastewater will be disposed of, pursuant to the requirements of Section 12-106: *Sewage Disposal/Wastewater Treatment.*

d. WATER SUPPLY. Adequate evidence, which may be a final court decree, deed or other written document demonstrating ownership and/or right to use water in the amounts, manner and location(s) proposed to supply the development, pursuant to Section 12-105: *Water Supply.*

1. TIE ON TO EXISTING CENTRAL SYSTEM. If the Project will tie onto an existing central water supply system, the name of the municipality, district or other existing system that will provide the service. A copy of a notarized letter of intent to provide, signed agreement or contract between the applicant and the supplier indicating that it has the capacity and is willing to provide the amount of water that will be provided by the service provider, and any conditions of providing tap-on and service.

2. PROVISION OF NEW CENTRAL SYSTEM. If the Project includes the construction and operation of a new central water supply system, copies of approved current well permits, court decrees, decreed plan of water augmentation, or other deeded water rights. A description of the proposed system, including treatment options, proposed plans for operation and maintenance, and information about how water will be provided for fire suppression.

3. INDIVIDUAL WELL OR SPRING SYSTEM. If an individual well or piped spring is proposed as the supply, a list of, and provision of copies of approved current well permits, court decrees, plans of water augmentation, or other deeded water rights. If the source of the supply is not located on the property proposed for development, the site of the source shall be indicated on the submitted vicinity map, and as applicable, copies of existing easements for location, access to and maintenance of pipelines and related facilities.

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

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

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

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

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

1. **SECTION 13-103:** *General Site Plan Standards and Lot Measurements.*
2. **SECTION 13-104:** *Setbacks from Property Lines and Road Rights-of-Way*.
3. **SECTION 13-105:** *Residential Building Sizes and Lot Coverages.*
4. **SECTION 13-107:** *Installation of Solid-Fuel-Burning Devices*.
5. **SECTION 13-108:** *Open Space and Recreation Areas*.
6. **SECTION 13-109:** *Signs*.
7. **SECTION 13-110:** *Off-Road Parking and Loading.*
8. **SECTION 13-111:** *Landscaping and Buffering*.
9. **SECTION 13-112:** *Snow Storage*.
10. **SECTION 13-113:** *Fencing*.
11. **SECTION 13-114:** *Exterior Lighting*.
12. **SECTION 13-115:** *Reclamation and Noxious Weed Control.*
13. **SECTION 13-116:** *Grading and Erosion Control*.
14. **SECTION 13-117:** *Drainage, Construction and Post-Construction Storm Water Runoff*.
15. **SECTION 13-118:** *Water Impoundments*.
16. **SECTION 13-119:** *Standards to Ensure Compatible Uses*.

F. ADDITIONAL SUBMITTALS BASED UPON INFORMATION AVAILABLE ON MAPS USED BY THE COUNTY. If a land use change is proposed on a parcel located within any of the following areas delineated pursuant to Section 1-112: *Use of Maps* or in areas otherwise addressed by the following, additional submittals may be required to be submitted; the Community Development Department will provide assistance to the applicant to determine the specific information that must be submitted:

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

G. MAPS AND SITE PLANS. Maps and site plans submitted with any application shall be at a scale and sheet size that can be easily viewed. A minimum scale of 1" = 100' is preferred. Sheet size shall not exceed 24 inches by 36 inches. In the case of map sets containing multiple sheets, there shall be an index sheet stating the contents of each sheet. In the case of a large development site that requires more than two sheets to depict the entire land area at an appropriate scale, the applicant shall also submit a total area plan showing the entire development on a single sheet at an appropriate scale.

1. **VICINITY MAP**. A vicinity map, at a minimum, shall include the following (as illustrated in Appendix Figure 2: *Vicinity Map Example*):
    a. **PROPERTY LOCATION AND NEARBY PARCEL SIZES AND LAND USES**. Location of the property on a United States Geological Survey quadrangle map or on a recorded plat if the proposed development is within an approved subdivision, with the location highlighted so that it is easy to see, and that clearly shows sizes of parcels and land uses within a half-mile of the proposed Project.

b. ROADS. All U.S. and state highways and nearest County or Forest Service, Bureau of Land Management, and/or subdivision/private roads that traverse and/or provide access to this proposed Project.

c. EASEMENTS. Easements recorded or historically used that provide access to or across, or other use of, the property.

d. BOUNDARIES OF DISTRICTS, MUNICIPALITIES OR SUBDIVISIONS. Locations of special district boundaries, municipalities or residential subdivisions within a half mile of the property.

e. PROXIMITY OF MINING OR PROCESSING ACTIVITY. Any parcel located within 1,000 feet of the property proposed for land use change on which there exists an operation involving mineral exploration or extraction or construction materials processing.

2. SITE PLAN. A site plan, which at a minimum shall include the following (as illustrated in Appendix Figure 1: *Site Plan Example.*):

a. ALL PROPERTY PROPOSED FOR DEVELOPMENT. Include all land proposed for immediate and anticipated for future development. This can be a simple, hand-drawn layout, but it must be legible, clearly marked, drawn to scale, and signed and dated by the person who drew it.

b. PHASING. Any proposed phases of the development, and their timing.

c. TOTAL ACREAGE OWNED. Total acreage and location of all contiguous property owned by the applicant.

d. TOTAL ACREAGE IN PROPOSED LAND USE CHANGE PERMIT AREA. Total acreage of the site on which the applicant wants to obtain approval for the Land Use Change Permit.

e. ADJACENT LOT SIZES. Lot size(s) of properties adjacent to and in the impact area of the site proposed for the land use change.

f. ADJACENT LAND OWNERS. Names and actual land uses of adjacent landowners (including federal, State of Colorado and other publicly owned lands), to the site (in addition to the separate narrative listing). This includes properties that may be across a road, stream or river from the applicant's property.

g. UTILITY LOCATIONS IN AREA. Location of all existing utilities on the property (septic tanks, wells, electric, gas, telephone or cable lines) that will serve the property.

h. TOPOGRAPHIC FEATURES. Streams, lakes, ponds, wetlands, contour lines and elevations, any prominent ridgelines, and any other significant visual resource areas on the property.

i. LIVESTOCK DRIVES AND FENCELINES. Historic or recorded stock drive easements crossing or adjoining the development property, including the location of any existing fences along property lines, and the location of new fences or other obstacles proposed to be built across any such stock drive.

j. IRRIGATION DITCHES. The location(s), name(s), name(s) of owner(s), size(s), and decreed capacity(ies) of any irrigation ditch crossing or adjoining the development property, as available from the Colorado Division of Water Resources, or ditch commissioner's records.

k. DRAINAGE. Drainage patterns, on and adjacent to the Project property.

l. TRAILS. Pursuant to Section 12-104: *Public Trails*, as applicable, the application shall show existing public trails that cross the subject property, and any trails the applicant may be proposing to include as an element of the proposed land use change.

m. ROADS, DRIVEWAYS AND PARKING. Roads, driveways and parking areas, both existing and proposed. Driveway access locations are subject to review and approval by the Public Works Department. If roads are an element of the Project design, they shall be designed pursuant to, and Section 12-103: *Road System*.

n. EXISTING STRUCTURES. Locations and sizes of existing structures.

o. PROPOSED STRUCTURES. Locations and sizes of proposed structures.

p. BOUNDARIES. Boundaries and related measurements.

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

I. ADDITIONAL SUBMITTALS BASED ON EVIDENCE OF REASONABLE PROBABILITY OF CUMULATIVE IMPACTS. If, in the course of the Minor Impact Project review, evidence is submitted or gathered indicating that there is a reasonable probability that the proposed land use change will contribute to cumulative impacts within the impact area, the Community Development Department or the Planning Commission shall require that additional information, including but not limited to studies of specific issues, be submitted.

J. 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.

K. ADDITIONAL INFORMATION. Such additional information reasonably required by the Community Development Department as necessary to determine the impact classification, or to otherwise aid in the evaluation of the development pursuant to the applicable requirements of this *Resolution*.

SECTION 6-105: SUBMITTAL FOR FINAL ACTION FOR MINOR IMPACT PROJECT

~~A.~~ ~~**COPIES OF INFORMATION NECESSARY FOR ACTION BY RECOMMENDING AND DECISION-MAKING BODIES.** If the Planning Commission, after a work session(s) and the applicable required public hearing, directs the staff to prepare a Recommendation or Decision document for approval of a Minor Impact Project, the Community Development Department shall determine the number of copies of a plan submitted for final action (including protective covenants, blue line copies of a plat, or final plan layout as applicable) necessary for review and action by the County, and advise the applicant of that number.~~

BA. CONDOMINIUM AND TOWNHOME DEVELOPMENTS. A Minor Impact Project that is a plan for condominium or townhome development shall require a Final Plan approval for the layout, infrastructure and amenities 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*.

BC. FEES. To compensate the County for the cost of reviewing and processing applications for Land Use Change Permits, each applicant shall pay the Final Plan fee as shown in a schedule of fees charged for permits issued by the Community Development Department, adopted and amended from time to time by the ~~Board~~BOCC. 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.

~~D~~C. SUBMITTAL OF DRAFT COPY. The applicant shall submit one digital draft copy of the plan for final action to the Community Development Department.

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

DF. NARRATIVE. The plan for final action shall include the following, presented in the same order as it is listed here, in a stapled or otherwise bound document, on consecutively-numbered pages:

1. **APPLICANT OTHER THAN APPLICANT WHEN APPLICATION ORIGINALLY SUBMITTED**. If the applicant is not the same as the applicant who submitted the initial application, that fact shall be noted, and a notarized letter of consent from the current property owner for the current applicant to proceed with the review shall be submitted.

2. **PROPERTY OWNER OTHER THAN OWNER WHEN APPLICATION ORIGINALLY SUBMITTED.** If the property owner is not the same as the owner who submitted the initial application, that fact shall be noted, and a notarized letter of consent from the current property owner for the current applicant to proceed with the review shall be submitted.

   a. **APPLICANT IS NOT THE SOLE OWNER.** If the applicant is not the sole owner of the land, and the ownership of the property has changed since the initial application, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.

Commented [HS13]: everything is electronic now.

3. PROJECT DESCRIPTION. A detailed description of the uses and activities for which final approval is requested, including:

a. USES AND ACTIVITIES. Proposed uses or activities, division of land, adjustment of boundaries, expansion of existing uses, and construction, stockpiled materials, indoor and outdoor storage areas.

b. NUMBERS OF UNITS OR OTHER SIZES OF USES. Numbers of units or lots. The square footage or acreage of commercial, industrial or other uses.

c. DESCRIPTION OF STRUCTURES. Description of structures to be constructed, their estimated size(s) and appearance.

d. DESCRIPTION OF OFF-SITE RESOURCES. Description of off-site resources, hazardous activities and haul routes.

e. IDENTIFICATION OF LOT USE WITHIN SUBDIVISION. If subdivision of the property is proposed, the uses proposed for all resulting lots.

f. SEASONS AND HOURS OF OPERATION. As applicable, the seasons of the year in which the activity is proposed to be conducted, and the intended hours of operation.

g. PHASES. Phases of the plan, if applicable.

4. DOCUMENTATION OF CONVEYANCE OF LAND OR EASEMENT. As applicable, a copy of warranty deed(s) to, or easement agreement(s) with, the appropriate entity conveying or providing easement to the County or other entity, for any land set aside for road rights-of-way, public trails, or other public use.

5. PROTECTIVE COVENANTS AND DESIGN GUIDELINES, CONDOMINIUM OR TOWNHOME DECLARATIONS, OR DEED RESTRICTIONS. Protective covenants, design guidelines, condominium or townhome declaration or similar restrictions that will be imposed on the development. The protective covenants shall be the final recordable form and, at a minimum, shall address:

a. CONDITIONS OF LAND USE CHANGE PERMIT. As applicable, those items required as conditions of the Land Use Change Permit approval to be included within protective covenants, design guidelines, condominium or townhome declarations or deed restrictions.

b. RESPONSIBILITIES OF HOMEOWNERS' ASSOCIATION. As applicable, responsibilities of property owners or homeowners' association to collect dues, maintain common areas, improve infrastructure common to the development, maintenance of a decreed water augmentation plan and the augmented water supply, treatment of wastewater and/or water, and to oversee the maintenance of the general appearance of the development.

c. COUNTY IS PARTY TO AMENDMENT OR TERMINATION. Language that requires that amendment or termination of the protective covenants or restriction is subject to approval by Gunnison County.

d. DESIGN CRITERIA. Design criteria that will govern development within the subdivision, including:

1. BUILDING SCALE AND LOCATION. Language defining building heights, compatibility with terrain, and sizes of all structures that will be allowed by the protective covenants. The requirements of Section 11-108: *Standards for Development on Ridgelines*, Section 13-103: *General Site Plan Standards and Lot Measurements,* Section 13-105: *Residential Building Sizes and Lot Coverages* shall guide the drafting of the covenant language.

2. ARCHITECTURAL STYLE AND EXTERIOR APPEARANCE. Language describing the architectural style that will be required of all structures in the proposed development, and the types and colors of exterior materials to be used, including siding, roofing.

e. DOMESTIC ANIMAL CONTROL. Language limiting the maximum number of domestic animals allowed on a lot or within the development, and requiring that they be confined on site by kenneling, leashing or other similar means. Language that includes requirements that comply with those specified by Section 11-106: F.6*: Domestic Animal Controls,* Section 11-109: D: *Domestic Animal Controls*, and Section 9-508: *Keeping of Livestock Not On an Agricultural Operation.*

f. EXTERIOR LIGHTING. Language that includes requirements that comply with those specified by Section 13-114: *Exterior Lighting*.

g. FENCING. Language that includes requirements that comply with those specified by Section 13-113: *Fencing.* If there is proposed to be a fence separating the proposed development from lands on which there

are agricultural operations or are public lands, language shall be required acknowledging Colorado's "fence out" requirements, and placing responsibility for construction and maintenance of the fence with the property owners or homeowners' association.

h. RECLAMATION AND NOXIOUS WEED CONTROL. Language that includes requirements that comply with those specified by Section 13-115: *Reclamation and Noxious Weed Control.*

i. USE AND MAINTENANCE OF OPEN SPACE AREAS. As applicable, language shall be included that lists uses allowed on, and requires maintenance of common open space areas by the homeowners association, or other appropriate entity. Pursuant to Section 13-108: *Open Space and Recreation* Areas.

j. SIGNS. Language shall be included that informs property owners or other land users within the proposed development that installation of signs requires compliance with the Gunnison County regulations and may require a Gunnison County Sign Permit.

k. RULES CONCERNING PARKING. Language concerning limitations on parking pursuant to Section 13-110: *Off-road Parking and Loading*.

l. LANDSCAPING AND BUFFERING. Language addressing installation and maintenance of landscaping on individual lots and common areas pursuant to Section 13-111: *Landscaping and Buffering*.

m. PROVISION FOR SNOW REMOVAL AND SNOW STORAGE. Language identifying responsibility of a property owners' or homeowners' association or other entity to remove snow from interior roads and parking areas, and other applicable requirements pursuant to Section 13-112: *Snow Storage*.

n. STANDARDS TO ENSURE COMPATIBLE USES. As applicable, specific covenants or other restrictions designed to mitigate impacts to nearby residential or public use areas or neighborhood land uses, pursuant to Section 13-119: *Standards to Ensure Compatible Uses*.

o. SOLID-FUEL-BURNING DEVICES. If solid-fuel-burning devices are to be used in the proposed development, restrictions shall be listed ensuring compliance with Section 13-107: *Installation of Solid-fuel-burning Devices.*

p. GEOTECHNICAL SITE-SPECIFIC STUDIES. When a parcel is proposed for subdivision and analysis has indicated it is located within a geologic hazard area, language shall be included that identifies the specific hazard in which the development, or identified portions of the development, are located, and refers by title, name of preparer, and date of preparation to the geotechnical analysis of the site.

1. **COPY OF GEOTECHNICAL STUDY TO BE ATTACHED**. A copy of the geotechnical study(ies) shall be required to be attached as an exhibit to the protective covenants or deed restriction.

q. DOCUMENTATION ESTABLISHING ADMINISTRATIVE ASSOCIATION. If the development is a subdivision, condominium or townhome development, proof of the establishment of any applicable homeowners' or property owners' association, district, architectural control committee or other group that will administer or enforce protective covenants, declarations or deed restrictions. If proof of establishment is not submitted with the plan for final action, establishment shall be guaranteed through provisions in the Development Improvement Agreement, and all relevant documentation creating the organization shall be submitted to the Community Development Department.

r. FINAL COST ESTIMATES. As applicable, documentation from contractors, materials providers, engineers or other professionals, certifying final estimates for roads, bridges, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements required by the County for final approval.

s. COPY OF PROPERTY TAX CERTIFICATE. Copy of certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel on which the land use change is proposed have been paid up to the year in which approval is under consideration. If the copy provided in the Minor Impact application is current, no additional copy need be provided.

t. INFORMATION TO ASSESSOR'S OFFICE. If the development is a subdivision, condominium or townhome development, a copy of a notarized signed statement from the developer agreeing to provide the Gunnison County Assessor's Office with the following information before November 30 of each year shall be submitted:

1. **PARCELS SOLD.** A description of all lots or parcels sold within the development.
2. **PURCHASER INFORMATION.** Name and address of each purchaser.
3. **PURCHASE PRICE.** Purchase price of each parcel sold.

~~G~~E. **LAYOUT AND DESIGN.** The application shall include a rendering of the final layout and design plan of the Project that shall include:

1. **SURVEY.** A scale survey of the boundaries of the land parcel, showing all planned, recorded and apparent rights-of-way and all easements including ditches, utility lines, roads, and paths or trails; a description of all monuments found and set marking the boundaries of the property; and a description of all control monuments used and all dimensions necessary to establish the boundaries in the field. All section, quarter-section, township and range lines that cross the development shall be identified.
2. **SCALE.** Scale shall be 100 feet to the inch, except building plans and townhome or condominium plans may be at a larger scale if appropriate.
3. **SHEET SIZE.** Sheet size shall be 24 inches by 36 inches. When a large development requires more than two sheets at the required scale, the applicant shall also submit a total area plan showing the entire development at a scale that is clearly legible.
4. **LOCATIONAL INFORMATION.** Each sheet shall contain a scale (written and graphic), north arrow and a heading containing the name and location of the development by reference to a quarter-section, township and range, and a reference to a U.S. Mineral survey where applicable.
5. **SUBDIVISION PLAT**. If the development is a subdivision, the final layout shall be presented as a recordable Plat, and include the required language pursuant to Section 6-105: L: *Specifications for Subdivision Plats.*

~~H~~F. **ENGINEERED PLANS**. Final engineering design plans and descriptions for roads, bridges, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements proposed to be installed by the developer, or required by the County; such plans shall be designed and stamped by a qualified professional engineer licensed in the State of Colorado. Engineering plans may be bound separately when size or bulk makes it advisable. Two folded copies of each of the plans shall be provided that can be stored in legal-sized folders, and shall not be submitted in rolled form.

~~G~~I. **UTILITY LOCATION PLANS.** As applicable, final utility location plans approved by all utility companies identified as providing service to the development.

~~H~~J. **WATER SUPPLY.** Documentation of a final court decree, deed or other written evidence demonstrating ownership and/or right to use water in the amounts, manner and location(s) for the uses and activities included in the development.

1. **WATER AUGMENTATION PLAN**. If the Division of Water Resources required that a plan of water augmentation be designed, submitted and approved, a copy of the decree(s) for the plan shall be submitted. The plan shall accurately portray the number and types of uses described in the applicant's Final Plan application submittal, including phases, if applicable.

~~I~~K. **SPECIFICATIONS FOR SUBDIVISION PLATS**. Subdivision plats intended for recording shall be prepared by a surveyor registered in the State of Colorado, clearly and legibly drawn on indelible material so that legible prints can be made from it. The Plat recorded in the Office of the Clerk and Recorder of Gunnison County shall be a nonerasable copy of the original. Sheet size shall be 24" x 36". The scale of the final plat shall be sufficiently large to show clearly the details of the plan (preferably 1" = 100').

1. **PUBLIC AREAS.** All public or common areas shall be identified.
2. **NON-DUPLICATING ROAD NAMES.** All roads shall be named. Road names shall not duplicate those of any existing named road within the unincorporated county or any incorporated municipality, to avoid confusion and duplication.
3. **ACCESS AND OTHER EASEMENTS.** Planned and existing, recorded or apparent easements shall be shown, including 25-foot easements from each irrigation ditch bank pursuant to Section 11-109: G. 2.: *Irrigation Ditch Easements*, watercourses, public utilities, drains, sewers, snow storage areas, roads and paths or trails crossing the property, the closing or changing of which might affect the rights of others or result in damage to the property of the owner.
4. **BLOCKS AND LOTS.** All blocks and lots or spaces shall be consecutively numbered.
5. **REFERENCE TO PROTECTIVE COVENANTS**. If protective covenants are included as an element of the development, they shall be filed with the plat and the plat shall contain the correct recording references.
6. **CURVE DATA.** All curve data, in a chart that includes radii, internal angles, and lengths of all arcs and points of curvature.

7. **REQUIRED PLAT LANGUAGE.** The following plat language:

a. FLOODPLAIN WARNING AND DISCLAIMER. If the subject property is located within an identified floodplain, language shall be included on the plat pursuant to Section 11-103: F. 1. *Warning and Disclaimer of Floodplain Hazards Affecting Use and Occupancy of This Property*.

b. GEOLOGIC HAZARDS WARNING AND DISCLAIMER. If the subject property is located within an identified geologic hazard area, language shall be included on the plat pursuant to Section 11-104: F. 5: *Warning and Disclaimer of Geologic Hazards Affecting Use and Occupancy of This Property*.

c. WILDFIRE HAZARD AREA WARNING AND DISCLAIMER. If the subject property is located within an area designated as a wildfire hazard area, language shall be included on the plat pursuant to Section 11-106: G: *Warning and Disclaimer of Wildfire Hazards Affecting Use and Occupancy of This Property.*

d. COMPLIANCE WITH COUNTY APPROVAL DOCUMENTS. A Plat presented for approval shall contain one of the following statements, as applicable:

1. COMPLIANCE WITH ~~BOARD~~BOCC RESOLUTION.

COMPLIANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION

The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No._____ of the Records of the Clerk and Recorder of Gunnison County.

2. COMPLIANCE WITH APPLICABLE CERTIFICATE OF APPROVAL.

COMPLIANCE WITH CERTIFICATE OF APPROVAL

The property described on this plat is subject to all the requirements, terms and conditions of Certificate of Approval No. _____, recorded at Reception No._____ of the Records of the Clerk and Recorder of Gunnison County.

e. GENERAL NOTES. Pursuant to Section 11-110: H: *Protective Covenants or Deed Restrictions and Plat Language*, the following paragraphs shall be included within a section of General Notes on a Final Plat:

1. CONFINEMENT OF DOMESTIC ANIMALS. Language directing that domestic animals must be controlled by kenneling, leash, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.

2. AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS. Language referencing C.R.S. 35-46-101 *et seq*: clearly stating that a property owner is required to construct and maintain fencing in order to keep livestock off his/her property.

3. **IRRIGATION DITCH MAINTENANCE**. Language notifying individual lot owners that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and leave natural debris on the bank.

f. ATTORNEY'S OPINION. The following opinion by the applicant's attorney:

ATTORNEY'S OPINION

I, (printed name of attorney), an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in_____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows :_____(list same or indicate none).

Dated this _____ day of _____, A.D. 20___.

_____

Attorney-at-Law

g. DEDICATION. A Final Plat presented for approval shall contain one of the following statements concerning dedication, which shall be followed by the Notary Statement set forth in (3) below:

1. DEDICATION LANGUAGE.

DEDICATION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows: (insert legal description of

land being platted and/or subdivided and include area in acres to two (2) decimal places) in Gunnison County, Colorado, under the name of (complete name of development in capital letters), have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof (printed name of the owner) has (have) subscribed (his, her, their) name(s) this _____ day of _____, A.D. 20___.
By _____
Owner(s), Mortgagee(s) and Lien holder(s)

2. DEDICATION/ALTERNATIVE LANGUAGE.

DEDICATION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____, being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows: (insert legal description of land being platted and/or subdivided and include area in acres to two (2) decimal places) in Gunnison County, Colorado, under the name of (complete name of development in capital letters), have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof (printed name of the owner(s)) has (have) subscribed his, her, their name(s) this _____day of _____, A.D. 20_____.
By _____
Owner(s), Mortgagee(s) and Lien holder(s)

3. NOTARIAL.

State of Colorado)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 20_____, by (printed name of owner(s): if by natural persons here, insert name; if by person acting in a representative official capacity, insert capacity; if by officers of a corporation, then insert the title of said officers and the name of the corporation).

My commission expires: _____
My address is: _____
Witness my hand and official seal:
_____ (seal)
Notary Public

h. PLANNING COMMISSION APPROVAL

GUNNISON COUNTY PLANNING COMMISSION APPROVAL

The Planning Commission of Gunnison County, Colorado, hereby recommends _____ approval of this plat of the above subdivision, such recommendation being made at a meeting of said Commission held on this _____ day of _____, A.D. 20_____.

_____
Chairperson, Gunnison County Planning Commission

i. BOARD OF COUNTY COMMISSIONERS' APPROVAL. As is consistent with the selected paragraph of dedication, any Final Plat submitted for approval shall contain one of the following statements of approval as appropriate:

1. ~~BOARD~~ BOCC APPROVAL LANGUAGE:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this _____ day of _____, A.D. 20_____, and the roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance or snow removal purposes. Maintenance of, or snow removal from, the subject roads shall be only upon a separate resolution *of the Board of County Commissioners passed in accordance with such policies, resolutions or ordinances in effect at that time.*

_____
Chairperson, Gunnison County Board of Commissioners
Attest:

_____
Gunnison County Clerk and Recorder

2. ~~BOARD~~ BOCC **APPROVAL: FIRST ALTERNATIVE LANGUAGE:**

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this _____ day of _____, A.D. 20_____, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

3. ~~BOARD~~BOCC **APPROVAL: SECOND ALTERNATIVE LANGUAGE**:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) Is approved this _____ day of _____, A.D. 20_____, as a seasonal use development only and not as a development served by a road opened or to be opened on a year-round basis. The roads and other public areas are hereby accepted provided, however, such acceptance shall not in any way be considered as an acceptance for maintenance purposes. Maintenance of, or snow removal from the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or ordinances in effect at that time.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

4. ~~BOARD~~BOCC **APPROVAL: THIRD ALTERNATIVE LANGUAGE:**

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this _____ day of _____, A.D. 20,_____ as a seasonal use development only and not as a development served by a road opened or to be opened on a year-round basis. The private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

5. **GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE.** (To be placed in the lower right-hand corner of cover sheet.)

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of _____, A.D. 20_____, Reception Number _____, Time _____, Date _____.

_____

Gunnison County Clerk and Recorder

6. **SURVEYOR'S STATEMENT.** A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him or under his direct responsibility and supervision and explaining how bearings, if used, were determined.

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~~BOCC~~.~~

~~E~~D**. 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.

E**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.

F**G. SITE VISIT(S).** The ~~Board~~BOCC 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.

GH. **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~~BOCC 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~~BOCC hearings pursuant to Section 3-112: *Notice of Public Hearing*.

IH. **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.*

IJ. **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~~BOCC, 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~~J. **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 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.*

KL. **~~BOARD~~BOCC DECISION ON OPTIONAL ~~BOARD~~BOCC 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~~BOCC 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~~BOCC 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~~BOCC'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~~BOCC PUBLIC HEARING.** If the ~~Board~~BOCC chooses to conduct a public hearing, the following shall apply:

   a. **HEARING NOTICE.** Public notice that the ~~Board~~BOCC 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~~BOCC hearing shall be conducted pursuant to Section 3-113: *Conduct of a Public Hearing.*

L~~M~~. **~~BOARD~~BOCC ACTION.** Within 35 days after receipt of the Planning Commission recommendation if the ~~Board~~BOCC did not conduct another public hearing, or within 35 days after closure of the hearing if the ~~Board~~BOCC conducted another public hearing, the ~~Board~~BOCC shall act within approve, approve with conditions, refer the application back to the Planning Commission for additional review, or deny the application. The ~~Board~~BOCC'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~~BOCC 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~~BOCC 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~~BOCC 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.

M~~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.

N~~O~~. **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.

O~~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.

ARTICLE 7:
MAJOR IMPACT PROJECTS

This Article establishes the review process, application submittal requirements, and review standards that apply to the review of Land Use Change Permit applications for development classified as Major Impact Projects.

DIVISION 7-100:
CLASSIFICATION, STANDARDS AND GENERAL REVIEW STEPS FOR MAJOR IMPACT PROJECTS

SECTION 7-101: PROJECTS CLASSIFIED AS MAJOR IMPACT

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

A. MORE THAN FOUR UNITS. More than four units that are subdivision lots, duplex units, or multiple-family residences.

B. NEW COMMERCIAL, INDUSTRIAL LARGER THAN ~~5~~10,000 SQ. FT. OR FIVE ACRES. A new commercial or industrial use of more than ~~5~~10,000 sq. ft. of structure, or on a parcel of more than five acres, or which, because of Projected traffic, hours of operation, or type of use, may be classified as a Major Impact Project, or would be the first instance of a commercial or industrial land use in an area in which no other commercial or industrial land use currently exists.

C. EXPANSION OR CHANGE OF COMMERCIAL OR INDUSTRIAL USE ~~OF~~ LARGER THAN 10,000 SQ. FT. OR FIVE ACRES OR MORE. Expansion of a commercial or industrial use, ~~existing as of the effective date of this Resolution~~, of 10,000 sq. ft. or five acres or more.

D. LARGE NEW OR EXPANDED MINING OPERATIONS. New or expanded mining operations that operate for more than 180 days per year, produces more than 10,000 tons of ore/waste per year, or affects more than two surface acres of land, pursuant to Division 9-400*: Exploration, Extraction and Processing of Minerals and Construction Materials.*

E. LARGE CONSTRUCTION MATERIALS OPERATIONS. Any sand, gravel or quarry operation providing material that will operate for more than two years, pursuant to *Division 9-400: Exploration, Extraction and Processing of Minerals and Construction Materials.* Larger operations may require review under the *Gunnison County Special Development Projects Regulations*.

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

G. TRANSMISSION LINES. Construction of a new transmission line(s) in an area in which no line(s) currently exists, but not including a Project for which a Land Use Change Permit has been granted in which the design, construction, location and impacts of the utility line(s) were reviewed and approved.

H. PRECEDENT FOR FUTURE LAND USE THAT IS DIFFERENT THAN EXISTING USE. Any proposal that sets a precedent for future land use that is significantly different than existing land uses in the impact area.

SECTION 7-102: STANDARDS OF APPROVAL FOR MAJOR IMPACT PROJECTS

An application for a Land Use Change Permit for a Major Impact Project shall comply with the standards of this section. Compliance of the proposed land use change with these standards shall be determined broadly and conceptually during Sketch Plan review, in detail during Preliminary Plan review, and definitively during Final Plan review.

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

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

C. PHASES REQUIRED TO "STAND ALONE" IN PROVIDING SERVICES. If the land use change is to be developed in phases, then each phase shall contain the required roads, bridges, utilities, landscaping, and other improvements that are necessary and desirable for residents of the Project. If the land use change incorporates any amenities for the benefit of the County, such as trail connections, these shall be constructed within the first phase of the Project, or, if this is not possible, then at a time defined and agreed upon as part of the Development Improvement Agreement at Final Plan approval.

D. USES SHALL BE IDENTIFIED. The ~~Board~~BOCC shall not approve any subdivision that creates any new lot for which no uses have been identified.

SECTION 7-103: GENERAL REVIEW STEPS FOR MAJOR IMPACT PROJECTS

A. PURPOSE. Major Impact Projects require the consideration by the County of a Sketch Plan, Preliminary Plan, and Final Plan, in that order. This Section provides an overview of what is expected to occur during reviews of each of those plans. Each step is a distinct process involving the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, staff analysis, work sessions and public hearings. At each step of the process the design and engineering detail increases in order to relieve the applicant from major and potentially unnecessary expenses in situations that may require a redesign and a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.

B. SKETCH PLAN IS EXPLORATORY. Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant to promote development and land use change which is consistent with the intent and purposes of this *Resolution*.

1. **SKETCH PLAN EXPECTED TO EVOLVE.** Requirements of Sketch Plan direct the applicant to review specific sections of this *Resolution* and submit a plan that has addressed issues important to the County. It is expected that the proposal will evolve during Sketch Plan review.
2. **ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED NOR ACCEPTED AT SKETCH PLAN.** To encourage the consideration of alternatives and to allow the Sketch Plan to evolve, detailed engineering plans and other overly detailed information shall not be required nor accepted by the County.

C. PRELIMINARY PLAN PROVIDES DETAILED SOLUTIONS AND DESIGN. Preliminary Plan review requires the applicant to formulate detailed, designed/engineered solutions to the issues and concerns identified during Sketch Plan review, and to address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.

1. **PRELIMINARY AND FINAL PLANS MAY BE COMBINED**. The Preliminary Plan and Final Plan may be combined and processed together based upon consideration of the following factors: design, size, public concern, public facilities and services.

D. FINAL PLAN FORMALIZES PROJECT. The purpose of the Final Plan review procedure is to provide a permanent and accurate public record of the development plan: exact size, shape and location of all approved activities and uses, and, as applicable, lots, blocks, streets, easements and other parcels of land within the development, together with all applicable protective covenants, conditions, use restrictions and design and development criteria. A Final Plan or plat shall conform in all respects to the Preliminary Plan previously reviewed and approved by the ~~Board~~BOCC and shall incorporate all modifications and special conditions required by the ~~Board~~BOCC.

DIVISION 7-200: SKETCH PLAN FOR MAJOR IMPACT PROJECTS

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~~BOCC. 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, it shall determine the number of copies of the Sketch Plan application that are necessary for review and action by the Planning Commission and/or Board~~BOCC~~, and other review agencies or County departments, and shall notify the applicant of the number of copies of the complete plan that are required to be submitted.~~

H. GENERAL INFORMATION IN NARRATIVE. The narrative is required to include at least the following information, presented in the same order as it is listed in this Section, in a stapled or otherwise bound document, on consecutively numbered pages and including a *Table of Contents*:

1. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant. If the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and also stating the same information for the agent.

   a. **APPLICANT IS NOT THE OWNER**. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal. Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process pursuant to this *Resolution*.

   b. **APPLICANT IS NOT THE SOLE OWNER.** If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.

2. **PROPERTY OWNER**. Name, address, telephone and fax numbers and email address of the owner of the property and, if other than the applicant, a notarized letter from the owner consenting to the application.

3. **PROPERTY LOCATION.** The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel (such as mileage from highway or County road, or other recognized landmarks) on which the land use change is proposed to be located. A copy of the recorded deed to the property should be included.
4. **DATE OF APPLICATION**. The date the application was prepared.
5. **STATUS OF PARCEL AS A LEGAL LOT.** If the parcel on which the land use change is proposed is smaller than 35 acres, the Department may also request the applicant to supply information sufficient to document that the subject was legally created.
6. **LIST OF ADJACENT LANDOWNERS**. As applicable, a listing of all landowners and land uses that are adjacent to the boundaries of the entire parcel on which the Project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the property except for the existence of the roadway. When the parcel is located adjacent to a municipality, a platted townsite or platted recorded subdivision, all owners of surface property rights within 500 feet of each boundary of the entire parcel shall be included in the listing. The source for the best-available information to identify those landowners is the Gunnison County Assessor's Office.
7. **IDENTIFICATION OF PRESENT LAND USE AND PREVIOUSLY-APPROVED USES**. Identification of present land use, locations, and sizes of structures that exist on the subject property. Land Use Change Permits or other permitted activities that were previously approved for the parcel on which this land use change is proposed.
8. **MINERAL RESOURCES**. Indication of mineral resources that are known, or reasonably believed to be located in the property proposed for the land use change, whether the area has been the site of underground or surface mining activity, and whether an original patent has been issued to the property under federal mining law. If reasonably available, a list of the owners or lessees of underlying mineral estates is to be included.
9. **PROJECT DESCRIPTION.** A description of what the applicant wants to do on or to the property, including the following:
    a. **USES AND ACTIVITIES, NUMBERS OF UNITS, OR SIZES OF USES.** Proposed uses or activities, division of land, adjustment of boundaries, expansion of existing uses, construction, materials to be stockpiled, indoor and outdoor storage areas. Numbers of units or lots. Estimated square footage or acreage of commercial, industrial or other uses. The proposed number of residential and/or other units and estimated square footage of structures may be expressed as a range, provided the top end of the range is no more than 20 percent higher than the bottom end of the range.
    b. **DESCRIPTION OF OFF-SITE RESOURCES.** Description of off-site resources such as gravel and haul routes as may be necessary to accomplish the Project.
    c. **SEASONS AND HOURS OF OPERATION.** As applicable, the seasons of the year in which the activity is proposed to be conducted, and the intended hours of operation.
    d. **PHASES.** Any phases that may be proposed within a Final Plan for the development.

I. **MAPS AND SITE PLAN SHEETS**. Maps shall be at a scale and sheet size to permit adequate review, but sheet size shall not exceed 24 inches by 36 inches. ~~Each map or layout of the site plan shall be separate, and folded to a size to allow mailing or storage within a standard legal-sized folder; maps shall not be submitted in a rolled form.~~ Elements required to be submitted ~~in map or layout form~~ may be combined on one or more sheets of the submittal, so long as all elements are legible. The following elements shall be included on the map submittals:

1. **VICINITY MAP (**illustrated in Appendix Figure 2: *Vicinity Map Example*)**. VICINITY MAP**. A vicinity map, which at a minimum includes the following (as illustrated in Appendix Figure 2: *Vicinity Map Example*):
    a. **PROPERTY LOCATION AND NEARBY PARCEL SIZES AND LAND USES**. Location of the property on a United States Geological Survey quadrangle map or on a recorded plat if the proposed development is within an approved subdivision, with the location highlighted so that it is easy to see, and that clearly shows sizes of parcels and land uses within a half-mile of the proposed Project.
    b. **ROADS**. All U.S. and state highways and nearest County or Forest Service, Bureau of Land Management, and/or subdivision/private roads that provide access to this proposed Project.
    c. **BOUNDARIES OF DISTRICTS, MUNICIPALITIES OR SUBDIVISIONS**. Locations of special district boundaries, municipalities or residential subdivisions within a half mile of the property.

d. PROXIMITY OF MINING OR PROCESSING ACTIVITY. Any parcel located within 1,000 feet of the property proposed for land use change on which there exists an operation involving mineral exploration or extraction or construction materials processing.

2. NATURAL FEATURES. A map or maps identifying the general locations of the following elements, and any other significant visual or other resource areas on the property:

a. MAPS AND TABLES OF SOILS TYPES. Maps and tables, describing the suitability of the existing soil types for the proposed development, using standard soil classifications and process; information available from the U.S.D.A. Natural Resources Conservation Service is suitable for this submittal. .

b. TOPOGRAPHY/CONTOURS. Topography, as depicted on a United States Geologic Survey map, or its equivalent.

c. SLOPE ANALYSIS MAP. Topography shall be classified into areas having a slope of 0-15 percent, 15-30 percent, and greater than 30 percent.

d. WILDFIRE HAZARD MAPS. Wildfire Area Hazard Maps prepared by by Community Planning Assistance for Wildfire (CPAW)..

e. GEOLOGIC HAZARD MAPS. Geologic Hazard Maps prepared by the Colorado Geologic Survey, or their equivalent, as prepared by a professional geologist.

f. WILDLIFE HABITAT MAPS. Wildlife Habitat Maps, prepared by the Colorado Division of Parks and Wildlife including the Wildlife Resource Information System (WRIS) and/or the National Natural Diversity Information Source (NDIS) maps available from the Colorado Division of Parks and Wildlife; and the Gunnison County *Gunnison Sage-grouse Habitat Map*. Maps may also be submitted that are prepared by the applicant's wildlife consultant to provide site-specific detail using the Colorado Division of Parks and Wildlife and Gunnison County habitat maps as baseline data.

g. WETLANDS MAPS. Existing wetlands identification maps; if no existing identification maps exist, that mapping will be required, conducted by a wetlands delineator and submitted as part of the Preliminary Plan.

h. FLOODPLAINS. Floodplain maps provided pursuant to the Federal Emergency Management Act, and available in the Community Development Department, or site-specific maps prepared by a qualified professional engineer, licensed in the state of Colorado. That mapping will be required, conducted and submitted as part of the Preliminary Plan, pursuant to Section 11-103: *Development in Areas Subject to Flood Hazards*.

i. PROMINENT RIDGELINES. Prominent ridgelines, pursuant to the list of "ridgeline vantages" in Section 11-108: *Standards for Development on Ridgelines*, and/or other significant visual resources on the property.

j. VEGETATION. Existing groves of trees and other major types of vegetation.

3. SITE PLAN. A map including the area within a half mile of the boundaries of the parcel on which the Project is proposed, and including the following:

a. PROXIMITY OF MINING OR PROCESSING ACTIVITY. Any parcel located within 1,000 feet of the property proposed for land use change on which there exists an operation involving mineral exploration or extraction or construction materials processing.

b. ROADS. All U.S. and state highways and nearest County or Forest Service, Bureau of Land Management, and/or subdivision/private roads that traverse and/or provide access to this proposed Project..

c. EASEMENTS. Easements recorded or historically used that provide access to or across, or other use of, the property.

d. TRAILS, PARKS OR ACCESS TO PUBLIC LANDS. Any physically existing and/or dedicated trails, parks, or access points to public lands.

e. EXISTING LAND USES. Existing land uses within a half mile of the proposed site, and those along any access road serving the proposed development.

4. DEVELOPMENT LAYOUT MAP. The development layout map shall include the following:

1. ALL PROPERTY PROPOSED FOR DEVELOPMENT. All land proposed for immediate or future development.

2. **PHASES**. Locations of any contemplated phases of the proposed development.
3. **LOCATIONS OF LOTS AND STRUCTURES.** Locations of existing and proposed lots and/or structures, and, as applicable, the anticipated locations of residential, commercial, industrial, or other structures, or non-structural areas of activity.
4. **OPEN SPACE.** The general locations and dimensions of proposed open space. The requirements of Section 13-108: *Open Space and Recreation Areas* shall guide the design of the Sketch Plan.
5. **PARKING AREAS.** The general locations of all proposed parking areas and the approximate number of spaces each will contain. The requirements of Section 13-110: *Off-Road Parking and Loading* and the minimum distances listed in Appendix Table 2*: Off-Road Parking Requirements* shall guide the design of the Sketch Plan.

J. ROADS AND TRAILS SYSTEM PLAN. The general locations and alignment of entry roads to the property from off-site and primary roads and proposed driveway locations, trails or sidewalks on-site. Identification of federal, state and County roadways that will provide access to the proposed Project. The requirements of Section 12-103: *Road System* and Section 12-104: *Public Trails* shall guide the design of the Sketch Plan.

K. ACCESS AND OTHER EASEMENTS. All known easements, recorded or historically used, that provide access to or across, or other use of, the property, including but not limited to, those for utilities, irrigation and drainage ditches, drainage swales, headgates, roads and trails, egress/ingress, or other access affecting the property shall be shown on the Sketch Plan.

L. FLOOD HAZARD AREAS. When a land use change is proposed on a parcel located within a floodplain hazard area as delineated on maps described in Section 11-103: D: *Official Maps* or the National Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency May 16, 2013 the narrative, map and design layout of the Sketch Plan shall be guided by the requirements of Section 11-103: *Development in Areas Subject to Flood Hazards*.

M. GEOLOGIC HAZARD AREAS. When a land use change is proposed on a parcel located in a geologic hazard area as delineated on Geologic Hazard Maps prepared by the Colorado Geologic Survey the narrative, map and design layout of the Sketch Plan shall address and be guided by the requirements of Section 11-104: *Development in Areas Subject to Geologic Hazards*.

N. LOCATION OF SITE WITHIN WILDFIRE HAZARD AREA AND FIRE PROTECTION. The narrative, map and layout design of the Sketch Plan shall be guided by the requirements of Section 11-105: *Development in Areas Subject to Wildfire Hazard* and Section 12-107: *Fire Protection*, and include measures to minimize the potential that the proposed uses will generate or increase wildfire

O. **WILDLIFE HABITAT.** When a land use change is proposed on a parcel located in a wildlife habitat area as delineated on Wildlife Habitat Maps referenced by the County, the narrative, map and design layout of the Sketch Plan shall be guided by the requirements of Section 11-106: *Protection of Wildlife Habitat Areas.*

P. LOCATION OF SITE WITHIN AREA POTENTIALLY AFFECTED BY WETLANDS AND WETLANDS PERMITTING. The narrative, map and layout design of the Sketch Plan shall be guided by the requirements of Section 11-107: *Protection of Water Quality*, depict locations of water bodies, and acknowledge that the property may be subject to design constraints of Restrictive Inner Buffers, and Variable Outer Buffers as regulated by that Section.

Q. DEVELOPMENT ON RIDGELINES. If the proposed land use change is on property in which there are land formations visible from any ridgeline vantage as defined by this *Resolution*, and described pursuant to Section 11-108: *Standards for Development on Ridgelines,* the narrative, map and layout design of the Sketch Plan shall be guided by the requirements of that Section.

R. DEVELOPMENTS IMPACTING AGRICULTURAL LANDS. If the proposed land use change adjoins agricultural lands, involves land through which irrigation ditches flow, or over which there are general or exclusive easements for stock drives, the narrative, map and design layout of the Sketch Plan shall be guided by the requirements of Section 11-109: *Development That Affects Agricultural Lands*, and Section 15-103: *Right-to-Ranch Policy* and shall identify the following:

1. **AGRICULTURAL LAND OWNER**. The location(s) and name(s) of owner(s) of any agricultural land(s) adjoining or possibly impacted by the proposed land use change.
2. **AGRICULTURAL DITCH.** The location(s), name(s), name(s) of owner(s), size(s), and decreed capacity(ies) of any agricultural ditch crossing or adjoining the development property, as available from the Colorado Division of Water Resources, or ditch commissioner's records.

3. **EASEMENTS**. The location of historical easements used to gain access to headgates, ditches, and fences for maintenance or operations.

4. **LIVESTOCK DRIVES AND FENCELINES.** Historic or recorded stock drive easements crossing or adjoining the development property, including the location of any existing fences along property lines, and the location of new fences or other obstacles proposed to be built across any such stock drive.

S. **LANDS BEYOND SNOWPLOWED ACCESS.** If the proposed land use change is on property located where there previously has been no snowplowed access, narrative, map and layout design of the Sketch Plan shall be guided by Section 11-110: *Development of Land Beyond Snowplowed Access*.

T. **DEVELOPMENT ON INHOLDINGS IN NATIONAL WILDERNESS**. If the proposed land use change is on property located on an inholding within a national Wilderness Area, the narrative, map and design layout of the Sketch Plan shall be guided by Section 11-111: *Development on Inholdings in the National Wilderness*.

U. **DEVELOPMENT ON PROPERTY ABOVE TIMBERLINE**. If the proposed land use change is on property located above timberline the narrative, map and design layout shall be guided by Section 11-112: *Development on Property Above Timberline.*

V. **WATER SUPPLY PLAN.** A report addressing the requirements of Section 12-105: *Water Supply*, to demonstrate that, for the type of development proposed, the water supply is sufficient in terms of quality, quantity and dependability. Documentation shall include the following:

1. **QUALITY**. Evidence shall be submitted concerning the potability of the proposed water supply.

2. **TESTS FOR POTABILITY.** If the water is intended for human consumption, the applicant shall find the closest existing well that lies within the same aquifer as well(s) proposed to provide a source of water for the proposed land use change, and shall make a good faith effort to obtain and submit water quality testing results from that well that demonstrate the potability of the proposed water supply.

3. **QUANTITY.** Evidence shall be submitted that the proposed water source will actually supply an adequate quantity of water to the proposed development, including, but not limited to:

   a. **HISTORIC USE**. Evidence of the historic use and yield of the claimed water rights; or

   b. **HYDROLOGIST'S REPORT**. A report of a qualified hydrologist; or

   c. **PUMPING TEST RESULTS.** Pumping test results on nearby existing well or wells, located within the same aquifer as the proposed well(s); or

   d. **EVIDENCE OF CENTRAL WATER SUPPLY.** If applicable, evidence that a public or private water provider can and will supply water adequate to serve the proposed development, stating the amount of water available for use within the development, and the feasibility of extending service to that area. In determining the amount of water available, the water provider shall consider, and provide documentation of, existing commitments to provide water at a future date to users in other than the applicant.

   e. **IRRIGATION NEEDS**. The estimated amount of irrigated acreage required for the proposed use.

   f. **FIREFLOW**. The estimated amount of water required to provide adequate fire flow, pursuant to Section 12-107: *Fire Protection*.

   g. **POTABLE WATER DEMAND**. A statement as to whether or not some of the water must be potable and is intended for human consumption. If potable water is to be provided, the following are to be addressed:

      1. **ESTIMATED AVERAGE DAILY DEMAND.** Estimated average daily demand of the entire service area and the proposed development. Demand calculations are to be based upon 350 gallons per day (gpd) per residence, year-round. Estimated average daily demand for commercial and industrial users will be reviewed based on the proposed uses and levels of use.

      2. **ESTIMATED MAXIMUM DAILY DEMAND**. Estimated maximum daily demand based on a figure of three times the average daily demand.

      3. **ESTIMATED PEAK HOUR DEMAND**. Estimated peak hour demand based on a figure of six times the average daily demand.

   h. **WATER RIGHTS.** Evidence of ownership or right of acquisition or use of existing water rights shall be submitted, including, but not limited to:

1. **DEEDS OR COURT DECREES.** Copies of deeds or court decrees giving the applicant the absolute right to use an existing water right for the proposed use; or
2. **EXECUTED AGREEMENTS**. Copies of executed agreements or conditional court decrees giving the applicant the right to use water for the proposed use at some future time under specified conditions; or

4. **ATTORNEY'S LETTER ABOUT FEASIBILITY**. If further court action in the nature of an application for change in use of a water source, or change in point of diversion and/or plan of augmentation will ultimately be required, a letter from a licensed Colorado attorney briefly describing that court action and expressing an opinion as to the feasibility of the success of that action and the feasibility that existing rights can be changed.

W. SEWAGE DISPOSAL. A report that identifies whether sewage disposal/wastewater treatment will be accomplished by On-Site Wastewater Treatment System or by a central wastewater treatment system.

1. **NEW CENTRAL WASTEWATER TREATMENT SYSTEM**. If a new central wastewater treatment system is planned, then the estimated daily number of gallons of sewage generated by the proposed development shall be provided, along with a general description or discussion of the proposed method of treatment or disposal including the estimated capacity and general location of the proposed system.
2. **USE OF EXISTING CENTRAL WASTEWATER TREATMENT SYSTEM**. If use of an existing central wastewater treatment system is proposed, the following shall be submitted:
   a. **COMPLIANCE WITH CDPHE REQUIREMENTS**. Documentation from the system operator that the system is in compliance with the applicable permitting and operation requirements of Colorado Department of Public Health and Environment.
   b. **CONFIRMATION OF WILLINGNESS TO SERVE**. Documentation attested by the proposed provider indicating that there is sufficient capacity and willingness to provide the service.
3. **USE OF ON-SITE WASTEWATER TREATMENT SYSTEM REQUIRES INITIAL COUNTY EVALUATION.** If an On-Site Wastewater Treatment System is proposed, the applicant shall contact the Gunnison County Environmental Health Official to schedule an on-site visit. The on-site evaluation shall be conducted at the expense of the applicant, and is intended to provide only an initial and cursory observation of the feasibility of an On-Site Wastewater Treatment System on the proposed development site. The Official will provide a report of the evaluation to the applicant and to the Planning Commission.

X. GENERAL SITE PLAN STANDARDS AND LOT MEASUREMENTS. The narrative, map and design layout shall address and comply with the requirements of Section 13-103: *General Site Plan Standards and Lot Measurements*.

Y. SETBACKS FROM PROPERTY LINES AND ROAD RIGHTS-OF-WAY. The narrative, map and design layout shall address and comply with the setback requirements of Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way*.

Z. LANDSCAPING PLAN. A conceptual landscaping plan shall be submitted, pursuant to Section 13-111: *Landscaping and Buffering.*

AA. RECLAMATION AND NOXIOUS WEED CONTROL. A Sketch Plan application shall acknowledge that an *Earthmoving Site Revegetation and Noxious Weed Control Plan*, as designed and/or approved by the Gunnison Basin Weed Specialist pursuant to Section 13-115: *Reclamation and Noxious Weed Control* will be required to b prepared for the Preliminary Plan submittal, if the Sketch Plan is approved.

BB. GRADING AND DRAINAGE PLANS. The Sketch Plan application narrative, map and design layout shall be guided by the requirements of Section 13-116: *Grading and Erosion Control* and Section 13-117: *Drainage, Construction and Post-Construction Storm water Runoff*.

CC. WATER IMPOUNDMENTS. If water impoundments are proposed as part of the proposed development, the Sketch Plan application narrative, map and design layout shall indicate that impoundments are to be part of the plan the submittal shall be guided by the requirements of Section 13-118: *Water Impoundments*.

DD. SCHOOLS, PARKS, AND COMMON AREAS. The Sketch Plan application shall identify those areas that are proposed to be set aside for schools, parks, or common areas, as applicable.

1. **SCHOOL LAND REQUIREMENTS SHALL COMPLY WITH AGREEMENT**. When a separate intergovernmental agreement exists between Gunnison County and the school district within whose boundaries the development is located, the dedication of land, payment-in-lieu, or a combination of dedication and payment, shall comply with that agreement.

EE. SOLID AND HAZARDOUS WASTES. The Sketch Plan application shall describe:

1. **DISPOSAL METHOD.** The method to be used by the development for the disposal of solid wastes; and
2. **HAZARDOUS SUBSTANCES.** Whether the development can reasonably be expected to produce hazardous substances or hazardous waste materials, as defined by Colorado law.

FF. **PROTECTIVE COVENANTS OR RESTRICTIONS.** If the proposed land use change is for a subdivision or condominium/townhome development, the applicant shall submit a narrative outline of the protective covenants and/or a general listing of design criteria that will be applied in the development of the subdivision and a provision for the enforcement of the covenants by property owners in the subdivision, and by Gunnison County. The criteria shall create a consistent design theme for the development and shall address, at a minimum, the following items:

1. **RESPONSIBILITIES OF HOMEOWNERS' ASSOCIATION** Responsibilities of property owners or homeowners' association to collect dues, maintain common areas, improve infrastructure common to the development, maintenance of a decreed water augmentation plan and the augmented water supply, treatment of wastewater and/or water, and to oversee the maintenance of the general appearance of the development.
2. **COUNTY IS PARTY TO ENFORCEMENT OF PROTECTIVE COVENANTS IN A SUBDIVISION**. Language that allows and requires enforcement of the protective covenants by property owners of the development and that names Gunnison County as a party to enforcement.
3. **COUNTY IS PARTY TO AMENDMENT OR TERMINATION**. Language that requires that amendment or termination of the protective covenants is subject to approval by Gunnison County.
4. **DESIGN CRITERIA.** Design criteria that will govern construction within the proposed development. The applicant should become familiar with and comply with the requirements of the following listed sections of this *Resolution*, in drafting covenants for the Sketch Plan level of review, and address the following:
5. **BUILDING SCALE AND LOCATION.** Language defining building heights, compatibility with terrain, and sizes of all structures that will be allowed by the protective covenants. Section 11-108: *Standards for Development on Ridgelines*, Section 13-103: *General Site Plan Standards and Lot Measurements,* Section 13-105: *Residential Building Sizes and Lot Coverages*
6. **ARCHITECTURAL STYLE AND EXTERIOR APPEARANCE.** Language describing the architectural style that will be required of all structures in the proposed development, and the types and colors of exterior materials to be used, including siding and roofing.
7. **ENERGY AND RESOURCE CONSERVATION.** Language advising lot owners that an application to Gunnison County for a residential Building Permit must comply with all applicable building codes adopted and amended by Gunnison County, and with any applicable energy and resource conservation standards currently required by the County.
8. **SOLID-FUEL-BURNING DEVICES.** If solid-fuel-burning devices are proposed to be used in the development, restrictions shall be listed ensuring compliance with Section 13-107: *Installation of Solid-fuel-burning Devices.*
9. **EXTERIOR LIGHTING.** Language that includes requirements that comply with those specified by Section 13-114: *Exterior Lighting*.
10. **USE AND MAINTENANCE OF OPEN SPACE AREAS**. As applicable, language shall be included that lists uses allowed on, and requires maintenance of common open space areas by the homeowners association, or other appropriate entity. The applicant should become familiar with and comply with the requirements of Section 13-108: *Open Space and Recreation* Areas in drafting covenants for the Sketch Plan level of review.
11. **SIGNS.** Language shall be included that informs property owners or other land users within the proposed development that installation of signs requires compliance with the Gunnison County regulations and may require a Gunnison County Sign Permit.
12. **RULES CONCERNING PARKING**. Language concerning limitations on parking within the development and/or outside the development by users of the development. The applicant should become familiar with and comply with the requirements of Section 13-110: *Off-Road Parking and Loading* in drafting covenants for the Sketch Plan level of review.
13. **LANDSCAPING AND BUFFERING**. Language addressing installation and maintenance of landscaping on individual lots and common areas. The applicant should become familiar with and comply with the requirements of Section 13-111: *Landscaping and Buffering* in drafting covenants for the Sketch Plan level of review.

14. **PROVISION FOR SNOW REMOVAL AND SNOW STORAGE.** Language identifying responsibility of a property owners' or homeowners' association or other entity to remove snow from interior roads and parking areas, and other applicable requirements. The applicant should become familiar with and comply with the requirements of Section 13-112: *Snow Storage* in drafting covenants for the Sketch Plan level of review.

15. **STANDARDS TO ENSURE COMPATIBLE USES.** As applicable, specific covenants or other restrictions designed to mitigate impacts to nearby residential or public use areas or neighborhood land uses, pursuant to Section 13-119: *Standards to Ensure Compatible Uses*.

16. **DOMESTIC ANIMAL CONTROL.** Language limiting the maximum number of domestic animals allowed on a lot or within the development, and requiring that they be confined on site by kenneling, leashing or other similar means. Language that includes requirements that comply with those specified by Section 11-106: F.6*: Domestic Animal Controls,* Section 11-109: D: *Domestic Animal Controls*, and Section 9-508: *Keeping of Livestock Not On an Agricultural Operation.*

17. **FENCING.** The applicant should become familiar with and comply with the requirements of Section 13-113: Fencing in drafting covenants for the Sketch Plan level of review. If there is to be a fence separating the proposed development from lands on which there are agricultural operations or are public lands, language shall be included acknowledging Colorado's "fence out" requirements, and placing responsibility for construction and maintenance of the fence with the property owners' or homeowners' association.

GG. STRUCTURAL DESIGN. If the applicant is the developer of any structure in the proposed Project, then simple sketches, massing diagrams or models (without architectural details) shall be submitted. These shall be intended to show building mass, scale, and height in a conceptual manner in relation to natural site features, and in relation to surrounding structures. The applicant should become familiar with, and comply with the requirements of Section 13-103: *General Site Plan Standards and Lot Measurements* and Section 13-105: *Residential Building Sizes and Lot Coverages* shall guide the design of the Sketch Plan.

HH. ADDITIONAL SUBMITTALS BASED ON EVIDENCE OF CUMULATIVE IMPACTS. If, in the course of the Sketch Plan application review, evidence is submitted or obtained indicating that there is a reasonable probability that the proposed land use change will contribute to cumulative impacts within the impact area, the Community Development Department or the Planning Commission shall require that additional information, including but not limited to studies of specific issues, be submitted.

II. ADDITIONAL INFORMATION. Such additional information reasonably required by the Community Development Department as necessary to determine the impact classification, or to otherwise aid in the evaluation of the development pursuant to the applicable requirements of this *Resolution*.

SECTION 7-202: SKETCH PLAN REVIEW PROCESS FOR MAJOR IMPACT PROJECTS

The following process (illustrated in the flowchart in Appendix Figure 6: *Sketch Plan Review Process for Major Impact Projects*) shall apply to an application for review of a Sketch Plan application for a Major Impact Project. In addition to these required meetings and public hearings, the Planning Commission and the ~~Board~~BOCC may conduct work sessions, as either deems necessary.

A. NOTIFICATION TO COUNTY IF FEDERAL PERMITS REQUIRED FOR PROJECT. When an Environmental Assessment or Environmental Impact Statement, 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 Sketch Plan application is first submitted for review.

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

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

1. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW**. Review of the application shall be accomplished as specified in Section 3-110: *Community Development Department Application Review*.

~~**2. TOTAL NUMBER OF COPIES REQUIRED.** Once the Community Development Department has determined that the Sketch Plan application is complete, the Department shall notify the applicant of the required number of Sketch Plans sufficient to provide a copy to each Planning Commission member, to applicable review agencies, and for the 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~~BOCC.

D. REQUEST FOR REVIEW BY OTHER AGENCIES OR DEPARTMENTS. The Community Development Department may request the professional analysis and recommendations of other review agencies, organizations, or technical consultants deemed appropriate and necessary to complete the Sketch Plan 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.

E. 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 SESSIONS. After the Community Development Department has determined the application to be complete, the Planning Commission shall conduct a work session to identify and consider issues related to the application. Both the ~~Board~~BOCC and the Planning Commission may conduct additional work sessions as it or they deem necessary to afford sufficient time to review the application materials and to identify and consider any issues related to the application.

G. SITE VISIT. The ~~Board~~BOCC and/or Planning Commission respectively shall conduct a site visit of the proposed Project site if either body determines that such a site visit will provide information useful to its review of the proposal. If the Planning Commission chooses to conduct a site visit, it shall do so before taking action on a recommendation to the ~~Board~~BOCC on the Sketch Plan application. Review of the application may be delayed for a reasonable period if inclement weather, or snow or mud conditions prohibit a productive site visit.

H. DETERMINATION OF READINESS FOR HEARING. The Planning Commission shall determine whether the Sketch Plan application is sufficient to conduct a public hearing, and if it is, shall so notify the ~~Board~~BOCC.

I. PUBLIC HEARING. The Planning Commission and ~~Board~~BOCC shall jointly conduct a public hearing to consider the Sketch Plan application.

1. **RELATED EA OR EIS PROCESS.** Pursuant to Section 3-104. B. 2: *Major Impact Projects That Require EA or EIS*, the process of scoping shall occur concurrently with this Sketch Plan hearing.

2. **SCHEDULING OF HEARING.** The Planning Commission shall identify a hearing date and time at which a public hearing, jointly conducted by the ~~Board~~BOCC and the Planning Commission shall be scheduled. Notice of the date of the hearing and a complete copy of the Sketch Plan application shall be forwarded to the ~~Board~~BOCC at least 20 days before the date of the hearing, together with a copy of the Community Development Department's report.

3. **HEARING NOTICE.** Public notice that the ~~Board~~BOCC and Planning Commission will jointly conduct a public hearing to consider the Sketch Plan application shall be accomplished pursuant to Section 3-112: *Notice of Public Hearing*, and shall meet the required period of notice for a ~~Board~~BOCC public hearing, pursuant to Table 1: *Timing of Notice*.

4. **CONDUCT OF HEARING.** The chairperson of the Planning Commission will preside over the hearing, which will be conducted pursuant to Section 3-113: *Conduct of a Public Hearing*.

J. PLANNING COMMISSION RECOMMENDATION. 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 closure of the public hearing, the Planning Commission shall consider the relevant materials and testimony and the compliance of the Sketch Plan application with the applicable standards of this *Resolution*, and recommend approval, approval with conditions, or denial of the application. The recommendation shall be in written form, and shall, at a minimum, address the following:

1. **DETERMINATION OF THE SKETCH PLAN'S COMPLIANCE WITH STANDARDS OF THIS *RESOLUTION***. Whether the application is generally consistent with the standards and requirements of this *Resolution*.
2. **STATEMENT OF IMPACT CLASSIFICATION.** A statement classifying the impact of the proposed Project, citing the specific applicable sections of Section 3-111: *Classification of Impact.*
3. **PHASING.** If the applicant has proposed phases for the Project, a recommendation on whether the proposed phasing complies with the requirements of this *Resolution*. The Commission may also recommend that the Project be designed to occur in phases, if phasing is necessary or appropriate for it to comply with the requirements of this *Resolution*.
4. **FINDINGS.** Findings based on consideration of the submitted plan, site observations, the Community Development Director's report, and testimony received.
5. **RECOMMENDATION OF ~~BOARD~~BOCC ACTION.** A recommendation that the ~~Board~~BOCC should approve, approve with conditions, or deny the Sketch Plan application.
    a. **CONDITIONS OF A RECOMMENDATION OF APPROVAL.** If the recommendation is for approval, or approval with conditions, the following shall also be addressed:
        1. **IDENTIFICATION OF PLAN ELEMENTS THAT REQUIRE MODIFICATION**. Identification of elements of the Sketch Plan application that do not comply with this *Resolution*, and, as applicable, recommendations of modifications that must be included in a Preliminary Plan application submittal so that the proposed Project will comply with the standards of this *Resolution*.
        2. **SPECIFIC INFORMATION AND/OR STUDIES TO BE SUBMITTED.** Any materials the applicant is required to submit, and any technical studies the applicant is required to conduct and to provide any resulting information as part of the Preliminary Plan submittal.
        3. **CITING OF REQUIRED COMPLIANCE WITH OTHER PERMIT CONDITIONS**. Conditions that shall include the applicant's timely and fully obtaining and complying with all applicable federal, state, municipal and other permits and terms and conditions of any municipal, state, federal permits required for the Project.

K. RECOMMENDATION FORWARDED TO ~~BOARD~~BOCC. Within 20 days of the Planning Commission's action on the recommendation, the Community Development Department shall forward the recommendation to the ~~Board~~BOCC.

L. ~~BOARD~~BOCC DECISION ON OPTIONAL ~~BOARD~~BOCC PUBLIC HEARING. The ~~Board~~BOCC shall have the option of conducting another public hearing to consider the Sketch Plan application and the Planning Commission's recommendation. Within 20 days of receipt of the Planning Commission's recommendation, the ~~Board~~BOCC shall determine whether to conduct a public hearing. A decision to conduct or not to conduct such a hearing shall be based on the ~~Board~~BOCC'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, as reasonably shown by attendance at, and testimony submitted for, the joint public hearing; or
2. **IDENTIFICATION OF NEW ISSUES**. Whether it is reasonably probable that new issues related to the Sketch Plan application of the proposed land use change will be identified; or
3. **IDENTIFICATION OF NEW INFORMATION.** Whether it is reasonably probable that new information related to the Sketch Plan application of the proposed land use change will be provided.

M. ~~BOARD~~BOCC PUBLIC HEARING. If the ~~Board~~BOCC chooses to conduct a public hearing, the following shall apply:

1. **HEARING NOTICE**. Public notice that the ~~Board~~BOCC will conduct a public hearing to consider the Sketch Plan application shall be accomplished pursuant to Section 3-112: *Notice of Public Hearing.*
2. **CONDUCT OF HEARING.** The ~~Board~~BOCC hearing shall be conducted pursuant to Section 3-113: *Conduct of a Public Hearing.*
3. **COST FOR PUBLIC HEARING NOTICE(S)**. 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*.

N. ~~BOARD~~BOCC ACTION. Within 35 days after receipt of the Planning Commission recommendation, if the ~~Board~~BOCC did not conduct another public hearing, or within 35 days after closure of the hearing if the ~~Board~~BOCC

conducted another public hearing, the ~~Board~~BOCC shall approve, approve with conditions, or deny the Sketch Plan. The ~~Board~~BOCC'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~~BOCC does not make separate findings of fact, it shall be presumed to have adopted the findings and recommendations of the Planning Commission.

1. **ADDITIONAL PLANNING COMMISSION REVIEW MAY BE REQUIRED.** Before it takes action on the application, the ~~Board~~BOCC 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.

O. SIGNIFICANCE OF SKETCH PLAN APPROVAL. Approval of the Sketch Plan application shall constitute a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the ~~Board~~BOCC shall not constitute approval of the Major Impact Project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicant is unable to fulfill all of the requirements of this *Resolution*, then the application shall be denied at the Preliminary or Final Plan review stage.

P. EXPIRATION. The applicant shall be required to submit the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.

Q. EXTENSION OF SUBMITTAL DEADLINE. The ~~Board~~BOCC may extend the deadline to submit a Preliminary Plan application for good cause shown, provided the applicant requests the extension in writing no less than 30 days before the deadline, and provided the ~~Board~~BOCC finds that there has been no substantial change in circumstances of neighborhood land uses, in the capability or willingness to serve the development of proposed service providers, or to the site on which it is proposed since Sketch Plan approval. Should the ~~Board~~BOCC determine that such findings are not supportable, the review process shall be required to begin anew with the submittal of a Sketch Plan.

1. **REFERRAL TO PLANNING COMMISSION FOR RECOMMENDATION**. The ~~Board~~BOCC may request a recommendation from the Planning Commission on the request for extension before taking action.

2. **MAXIMUM PERIOD OF EXTENSION**. In no case shall the deadline for submittal of a Preliminary Plan application be extended for more than 12 months beyond the date of the 12-month expiration, and only one extension may be granted.

3. **FEE FOR REQUEST FOR EXTENSION**. In order to compensate the County for the cost of reviewing and processing the requested extension, 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~~BOCC. 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.

DIVISION 7-300:
PRELIMINARY PLAN FOR MAJOR IMPACT PROJECTS

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

After the ~~Board~~BOCC 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~~BOCC'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~~BOCC. 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~~BOCC.

F. MAPS AND SITE PLAN SHEETS. Maps shall be at a scale and sheet size to permit adequate review, but sheet size shall not exceed 24 inches by 36 inches. ~~Each map or layout of the site plan shall be separate, and folded to a size to allow mailing or storage within a standard legal-sized folder; maps shall not be submitted in a rolled form.~~ Elements required to be submitted ~~in map or layout form~~ may be combined on one or more sheets of the submittal, so long as all elements are legible. Maps and drawings shall identify the location of the proposed land use change by reference to permanent survey monuments with a tie to a section corner or quarter-section corner and shall include the following information:

1. **MAP SCALE.** The Preliminary Plan shall include maps that shall be at a scale of 100 feet equal one inch or as otherwise approved by the Community Development Department, or required by this Section.

2. **TOTAL AREA PLAN ON ONE SHEET**. In the case of large development requiring more than two sheets at the required scale, the applicant shall also submit a total area plan showing the entire development on a single sheet at an appropriate scale.

G. GENERAL INFORMATION IN NARRATIVE. The Plan is required to include at least the following information, presented in the same order as it is listed in this Section, in a stapled or otherwise bound document, on consecutively-numbered pages and including a *Table of Contents*.

1. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and also stating the same information for the agent.

   a. **APPLICANT OTHER THAN APPLICANT AT SKETCH PLAN APPROVAL**. If the applicant is not the same as the applicant who submitted the Sketch Plan, that fact shall be noted, and a notarized letter of consent from the current property owner for the current applicant to proceed with the review shall be required to be submitted.

2. **PROPERTY OWNER.** Name, address, telephone and fax numbers and e-mail address of the owner of the property and, if other than the applicant, a notarized letter from the owner consenting to the application.

   a. **OWNER OTHER THAN OWNER AT SKETCH PLAN APPROVAL.** If the property ownership has changed, either by fee simple sale or organization since the Sketch Plan was approved, that shall be noted and relevant documentation submitted.

3. **PROPERTY LOCATION.** The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel (such as mileage from highway or County road, or other recognized landmarks) on which the land use change is proposed to be located. A copy of the recorded deed to the property should be included.

4. **DATE OF APPLICATION.** The date the application was prepared.

5. **LIST OF ADJACENT LANDOWNERS**. As applicable, a listing of all landowners and land uses that are adjacent to the boundaries of the entire parcel on which the Project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the property except for the existence of the roadway. When the parcel is located adjacent to a municipality, a platted townsite or platted recorded subdivision, all owners of surface property rights within 500 feet of each boundary of the entire parcel shall be included in the listing. The source for the best-available information to identify those landowners is the Gunnison County Assessor's Office.

6. **PROJECT DESCRIPTION**. A detailed description of what the applicant wants to do on or to the property, including:

   a. **USES AND ACTIVITIES.** Proposed uses or activities, division of land, adjustment of boundaries, expansion of existing uses, and construction, stockpiled materials, indoor and outdoor storage areas.

   b. **NUMBERS OF UNITS OR OTHER SIZES OF USES**. Numbers of units or lots. Estimated square footage or acreage of commercial, industrial or other uses.

   c. **DESCRIPTION OF STRUCTURES**. Description of structures to be constructed, their estimated size(s) and appearance.

   d. **DESCRIPTION OF OFF-SITE RESOURCES**. Description of off-site resources, hazardous activities and haul routes as may be necessary to accomplish the Project.

   e. **IDENTIFICATION OF LOT USE IF PROJECT IS A SUBDIVISION**. If subdivision of the property is proposed, the uses proposed for all resulting lots.

   f. **SEASONS AND HOURS OF OPERATION.** As applicable, the seasons of the year in which the activity is proposed to be conducted, and the intended hours of operation.

   g. **PHASES.** Any phases that are proposed as part of the Preliminary Plan, or are Projected to be proposed within a Final Plan for the development. If the Preliminary Plan is presented as separate phases, each phase may be separately reviewed and approved. Submittals for each phase of a Preliminary Plan and Plat, as applicable, and references within applicable protective covenants and Development Improvement Agreements, shall include the name of the development, and the applicable phase number.

7. **COMPLIANCE WITH EACH CONDITION OF SKETCH PLAN APPROVAL**. The Preliminary Plan shall list, and include complete responses to the conditions of the ~~Board~~BOCC's approval of Sketch Plan. The language of each of the conditions shall be included, with reference to relevant submittals in the Preliminary Plan, including studies, maps, reports, engineering plans, architectural or other designs, agreements, and court actions that demonstrate the manner in which the conditions have been met.

H. ENGINEERED PLANS. Detailed engineering design plans and descriptions for roads, bridges, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements proposed to be installed by the developer, or required by the County; such plans shall be designed and stamped by a qualified professional engineer licensed in the State of Colorado. Engineering plans may be bound separately when size or bulk makes it

advisable. Two folded copies of each of the plans shall be provided that can be stored in legal-sized folders, and shall not be submitted in rolled form.

I. FLOOD HAZARD AREAS. When a land use change is proposed on a parcel located within a floodplain hazard area as delineated on maps described in Section 11-103: D: *Official Maps* or the National Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency May 16, 2013 the narrative, map and design layout of the Preliminary Plan shall address and comply with the requirements of Section 11-103: *Development in Areas Subject to Flood Hazards*.

J. GEOLOGIC HAZARD AREAS. When a land use change is proposed on a parcel located in a geologic hazard area as delineated on Geologic Hazard Maps prepared by the Colorado Geologic Survey the narrative, map and design layout of the Preliminary Plan shall address and comply with the requirements of Section 11-104: *Development in Areas Subject to Geologic Hazards* and at a minimum shall submit the following information:

1. **MAPS.** A map or maps having a scale of one inch equaling 50 feet or larger, with accurate topographic details, that portrays the geologic conditions of the area, with particular attention given to the applicable geologic hazard. As appropriate, subsurface geologic cross-sections shall also be used to portray specific physical characteristics, including depth.

2. **GEOTECHNICAL REPORT.** A geotechnical report referencing maps and cross-sections that identify if the proposed development site is within a geologic hazard area, and if so, evaluates and predicts the impact of specific geologic conditions on the proposed land use change. The report shall also specify the measures that will be employed to mitigate these hazards, pursuant to Section 11-104: *Development in Areas Subject to Geologic Hazards.*

   a. **AVALANCHE HAZARD AREAS.** A Preliminary Plan application for development proposed in an avalanche hazard area shall also include the following information:

      1. **STRUCTURE CONFIGURATIONS**. Location of structures, type of structures, and structure configurations.
      2. **STRUCTURAL STABILITY.** Structural stability and strength.
      3. **RUNOUT ZONE.** The extent of the runout zone, and the estimated maximum impact pressure distribution within the runout zone.
      4. **AVALANCHE DATA.** Type of avalanche reaching various parts of the runout zone, the estimated avalanche frequency, the avalanche discharge, and the avalanche flow depth.

   b. **LANDSLIDE HAZARD AREAS.** A Preliminary Plan application for development proposed in a landslide hazard area shall also include the following information:

      1. **LANDSLIDE ANALYSIS.** Type of landslide and rate of movement; volume of material involved in the landslide; the mechanism(s) responsible for its initiation; and slope gradient.
      2. **STRUCTURE CONFIGURATIONS**. Location of structures, type of structures, and structure configurations.

   c. **ROCKFALL HAZARD AREAS.** A Preliminary Plan application for development proposed in a rockfall hazard area shall also include the following information:

      1. **DESCRIPTION OF ROCKFALL**. Detailed description of type of rockfall and specific rock types involved.
      2. **SLOPE AND ASPECT**. Slope, gradient, and aspect on-site, and adjacent to the site.
      3. **FREEZE/THAW**. Climate data regarding the freeze/thaw cycle.
      4. **JOINTING DATA**. Jointing data, with special consideration given to water percolation.
      5. **TALUS SLOPES.** Talus or colluvial slopes adjacent to the rockfall hazard zone.

   d. **ALLUVIAL FAN/MUDFLOW HAZARD AREAS**. A Preliminary Plan application for development proposed in an alluvial fan or mudflow hazard area shall also include the following information or data:

      1. **DRAINAGE BASIN STUDY.** Drainage basin study, including all stream channels upstream from the site.

2. **SEDIMENT YIELD STUDY.** Sediment yield study, with data regarding surficial materials, vegetative cover, and topography, erosion potential of area upstream from the site, and volume and mass of potential mudflows on site.
3. **STORM DATA**. Climate data, including precipitation data for the 10, 25, 100-year storms, and snowmelt runoff characteristics.
4. **GEOLOGIC MAP.** Geologic map, with topographic overlay showing mudflow deposits.

e. **POTENTIALLY UNSTABLE SLOPES**. A Preliminary Plan application for development proposed on a potentially unstable slope shall also include the following information:

1. **PAST OCCURRENCES.** Past occurrences of landslides, mudflows, rockfalls, and surficial creep on the site and adjacent areas.
2. **RATE OF MOVEMENT.** Rate of movement of the surficial materials.

3. **WILDFIRE HAZARD AND FIRE PROTECTION.** The narrative, map and layout design of the Preliminary Plan shall address and comply with the requirements of Section 11-105: *Development in Areas Subject to Wildfire Hazard* and Section 12-107: *Fire Protection*, and include measures to minimize the potential that the proposed uses will generate or increase wildfire

4. **WILDLIFE HABITAT.** The narrative, map and layout design of a Preliminary Plan application for development proposed on those lands described in Section 11-106: *Protection of Wildlife Habitat Areas* shall submit a Wildlife Habitat Analysis pursuant to that Section.

5. **WATER QUALITY INFORMATION.** The narrative, map and layout design of the Preliminary Plan shall address and comply with the requirements of Section 11-107: *Protection of Water Quality*, and shall, as applicable, depict locations of water bodies, and related widths of Restrictive Inner Buffers, and Variable Outer Buffers.

6. **DEVELOPMENT ON RIDGELINES**. If the proposed land use change is on property in which there are land formations visible from any ridgeline vantage as defined by this *Resolution*, and described pursuant to Section 11-108: *Standards for Development on Ridgelines.* The narrative, map and layout design of the Preliminary Plan shall address and comply with the requirements of that Section.

7. **DEVELOPMENTS IMPACTING AGRICULTURAL LANDS**. If the proposed land use change adjoins agricultural lands, involves land through which irrigation ditches flow, or over which there are general or exclusive easements for stock drives, the narrative, map and design layout of the Preliminary Plan shall address and comply with the requirements of Section 11-109: *Development That Affects Agricultural Lands*, and Section 15-103: *Right-to-Ranch Policy* and shall identify the following:

   a. **AGRICULTURAL LAND OWNER**. The location(s) and name(s) of owner(s) of any agricultural land(s) adjoining or possibly impacted by the proposed land use change.

   b. **AGRICULTURAL DITCH.** The location(s), name(s), name(s) of owner(s), size(s), and decreed capacity(ies) of any agricultural ditch crossing or adjoining the development property, as available from the Colorado Division of Water Resources, or ditch commissioner's records.

   c. **EASEMENTS**. The location of historical easements used to gain access to headgates, ditches, and fences for maintenance or operations.

   d. **LIVESTOCK DRIVES AND FENCELINES.** Historic or recorded stock drive easements crossing or adjoining the development property, including the location of any existing fences along property lines, and the location of new fences or other obstacles proposed to be built across any such stock drive.

8. **LANDS BEYOND SNOWPLOWED ACCESS.** If the proposed land use change is on property located where there previously has been no snowplowed access, the narrative, map and layout design of the Preliminary Plan shall address and comply with Section 11-110: *Development of Land Beyond Snowplowed Access*.

9. **DEVELOPMENT ON INHOLDINGS IN NATIONAL WILDERNESS**. If the proposed land use change is on property located on an inholding within a national Wilderness Area, the narrative, map and design layout of the Preliminary Plan shall address and comply with Section 11-111: *Development on Inholdings in the National Wilderness*.

10. **DEVELOPMENT ON PROPERTY ABOVE TIMBERLINE**. If the proposed land use change is on property located above timberline the narrative, map and design layout shall address and comply with Section 11-112: *Development on Property Above Timberline.*

11. ROAD AND TRAILS SYSTEM PLAN. An applicant for a Land Use Change Permit that involves road construction shall submit an engineered design and construction plan for the road system, prepared by a qualified professional engineer licensed in the State of Colorado and shall address and comply with Section 12-103: *Road System* and Section 12-104: *Public Trails,* and the *Gunnison County Standard Specifications for Road and Bridge Construction*. Pursuant to that Section and those *Specifications*, a Traffic Impact Study may also be required to be submitted. The plan shall include the following information:

a. ROAD LAYOUTS. Road layouts with road names, widths, curves, radii, and other dimensions. Current and Projected road and driveway locations shall be shown, including major access, small arterials, and driveway locations, as applicable. Horizontal and vertical ties to County roads shall be provided. Preliminary centerline locations of roads shall be staked on the ground.

b. ENGINEER'S CERTIFICATION OF DRIVEWAY AVAILABILITY. If driveways are required for the development, certification by a qualified professional engineer licensed in the State of Colorado (including design detail, where appropriate) that there is a driveway access for all lots and building areas within the development.

c. ROAD CONSTRUCTION DETAIL. Construction detail, including typical cross-sections, showing base, drainage structures, type of surface, slope of cuts and fills, and similar information sufficient to show the proposed roads will meet the standards of the *Gunnison County Standard Specifications for Road and Bridge Construction*, and will meet the needs of the development, including:

1. LOCATIONS AND DIMENSIONS OF ALL ELEMENTS. The location and dimensions of all culverts, bridges, drainage ditches, channels, and drainage easements shall be shown.

2. CROSSINGS TO AVOID WETLANDS, IRRIGATION DITCHES DISRUPTION. All crossings shall be engineered to avoid drainage of existing wetlands and not to impede the historic flows of irrigation ditches.

3. TRAIL CONSTRUCTION DETAILS. Construction details shall also be provided for any proposed trails.

4. CENTERLINE PROFILES. Centerline profiles of roads plotted with sufficient accuracy to demonstrate that road design will meet the applicable standards. All centerline profiles shall be drawn at a scale of 10 feet vertical and 100 feet horizontal to the inch, or five feet vertical and 50 feet horizontal to the inch.

5. PROPOSED FUNCTIONAL CLASSIFICATIONS. Proposed functional classifications of all roads contemplated in the development, as defined in with the *Gunnison County Standard Specifications for Road and Bridge Construction*. Road surface and rights-of-way widths, grades, cul-de-sacs and turn-around, turnouts, anticipated traffic levels, and types of use shall be included.

6. PARKING. The total number of proposed off-road parking spaces shall be indicated, and their locations shall be shown, except that parking spaces associated with single-family residential lots need not be identified. The plan shall comply with the requirements of Section 13-110: *Off-Road Parking and Loading* and the minimum distances listed in Appendix Table 2*: Off-Road Parking Requirements.*

7. ACCESS AND OTHER EASEMENTS. All known easements, recorded or historically used, including those for utilities, irrigation and drainage ditches, drainage swales, head-gates, roads and trails, egress/ingress, or other access affecting the property shall be shown on the plan.

8. VISUAL IMPACTS. An analysis of potential visual impacts arising from road location, alignment and construction of the road, and how mitigation of those impacts will comply with the applicable requirements of Article 13: *Project Design Standards.*

9. SAFETY FACTORS. A list of the safety factors that were considered as part of the road system design shall be provided.

10. DUST CONTROL PLAN. A plan for dust abatement during and, as applicable, after construction.

11. ROAD CONSTRUCTION INSPECTION AND TESTING PLAN. A plan for onsite inspections and testing by a qualified professional engineer licensed in the State of Colorado at appropriate checkpoints during construction, including provision of those reports to the Gunnison County Public Works Department to ensure compliance with the *Gunnison County Standard Specifications for Road and Bridge Construction.*

12. **SOURCE OF MATERIAL/RECLAMATION PLAN.** Identification of a source of and estimates of cubic yards of material necessary for road (and, as applicable, driveway) construction, and routes of haulage. If the source is to be on-site, the applicant shall notify the Colorado Division of Minerals and Geology and request confirmation that no separate permit is required by that agency, and a copy of that notification shall be included in the Preliminary Plan submittal.

12. WATER SUPPLY PLAN. The Preliminary Plan application shall contain evidence that provisions have been made for a water supply that is sufficient in terms of quantity, quality, and dependability to provide an adequate supply of water for the development proposed, and shall provide information necessary to meet the requirements of Section 12-105: *Water Supply*. The requirements of that Section, and of the State Engineer and the Colorado Department of Public Health and Environment, shall be used to evaluate the adequacy of the water source intended to serve the proposed development, including the following:

a. CENTRAL WATER SYSTEM REPORT. When a central water system is proposed, the Preliminary Plan application shall address the feasibility of central water service to the entire area as planned for inclusion in the proposed development, and shall be prepared by a qualified professional engineer licensed in the State of Colorado. If a central water system is to be provided, the following information shall be submitted in written form:

1. **ESTIMATED GALLONS PER DAY.** The estimated total number of gallons of water per day necessary to supply the development, based on the design criteria specified in Section 12-105: *Water Supply*, and including but not limited to the following:

   a. **ESTIMATED AVERAGE DAILY DEMAND**. Estimated average daily demand of the entire service area and the proposed development. Demand calculations are to be based on 350 gallons per day (gpd), year-round, per residence.

   b. **ESTIMATED MAXIMUM DAILY DEMAND.** Estimate maximum daily demand based on using three times the average daily demand.

   c. **ESTIMATED PEAK HOUR DEMAND**. Estimate peak hour demand based on using six times the average daily demand.

   d. **ESTIMATED AVERAGE DAILY DEMAND FOR COMMERCIAL/INDUSTRIAL USES.** The estimated average daily demand for commercial and industrial uses will be reviewed based on the anticipated demand of the proposed development. Appropriate multipliers may be used in calculating the amount, based on standards as may be required for a specific use by the Colorado Department of Public Health and Environment, or other applicable agency or industry standard.

2. **HYDRAULIC ANALYSIS.** A hydraulic analysis to verify that distribution system pressures maintain a minimum working pressure of 40 pounds per square inch (psi), and a minimum 20 psi residual pressure during fire flow demands.

3. **CAPACITY FOR COLLECTION, PURIFICATION AND DISTRIBUTION.** A detailed description, including plans, design features and specifications, including but not limited to piping size, necessary to show the ability of such system to collect, purify and distribute the required amount of water to the development in a manner that is consistent with the requirements and requirements of the *Colorado Primary Drinking Water Regulations* currently enforced by the Colorado Department of Public Health and Environment.

4. **WATER STORAGE**. When water storage is required to maintain a consistent and dependable source of potable water, the applicant shall provide evidence that storage capacity is capable of providing the specified peak hour demands for periods of six hours or a maximum day demand plus the required fire flow demands.

b. POTABLE WATER DEMAND CRITERIA. If the water is intended for human consumption, documentation of chemical and bacteriological tests demonstrating the potability of the water and its suitability for the proposed use.

c. WATER SUFFICIENT FOR LANDSCAPING. As may be required by Section 13-111: *Landscaping and Buffering*, or additionally as may be proposed in the application, each use shall have adequate water to sustain required landscaping and shall include:

1. **IRRIGATION WATER CRITERIA**. The following shall be considered in calculating requirements for the use of irrigation in new development, and shall not apply to agricultural operations in existence as of the effective date of this *Resolution*:

   a. **ESTIMATED ACREAGE**. Estimated acreage to be irrigated.

   b. **ESTIMATED DEMAND.** Estimated irrigation demand based on information supplied by the Natural Resources Conservation Service. The information shall take into account the type of vegetation to be maintained, the soil characteristics, the historic yield, and the available water rights.

d. **FIRE PREVENTION AND FIRE SUPPRESSION.** Evidence that a water distribution system and storage system are capable of meeting fire flow requirements required by Section 12-105: *Water Supply*, and shall comply with the requirements of Section 11-105: *Development in Areas Subject to Wildfire Hazard*, and Section 12-107: *Fire Protection.*

e. **EVIDENCE FOR SURFACE WATER RIGHT.** If the supply of water is a surface water right, evidence shall include:

   1. **DIVERSION RECORDS**. The appropriate diversion records, if any, of the Division of Water Resources; and

   2. **ENGINEER'S REPORT**. A report by a qualified professional engineer licensed in the State of Colorado, geologist or hydrologist discussing the amount, reliability and seasonal variations in the source of water intended for use in the development; and.

   3. **ATTORNEY'S LETTER.** A letter signed by an attorney licensed in Colorado identifying the surface water right intended for use within the proposed development and certifying that the water right is owned by the applicant and, where appropriate, is subject to transfer and sale from the applicant to owners of lots within the proposed development; and

   4. **COURT DECREES.** Copies of court decrees permitting the water right to be used for the purposes intended and required by the proposed development; or

   5. **BINDING AGREEMENTS.** Copies of binding agreements requiring a public or private water owner to supply water to the proposed development and evidence that the owner has uncommitted water supplies with which to comply with the agreements; or

   6. **APPLICATION FOR CHANGE IN WATER RIGHTS**. A copy of the application for a change in water rights and the plans of augmentation that have been filed in a court of competent jurisdiction and that, if granted, will give the applicant the legal right to use the intended source of water for the purposes required by the development.

f. **WELL TESTING RESULTS**. When a central well or wells are proposed for the water supply, a well shall be constructed on the proposed development site, and tested for its capability to provide a consistent and dependable source of water, pursuant to the requirements of Section 12-105: *Water Supply*. Results of the test shall be submitted as part of the Preliminary Plan.

13. **SEWAGE DISPOSAL/WASTEWATER TREATMENT.** The Preliminary Plan application shall contain evidence that provisions have been made for wastewater treatment that will treat all effluent to be generated by all uses of the proposed land use change, and shall provide information necessary to meet the requirements of Section 12-106: *Sewage Disposal/Wastewater Treatment.* The requirements of that Section, and of the Colorado Department of Public Health and Environment, shall be used to evaluate the proposed sewage disposal/wastewater treatment system intended to serve the proposed development, including the following:

a. **WASTEWATER TREATMENT SYSTEM**. If a wastewater treatment system is to be provided the following information shall be submitted:

   1. **ESTIMATED DEMAND**. A detailed estimate of the total number of gallons of sewage per day to be treated.

   2. **SYSTEM DESCRIPTION.** A detailed description of the proposed wastewater treatment system prepared in a form adequate to fully inform the County of the ability of the system to collect, treat, and dispose of the sewage that would be generated by the development. The description shall include the location of the wastewater treatment plant and sewage collection lines; or

3. **AGREEMENT WITH EXISTING SYSTEM PROVIDER.** The applicant may submit an agreement with the system provider of an existing wastewater treatment system authorizing service to the proposed development, accompanied by certification of a qualified professional engineer licensed in the State of Colorado that the existing service has the capacity to treat the sewage generated by the proposed development.
4. **CONFIRMATION OF CAPACITY AND COMPLIANCE FROM CDPHE**. A statement from the Division Engineer of the Colorado Department of Public Health and Environment (CDPHE) that the system proposed to be used by the applicant is pursuant to permit requirements of that agency, and that CDPHE affirms as of the time of submittal of the Preliminary Plan that there is sufficient capacity for the system to serve the proposed development.
5. **ON-SITE WASTEWATER TREATMENT SYSTEM.** If lots within a development are proposed to use On-Site Wastewater Treatment System, the following information shall be submitted:
    a. **SOIL PERCOLATION TESTS.** The results of soil percolation tests performed and signed by a qualified professional engineer licensed in the State of Colorado, or qualified professional geologist. The number of tests shall be as necessary to produce reliable results for the entire area proposed to be developed.
    b. **GROUNDWATER LEVEL.** The maximum seasonal groundwater level, whether that level is caused by irrigation or natural causes.

14. **GENERAL SITE PLAN STANDARDS AND LOT MEASUREMENTS.** The narrative, map and design layout shall address and comply with the requirements of Section 13-103: *General Site Plan Standards and Lot Measurements*.
15. **SETBACKS FROM PROPERTY LINES AND ROAD RIGHTS-OF-WAY.** The narrative, map and design layout shall address and comply with the setback requirements of Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way*.
16. **STRUCTURAL DESIGN AND ELEVATIONS.** As applicable, renderings of preliminary architectural elevations of significant facades of proposed structures shall be submitted, and structural elevations shall be sufficiently detailed to illustrate architectural features of facades, roofs, decks, and other primary elements of the structures, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*
    a. **EXCEPTION.** Elevations shall not be required for developments that propose single-family residences when the applicant will not be the developer of the residences.
17. **LANDSCAPING PLAN.** A detailed landscaping plan shall be submitted, pursuant to Section 13-111: *Landscaping and Buffering.*
18. **RECLAMATION AND NOXIOUS WEED CONTROL**. A Preliminary Plan application shall include an *Earthmoving Site Revegetation and Noxious Weed Control Plan*, as designed and/or approved by the Gunnison Basin Weed Specialist pursuant to Section 13-115: *Reclamation and Noxious Weed Control*. The Gunnison Basin Weed Specialist is an employee of the Gunnison County Public Works Department.
19. **GRADING AND DRAINAGE PLANS.** The Preliminary Plan application narrative, map and design layout shall address proposed grading activity and on- and off-site drainage and comply with the requirements of Section 13-116: *Grading and Erosion Control,* and Section 13-117: *Drainage, Construction and Post-Construction Storm water Runoff*.
20. **WATER IMPOUNDMENTS**. If water impoundments are proposed as part of the proposed development, the Preliminary Plan application narrative, map and design layout shall address locations and sizes of the impoundments, and the plans for water augmentation shall address such storage, pursuant to the requirements of the Colorado State Engineer, and relative to the land uses proposed in the Preliminary Plan that the stored water is intended to serve. As applicable, the submittal shall address and comply with the requirements of Section 13-118: *Water Impoundments*.
21. **SCHOOLS, PARKS, AND COMMON AREAS.** The Preliminary Plan application shall identify those areas that will be set aside for schools, parks, or common areas and shall include a plan for the construction of parks and common areas. Maintenance shall be assured on a continual basis and costs shall be borne by the applicant or the property owners, or the homeowners' association. A statement shall be included if money will be paid in-lieu of, or in combination with, dedication of land for school purposes, and shall include the amount of money and description of how the amount is calculated.

a. SCHOOL LAND REQUIREMENTS SHALL COMPLY WITH AGREEMENT. When a separate intergovernmental agreement exists between Gunnison County and the school district within whose boundaries the development is located, the dedication of land, payment-in-lieu, or a combination of dedication and payment, shall comply with that agreement.

22. SOLID AND HAZARDOUS WASTES. The Preliminary Plan application shall describe:

a. DISPOSAL METHOD. The method to be used by the development for the disposal of solid wastes; and

b. HAZARDOUS SUBSTANCES. Whether the development can reasonably be expected to produce hazardous substances or hazardous waste materials, as defined by Colorado law. Where applicable, a description and design detail shall be provided of methods to be used to eliminate any off-site health and safety hazards that could be caused by these substances and materials.

K. PROTECTIVE COVENANTS OR RESTRICTIONS. The Preliminary Plan application shall include a preliminary draft of protective covenants or deed restrictions that shall, at a minimum, address the following, as applicable to the specific Project: and including:

1. CONDITIONS OF SKETCH PLAN APPROVAL. As applicable, those items required by the conditions of Sketch Plan approval to be included within protective covenants, design guidelines, condominium or townhome declarations or deed restrictions.

2. RESPONSIBILITIES OF HOMEOWNERS' ASSOCIATION Responsibilities of property owners or homeowners' association to collect dues, maintain common areas, improve infrastructure common to the development, maintenance of a decreed water augmentation plan and the augmented water supply, treatment of wastewater and/or water, and to oversee the maintenance of the general appearance of the development.

3. COUNTY IS PARTY TO ENFORCEMENT OF PROTECTIVE COVENANTS IN A SUBDIVISION. If the proposed development is a subdivision, language that allows and requires enforcement of the protective covenants by property owners if the development and that names Gunnison County as a party to enforcement.

4. COUNTY IS PARTY TO AMENDMENT OR TERMINATION. If the proposed development is a subdivision, language that requires that amendment or termination of the protective covenants is subject to approval by Gunnison County.

5. DESIGN CRITERIA. Design criteria that will govern construction within the proposed development, including:

a. BUILDING SCALE AND LOCATION. Language defining building heights, compatibility with terrain, and sizes of all structures that will be allowed by the protective covenants. The requirements of Section 11-108: *Standards for Development on Ridgelines*, Section 13-103: *General Site Plan Standards and Lot Measurements,* Section 13-105: *Residential Building Sizes and Lot Coverages* shall guide the drafting of the covenant language.

b. ARCHITECTURAL STYLE AND EXTERIOR APPEARANCE. Language describing the architectural style that will be required of all structures in the proposed development, and the types and colors of exterior materials to be used, including siding, roofing.

c. ENERGY AND RESOURCE CONSERVATION. Language advising lot owners that an application to Gunnison Count for a residential Building Permit must comply with all applicable building codes adopted and amended by Gunnison County, and with any applicable energy and resource conservation standards currently required by the County.

6. SOLID-FUEL-BURNING DEVICES. If solid-fuel-burning devices are proposed to be used in the development, restrictions shall be listed ensuring compliance with Section 13-107: *Installation of Solid-fuel-burning Devices.*

7. USE AND MAINTENANCE OF OPEN SPACE AREAS. As applicable, language shall be included that lists uses allowed on, and requires maintenance of common open space areas by the homeowners association, or other appropriate entity, pursuant to Section 13-108: *Open Space and Recreation Areas.*

8. SIGNS. Language shall be included that informs property owners or other land users within the proposed development that installation of signs requires compliance with the *Gunnison County Land Use Resolution*, and may require a Gunnison County Sign Permit, pursuant to Section 13-109: *Signs*.

9. RULES CONCERNING PARKING. Language concerning limitations on parking within the development and/or outside the development by users of the development, pursuant to Section 13-110: *Off-Road Parking and Loading*.

10. **LANDSCAPING AND BUFFERING**. Language addressing installation and maintenance of landscaping pursuant to Section 13-111: *Landscaping and Buffering.*

11. **PROVISION FOR SNOW REMOVAL AND SNOW STORAGE.** Language Identifying responsibility of a property owners' or homeowners' association or other entity to remove snow from interior roads and parking areas, and other applicable requirements pursuant to Section 13-112: *Snow Storage*.

12. **FENCING.** Language that includes requirements that comply with those specified by Section 13-113: *Fencing.* If there is to be a fence separating the proposed development from lands on which there are agricultural operations or are public lands, language shall be included acknowledging Colorado's "fence out" requirements, and placing responsibility for construction and maintenance of the fence with the property owners' or homeowners' association.

13. **EXTERIOR LIGHTING.** Language that includes requirements that comply with those specified by Section 13-114: *Exterior Lighting*.

14. **RECLAMATION AND NOXIOUS WEED CONTROL.** Language that includes requirements that comply with those specified by Section 13-115: *Reclamation and Noxious Weed Control,* particularly that any construction must secure a Gunnison County Reclamation Permit, which may involve control of noxious weeds, subject to approval by the Gunnison County Public Works Department, and/or approval by the Gunnison Basin Weed Specialist.

15. **GRADING AND EROSION CONTROL.** Language that includes requirements that comply with those specified by Section 13-116: *Grading and Erosion Control.*

16. **STANDARDS TO ENSURE COMPATIBLE USES.** As applicable, specific covenants or other restrictions designed to mitigate impacts to nearby residential or public use areas or neighborhood land uses, pursuant to Section 13-119: *Standards to Ensure Compatible Uses*.

17. **DOMESTIC ANIMAL CONTROL.** Language limiting the maximum number of domestic animals allowed on a lot or within the development, and requiring that they be confined on site by kenneling, leashing or other similar means. Language that includes requirements that comply with those specified by Section 11-106: F.6*: Domestic Animal Controls,* Section 11-109: D: *Domestic Animal Controls*, and Section 9-508: *Keeping of Livestock Not On an Agricultural Operation.*

18. **GEOTECHNICAL SITE-SPECIFIC STUDIES.** When a parcel is proposed for subdivision and analysis indicates it is located within a geologic hazard area, language shall be included that identifies the specific hazard in which the development, or identified portions of the development, are located, and refers by title, name of preparer, and date of preparation to the geotechnical analysis of the site.

    a. **COPY OF GEOTECHNICAL STUDY TO BE ATTACHED**. A copy of the geotechnical study(ies) shall be required to be attached as an exhibit to the protective covenants or deed restriction.

L. COST ESTIMATES AND METHOD OF FINANCING. The Preliminary Plan application shall include estimates by a qualified professional engineer licensed in the State of Colorado and/or contractors and suppliers of road construction costs and period of construction, materials, equipment, and labor costs, and proposed method of financing of roads and related facilities, the water supply and wastewater treatment systems, storm drainage facilities, and other improvements as may be required of the developer by the County. The proposed method of financing these facilities shall be identified, with documentation attesting that financing will be available for the proposed development.

M. ADDITIONAL INFORMATION. Such additional information reasonably required by the Community Development Department as necessary to determine the impact classification, or to otherwise aid in the evaluation of the development pursuant to the applicable requirements of this *Resolution*.

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~~BOCC'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~~BOCC~~.~~

D. REVIEW AND COMMENT BY REVIEW AGENCIES. The Community Development Department shall forward copies of the Preliminary Plan to the Planning Commission and to review agencies, organizations, or technical consultants deemed appropriate and necessary to complete the Preliminary Plan 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 copies of the Preliminary Plan application shall be requested to make recommendations within 21 days of mailing by the Community Development Department, unless an extension of not more than 30 days has been consented to by the applicant and the ~~Board~~BOCC. The failure of any agency to respond within 21 days or within the period of extension shall not be deemed an approval of such plan by the agency.

E. APPLICANT'S REVIEW OF AND RESPONSE TO AGENCY COMMENTS. The applicant shall have the right to review the comments and recommendations received, and to submit additional information and to make changes in the development proposal to meet the objections or comments of the review agencies; provided, however, that if such a change is substantial or if it significantly alters the nature, character or extent of the development, such change shall be considered to be an amendment of the Preliminary Plan application and shall require another agency review period.

F. WORK SESSIONS. The Planning Commission shall conduct one or more work sessions to identify and consider any issues related to the Preliminary Plan. Both the ~~Board~~BOCC and the Planning Commission may conduct additional work sessions during the Preliminary Plan review as they deem necessary to afford sufficient time to review the application materials and to identify and consider any issues related to the application.

G. SITE VISIT. The ~~Board~~BOCC and/or Planning Commission shall conduct site visits of the proposed Project site if they determine that such a site visit will provide information useful to their review of the proposal. If the Planning Commission chooses to conduct a site visit, it shall do so before taking action on a recommendation to the ~~Board~~BOCC on the Preliminary Plan application. Review of the application may be delayed for a reasonable period if inclement weather or snow or mud conditions prohibit a productive site visit.

H. DETERMINATION OF READINESS FOR HEARING. The Planning Commission shall determine whether the Preliminary Plan application is complete, and sufficient to provide information for public review, and if it is, shall so notify the ~~Board~~BOCC.

1. **PUBLIC HEARING.** The Planning Commission and ~~Board~~BOCC shall jointly conduct a public hearing to consider the Preliminary Plan application.

2. **SCHEDULING OF HEARING**. The Planning Commission shall identify a hearing date and time at which a public hearing, jointly conducted by the ~~Board~~BOCC and the Planning Commission shall be scheduled. Notice of the date of the hearing and a complete copy of the Preliminary Plan application shall be forwarded to the ~~Board~~BOCC, together with a copy of the Community Development Department's report.

3. **HEARING NOTICE**. Public notice that the ~~Board~~BOCC and Planning Commission will jointly conduct a public hearing to consider the Preliminary Plan application shall be accomplished pursuant to Section 3-112: *Notice of Public Hearing*, and shall meet the required period of notice for a ~~Board~~BOCC public hearing, pursuant to Table 1: *Timing of Notice*.

4. **CONDUCT OF HEARING.** The chairperson of the Planning Commission will preside over the hearing, which will be conducted pursuant to Section 3-113: *Conduct of a Public Hearing*.

I. PLANNING COMMISSION RECOMMENDATION. 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 closure of the public hearing, the Planning Commission shall consider the relevant materials and testimony and the compliance of the Preliminary Plan application with the applicable standards of this *Resolution*, and recommend approval, approval with conditions, or denial of the application. The recommendation shall be in written form, and shall, at a minimum, include the following:

1. **COMPLIANCE WITH SKETCH PLAN APPROVAL CONDITIONS.** Whether the Preliminary Plan application has complied with the conditions imposed by the ~~Board~~BOCC in the Sketch Plan approval. If the Planning Commission finds that the Preliminary Plan is not consistent with the approved Sketch Plan, then the applicant may be required to file an amended Sketch Plan application for reconsideration, pursuant to Section 7-202: *Sketch Plan Review Process for Major Impact Projects.*
2. **CONSISTENCY WITH MAJOR IMPACT PROJECT REVIEW STANDARDS**. Whether the application is consistent with Section 7-102: *Standards of Approval for Major Impact Projects.*
3. **PHASING.** If the applicant has proposed, or the County has recommended that the Project be developed in phases, a statement about the compliance of the proposed phasing with the requirements of this *Resolution*.
4. **FINDINGS.** Findings based on consideration of the submitted plan, site observations, the Community Development Director's analysis, and testimony received.
5. **RECOMMENDATION OF ~~BOARD~~BOCC ACTION.** A recommendation that the ~~Board~~BOCC should approve, approve with conditions, or deny the Preliminary Plan application.
6. **CONDITIONS OF A RECOMMENDATION OF APPROVAL.** If the recommendation is for approval, or approval with conditions, the following shall also be addressed:
   a. **IDENTIFICATION OF PLAN ELEMENTS THAT REQUIRE MODIFICATION**. Identification of elements that do not comply with this *Resolution*, and, as applicable, recommendations of modifications that must be included in a Final Plan submittal so that the proposed Project will comply with the standards of this *Resolution*.
   b. **CITING OF REQUIRED COMPLIANCE WITH OTHER PERMIT CONDITIONS**. Conditions shall include the applicant's timely and fully obtaining and complying with all applicable federal, state, municipal and other permits required for the Project, and the conditions of those permits.

J. RECOMMENDATION FORWARDED TO ~~BOARD~~BOCC. Within 15 days of the Planning Commission's action on the recommendation, the Community Development Department shall forward the recommendation to the ~~Board~~BOCC.

K. ~~BOARD~~BOCC DECISION ON OPTIONAL ~~BOARD~~BOCC PUBLIC HEARING. The ~~Board~~BOCC shall have the option of conducting another public hearing to consider the Preliminary Plan application and the Planning Commission's recommendation. Within 20 days of receipt of the Planning Commission's recommendation, the ~~Board~~BOCC shall determine whether to conduct a public hearing. A decision to conduct or not to conduct such a hearing shall be based on the ~~Board~~BOCC's determination of whether it is in the public interest to do so, and 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 Preliminary Plan application of the proposed land use change will be identified; or
3. **IDENTIFICATION OF NEW INFORMATION**. Whether it is reasonably probable that new information related to the Preliminary Plan of the proposed land use change will be provided.

L. ~~BOARD~~BOCC PUBLIC HEARING. If the ~~Board~~BOCC chooses to conduct a public hearing, public notice shall be provided pursuant to Section 3-112: *Notice of Public Hearing,* and the hearing shall be conducted pursuant to Section 3-113: *Conduct of a Public Hearing.*

1. **COST FOR PUBLIC HEARING NOTICE(S)**. 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*.

M. ~~BOARD~~BOCC ACTION. Within 35 days after receipt of the Planning Commission recommendation, if the ~~Board~~BOCC did not conduct another public hearing, or within 35 days after closure of the hearing if the ~~Board~~BOCC conducted another public hearing, the ~~Board~~BOCC shall approve, approve with conditions, or deny the Preliminary Plan. The ~~Board~~BOCC'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~~BOCC does not make separate findings of fact, it shall be presumed to have adopted the findings and recommendations of the Planning Commission.

1. **DELAY OF ACTION**. Before it takes action on the application, the ~~Board~~BOCC may refer the Preliminary Plan 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. OFFICIAL RECORD. The ~~Board~~'s decision shall be entered into the official minutes of the meeting.

N. SIGNIFICANCE OF PRELIMINARY PLAN APPLICATION APPROVAL. Approval of the Preliminary Plan application shall not constitute approval of the Major Impact Project, or permission to proceed with construction of any aspect of the land use change. Approval shall only constitute authorization for the applicant to submit a Final Plan, in accordance with the representations made by the applicant and in response to any conditions placed on the Preliminary Plan by the ~~Board~~BOCC.

O. EXPIRATION. The applicant shall be required to submit the Final Plan application within 12 months after the date of the approval of the Preliminary Plan. Failure to submit a complete Final Plan application within this time period shall render the Preliminary Plan approval null and void, and require the applicant to begin the Preliminary Plan review process again.

P. EXTENSION OF SUBMITTAL DEADLINE. The ~~Board~~BOCC may extend the deadline to submit a Final Plan application for good cause shown, provided the applicant requests the extension in writing no less than 30 days before the deadline, and provided the ~~Board~~BOCC finds that since approval of the Preliminary Plan there have been no substantial changes in circumstances of neighborhood land uses, in the capability or willingness of proposed service providers to serve the development, and no substantial change in the proposed land use change, or to the site on which it is proposed. Should the ~~Board~~BOCC determine that such findings are not supportable, the review process shall be required to begin anew with the submittal of a Sketch Plan.

1. REFERRAL TO PLANNING COMMISSION FOR RECOMMENDATION. The ~~Board~~BOCC may request a recommendation from the Planning Commission on the request for extension before taking action.

2. MAXIMUM PERIOD OF EXTENSION In no case shall the deadline for submittal of a Final Plan application be extended for more than 12 months beyond the date of the 12-month expiration.

3. FEE FOR REQUEST FOR EXTENSION. In order to compensate the County for the cost of reviewing and processing the requested extension, 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~~BOCC. 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.

DIVISION 7-400:
FINAL PLAN FOR MAJOR IMPACT PROJECTS

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

After the ~~Board~~BOCC 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~~BOCC'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~~BOCC'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~~BOCC. 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~~BOCC'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~~BOCC~~.~~

G. NARRATIVE. The Final Plan shall include the following, presented in the same order as it is listed here, in a stapled or otherwise bound document, on consecutively-numbered pages:

1. APPLICANT. The applicant's name, address, telephone and fax numbers, and e-mail address. If the applicant is to be represented by an agent, a notarized letter signed by the applicant shall be submitted authorizing the agent to represent the applicant and stating the representative's name, address, telephone and fax numbers and e-mail address.

a. **APPLICANT OTHER THAN APPLICANT AT PRELIMINARY PLAN APPROVAL**. If the applicant is not the same as the applicant who submitted the Preliminary Plan, that fact shall be noted, and a notarized letter of consent from the current property owner for the current applicant to proceed with the review shall be submitted.

b. **APPLICANT IS NOT THE OWNER**. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal. Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process pursuant to this *Resolution*.

c. **APPLICANT IS NOT THE SOLE OWNER.** If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.

2. **PROPERTY OWNER.** The property owner's name, address, telephone and fax numbers and e-mail address and, if other than the applicant, a notarized letter from the owner consenting to the application.

a. **OWNER OTHER THAN OWNER AT PRELIMINARY PLAN APPROVAL**. If the property ownership has changed, either by fee simple sale or organization since the Preliminary Plan was approved, that shall be noted and relevant documentation submitted.

3. **TABLE OF CONTENTS.** A table of contents that lists sections of information by page number, and the exhibits, plats and plans and other documents.

4. **PROJECT DESCRIPTION.** A detailed description of uses and activities that shall conform to those approved in the Preliminary Plan approval:

a. **USES AND ACTIVITIES.** Proposed uses or activities, division of land, adjustment of boundaries, expansion of existing uses, and construction, stockpiled materials, indoor and outdoor storage areas.

b. **NUMBERS OF UNITS OR OTHER SIZES OF USES**. Numbers of units or lots. The square footage or acreage of commercial, industrial or other uses.

c. **DESCRIPTION OF STRUCTURES**. Description of structures to be constructed, their estimated size(s) and appearance.

d. **DESCRIPTION OF OFF-SITE RESOURCES**. Description of off-site resources, hazardous activities and haul routes.

e. **IDENTIFICATION OF LOT USE WITHIN SUBDIVISION**. If subdivision of the property is proposed, the uses proposed for all resulting lots.

f. **SEASONS AND HOURS OF OPERATION.** As applicable, the seasons of the year in which the activity is proposed to be conducted, and the intended hours of operation.

g. **PHASES.** Phases of the Final Plan, if applicable.

5. **DOCUMENTATION OF CONVEYANCE OF LAND OR EASEMENT**. As applicable a copy of warranty deed s to, or easement agreements with, the appropriate entity conveying or providing easement to the County or other entity, for any land set aside for road rights-of-way, public trails, or other public use.

6. **PROTECTIVE COVENANTS AND DESIGN GUIDELINES, CONDOMINIUM OR TOWNHOME DECLARATIONS, OR DEED RESTRICTIONS**. Protective covenants, design guidelines, condominium or townhome declaration or similar restrictions that will be imposed on the development, and, if applicable, recorded with a Final Plat. The protective covenants submittal shall be the final, recordable form of the protective covenants presented in draft form and reviewed as part of the Preliminary Plan and, at a minimum, shall address:

a. **CONDITIONS OF PRELIMINARY PLAN APPROVAL.** As applicable, those items required by the Preliminary Plan approval to be included within protective covenants, design guidelines, condominium or townhome declarations or deed restrictions.

b. **RESPONSIBILITIES OF HOMEOWNERS' ASSOCIATION.** As applicable, responsibilities of property owners or homeowners' association to collect dues, maintain common areas, improve infrastructure common to the development, maintenance of a decreed water augmentation plan and the augmented water supply, treatment of wastewater and/or water, and to oversee the maintenance of the general appearance of the development.

c. **COUNTY IS PARTY TO ENFORCEMENT OF PROTECTIVE COVENANTS IN A SUBDIVISION**. If the proposed development is a subdivision, language that allows and requires enforcement of the protective covenants by property owners if the development and that names Gunnison County as a party to enforcement.

d. **COUNTY IS PARTY TO AMENDMENT OR TERMINATION**. Language that requires that amendment or termination of the protective covenants or restriction is subject to approval by Gunnison County.

1. DESIGN CRITERIA. Design criteria that will govern development within the subdivision, including:

a. BUILDING SCALE AND LOCATION. Language defining building heights, compatibility with terrain, and sizes of all structures that will be allowed by the protective covenants. The requirements of Section 11-108: *Standards for Development on Ridgelines*, Section 13-103: *General Site Plan Standards and Lot Measurements,* Section 13-105: *Residential Building Sizes and Lot Coverages* shall guide the drafting of the covenant language.

b. ARCHITECTURAL STYLE AND EXTERIOR APPEARANCE. Language describing the architectural style that will be required of all structures in the proposed development, and the types and colors of exterior materials to be used, including siding, roofing.

e. **DOMESTIC ANIMAL CONTROL.** Language limiting the maximum number of domestic animals allowed on a lot or within the development, and requiring that they be confined on site by kenneling, leashing or other similar means. Language that includes requirements that comply with those specified by Section 11-106: F.6*: Domestic Animal Controls,* Section 11-109: D: *Domestic Animal Controls*, and Section 9-508: *Keeping of Livestock Not On an Agricultural Operation.*

f. **EXTERIOR LIGHTING.** Language that includes requirements that comply with those specified by Section 13-114: *Exterior Lighting*.

g. FENCING. Language that includes requirements that comply with those specified by Section 13-113: *Fencing.* If there is proposed to be a fence separating the proposed development from lands on which there are agricultural operations or are public lands, language shall be required acknowledging Colorado's "fence out" requirements, and placing responsibility for construction and maintenance of the fence with the property owners or homeowners' association.

h. LANDSCAPING AND BUFFERING. Language addressing installation and maintenance of landscaping pursuant to Section 13-111: *Landscaping and Buffering.*

i. RECLAMATION AND NOXIOUS WEED CONTROL. Language that includes requirements that comply with those specified by Section 13-115: *Reclamation and Noxious Weed Control.*

j. PROVISION FOR SNOW REMOVAL. Identification of responsibility of a property owners' or homeowners' association to remove snow from interior roads and parking areas.

k. SOLID-FUEL-BURNING DEVICES. If solid-fuel-burning devices are to be used in the proposed development, restrictions shall be listed ensuring compliance with Section 13-107: *Installation of Solid-Fuel-Burning Devices.*

l. GEOTECHNICAL SITE-SPECIFIC STUDIES. When a parcel is proposed for subdivision and analysis has indicated it is located within a geologic hazard area, language shall be included that identifies the specific hazard in which the development, or identified portions of the development, are located, and refers by title, name of preparer, and date of preparation to the geotechnical analysis of the site.

1. COPY OF GEOTECHNICAL STUDY TO BE ATTACHED. A copy of the geotechnical study(ies) shall be required to be attached as an exhibit to the protective covenants or deed restriction.

7. DOCUMENTATION ESTABLISHING AUTHORITY TO ADMINISTER COVENANTS, DECLARATIONS OR DEED RESTRICTIONS. If the development is a subdivision, condominium or townhome development, proof of the establishment of any applicable homeowners' or property owners' association, district, architectural control committee or other group that will administer or enforce protective covenants, declarations or deed restrictions. If proof of establishment is not submitted with the Final Plan application, establishment shall be guaranteed through provisions in the Development Improvement Agreement, and all relevant documentation creating the organization shall be submitted to the Community Development Department.

8. FINAL COST ESTIMATES. Documentation from contractors, materials providers, engineers or other professionals, certifying final estimates for roads, bridges, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements required by the County for final approval.

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

10. **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 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.*

11. **INFORMATION TO ASSESSOR'S OFFICE.** If the development is a subdivision, condominium or townhome development, a copy of a notarized signed statement from the developer agreeing to provide the Gunnison County Assessor's Office with the following information before November 30 of each year shall be submitted:

    a. **PARCELS SOLD.** A description of all lots or parcels sold within the development.

    b. **PURCHASER INFORMATION.** Name and address of each purchaser.

    c. **PURCHASE PRICE.** Purchase price of each parcel sold.

H. LAYOUT AND DESIGN. The application shall include a rendering of the final layout and design plan of the Project that shall include:

1. **SURVEY.** A scale survey of the boundaries of the land parcel, showing all planned, recorded and apparent rights-of-way and all easements including ditches, utility lines, roads, and paths or trails; a description of all monuments found and set marking the boundaries of the property; and a description of all control monuments used and all dimensions necessary to establish the boundaries in the field. All section, quarter-section, township and range lines that cross the development shall be identified.

2. **SCALE.** Scale shall be 100 feet to the inch, except building plans and townhome or condominium plans may be at a larger scale if appropriate.

3. **SHEET SIZE.** Sheet size shall be 24 inches by 36 inches. When a large development requires more than two sheets at the required scale, the applicant shall also submit a total area plan showing the entire development at a scale that is clearly legible.

4. **LOCATIONAL INFORMATION.** Each sheet shall contain a scale (written and graphic), north arrow and a heading containing the name and location of the development by reference to a quarter-section, township and range, and a reference to a U.S. Mineral survey where applicable.

5. **SUBDIVISION PLAT**. If the development is a subdivision, the final layout shall be presented as a recordable Plat, and include the required language pursuant to Section 7-401: M: *Specifications for Subdivision Plats*.

I. ENGINEERED PLANS. Final engineering design plans and descriptions for roads, bridges, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements proposed to be installed by the developer, or required by the County; such plans shall be designed and stamped by a qualified professional engineer licensed in the State of Colorado. Engineering plans may be bound separately when size or bulk makes it advisable. Two folded copies of each of the plans shall be provided that can be stored in legal-sized folders, and shall not be submitted in rolled form.

J. UTILITY LOCATION PLANS. Final utility location plans approved by all utility companies that were identified in Preliminary Plan as providing service to the development.

K. **WATER SUPPLY.** Documentation of a final court decree, deed or other written evidence demonstrating ownership and/or right to use water in the amounts, manner and location(s) for the uses and activities addressed in the Preliminary Plan.

1. **WATER AUGMENTATION PLAN**. If the Division of Water Resources required that a plan of water augmentation be designed, submitted and approved, a copy of the decree(s) for the plan shall be submitted. The plan shall accurately portray the number and types of uses described in the applicant's Final Plan application submittal, including phases, if applicable.

L. SPECIFICATIONS FOR SUBDIVISION PLATS. Subdivision plats intended for recording shall be prepared by a surveyor registered in the State of Colorado, clearly and legibly drawn on indelible material so that legible prints can

be made from it. The final plat recorded in the Office of the Clerk and Recorder of Gunnison County shall be a non-erasable copy of the original. Sheet size shall be 24" x 36". The scale of the final plat shall be sufficiently large to show clearly the details of the plan (preferably 1" = 100').

1. **PUBLIC AREAS.** All public or common areas shall be identified.
2. **NON-DUPLICATING ROAD NAMES.** All roads shall be named. Road names shall not duplicate those of any existing named road within the unincorporated county or any incorporated municipality, to avoid confusion and duplication.
3. **ACCESS AND OTHER EASEMENTS.** Planned and existing, recorded or apparent easements shall be shown, including 25-foot easements from each irrigation ditch bank pursuant to Section 11-109: G. 2.: *Irrigation Ditch Easements*, watercourses, public utilities, drains, sewers, snow storage areas, roads and paths or trails crossing the property, the closing or changing of which might affect the rights of others or result in damage to the property of the owner.
4. **BLOCKS AND LOTS.** All blocks and lots or spaces shall be consecutively numbered.
5. **REFERENCE TO PROTECTIVE COVENANTS**. If protective covenants are included as an element of the development, they shall be filed with the plat and the plat shall contain the correct recording references.
6. **CURVE DATA.** All curve data, in a chart that includes radii, internal angles, and lengths of all arcs and points of curvature.
7. **REQUIRED PLAT LANGUAGE.** The following plat language:

   a. **FLOODPLAIN WARNING AND DISCLAIMER.** If the subject property is located within an identified floodplain, language shall be included on the plat pursuant to Section 11-103: F. 1. *Warning and Disclaimer of Floodplain Hazards Affecting Use and Occupancy of This Property*.

   b. **GEOLOGIC HAZARDS WARNING AND DISCLAIMER.** If the subject property is located within an identified geologic hazard area, language shall be included on the plat pursuant to Section 11-104: F. 5: *Warning and Disclaimer of Geologic Hazards Affecting Use and Occupancy of This Property*.

   c. **WILDFIRE HAZARD AREA WARNING AND DISCLAIMER**. If the subject property is located within an area designated as a wildfire hazard area, language shall be included on the plat pursuant to Section 11-106: G: *Warning and Disclaimer of Wildfire Hazards Affecting Use and Occupancy of This Property.*

   d. **COMPLIANCE WITH COUNTY APPROVAL DOCUMENTS**. A Final Plat presented for approval shall contain one of the following statements, as applicable:

      1. **COMPLIANCE WITH ~~BOARD~~BOCC RESOLUTION.**

         COMPLIANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION

         The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No._____ of the Records of the Clerk and Recorder of Gunnison County.

      2. **COMPLIANCE WITH APPLICABLE CERTIFICATE OF APPROVAL.**

         COMPLIANCE WITH CERTIFICATE OF APPROVAL

         The property described on this plat is subject to all the requirements, terms and conditions of Certificate of Approval No. _____, recorded at Reception No._____ of the Records of the Clerk and Recorder of Gunnison County.

   e. **GENERAL NOTES.** Pursuant to Section 11-110: H: *Protective Covenants or Deed Restrictions and Plat Language*, the following paragraphs shall be included within a section of General Notes on a Final Plat:

      1. **CONFINEMENT OF DOMESTIC ANIMALS.** Language directing that domestic animals must be controlled by kenneling, leash, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.
      2. **AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS**. Language referencing C.R.S. 35-46-101 *et seq* clearly stating that a property owner is required to construct and maintain fencing in order to keep livestock off his/her property.

3. **IRRIGATION DITCH MAINTENANCE**. Language notifying individual lot owners that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and leave natural debris on the bank.

f. ATTORNEY'S OPINION. The following opinion by the applicant's attorney:

ATTORNEY'S OPINION

I, (printed name of attorney), an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in_____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows :_____(list same or indicate none).
Dated this _____ day of _____, A.D. 20___.

_____
Attorney-at-Law

g. DEDICATION. A Final Plat presented for approval shall contain one of the following statements concerning dedication, which shall be followed by the Notary Statement set forth in (3) below:

1. DEDICATION LANGUAGE.

DEDICATION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows: (insert legal description of land being platted and/or subdivided and include area in acres to two (2) decimal places) in Gunnison County, Colorado, under the name of (complete name of development in capital letters), have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof (printed name of the owner) has (have) subscribed (his, her, their) name(s) this _____ day of _____, A.D. 20___.
By _____
Owner(s), Mortgagee(s) and Lien holder(s)

2. DEDICATION/ALTERNATIVE LANGUAGE.

DEDICATION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____, being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows: (insert legal description of land being platted and/or subdivided and include area in acres to two (2) decimal places) in Gunnison County, Colorado, under the name of (complete name of development in capital letters), have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof (printed name of the owner(s)) has (have) subscribed his, her, their name(s) this _____day of _____, A.D. 20_____.
By _____
Owner(s), Mortgagee(s) and Lien holder(s)

3. NOTARIAL.

State of Colorado)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 20_____, by (printed name of owner(s): if by natural persons here, insert name; if by person acting in a representative official capacity, insert capacity; if by officers of a corporation, then insert the title of said officers and the name of the corporation).

My commission expires: _____
My address is: _____
Witness my hand and official seal:
_____ (seal)
Notary Public

h. PLANNING COMMISSION APPROVAL. If the ~~Board~~BOCC in its approval of Preliminary Plan required review and approval of the Final Plan by the Planning Commission, the following language shall be included on the Plat:

GUNNISON COUNTY PLANNING COMMISSION APPROVAL

The Planning Commission of Gunnison County, Colorado, hereby recommends _____ approval of this plat of the above subdivision, such recommendation being made at a meeting of said Commission held on this _____ day of _____, A.D. 20_____.

_____
Chairperson, Gunnison County Planning Commission

i. ~~BOARD~~BOCC ~~OF COUNTY COMMISSIONERS'~~ APPROVAL. As is consistent with the selected paragraph of dedication, any Final Plat submitted for approval shall contain one of the following statements of approval as appropriate:

1. ~~BOARD~~BOCC APPROVAL LANGUAGE:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this _____ day of _____, A.D. 20_____, and the roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance or snow removal purposes. Maintenance of, or snow removal from, the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or ordinances in effect at that time.

_____
Chairperson, Gunnison County Board of Commissioners
Attest:

_____
Gunnison County Clerk and Recorder

2. ~~BOARD~~BOCC APPROVAL: FIRST ALTERNATIVE LANGUAGE:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this _____ day of _____, A.D. 20_____, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

3. ~~BOARD~~BOCC APPROVAL: SECOND ALTERNATIVE LANGUAGE:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) Is approved this _____ day of _____, A.D. 20_____, as a seasonal use development only and not as a development served by a road opened or to be opened on a year-round basis. The roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance purposes. Maintenance of, or snow removal from the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or ordinances in effect at that time.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

4. **~~BOARD~~BOCC APPROVAL: THIRD ALTERNATIVE LANGUAGE:**

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this _____ day of _____, A.D. 20,_____ as a seasonal use development only and not as a development served by a road opened or to be opened on a year-round basis. The private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

5. **GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE.** (To be placed in the lower right-hand corner of cover sheet.)

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of _____, A.D. 20_____, Reception Number _____, Time _____, Date _____.

_____
Gunnison County Clerk and Recorder

6. **SURVEYOR'S STATEMENT.** A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him or under his direct responsibility and supervision and explaining how bearings, if used, were determined.

N. RECORDING OF PLAT FOR A SUBDIVISION. If the development is a subdivision plat, then within 120 days of the date of approval of the Final Plan by the ~~Board~~BOCC, the Community Development Director shall file or oversee the filing of the plat in the Office of the County Clerk and Recorder. Approved protective covenants or declarations shall be recorded at the same time the plat to which they relate is filed in that office. The expense of the filing shall be borne by the applicant.

M. ESSENTIAL HOUSING PROJECT OR ESSENTIAL HOUSING DESIGNATION. When the development is an Essential Housing Project, or otherwise includes Essential Housing Residences, the Final Plat and Final Plan shall identify each lot that is designated as an Essential Housing lot and shall identify the number of Essential Houses on each Essential Housing lot.

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~~BOCC'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~~BOCC.~~

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~~BOCC REQUIRED PLANNING COMMISSION REVIEW OF FINAL PLAN.** The ~~Board~~BOCC 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~~BOCC's approval of the Preliminary Plan.

D. PLANNING COMMISSION REVIEW. If, as a condition of its Preliminary Plan approval, the ~~Board~~BOCC 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~~BOCC.

1. **PLANNING COMMISSION RECOMMENDATION**. If the ~~Board~~BOCC 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~~BOCC 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~~BOCC. 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~~BOCC 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~~BOCC ACTION.** A recommendation that the ~~Board~~BOCC should approve, approve with conditions, or deny the Final Plan application.

E. ~~BOARD~~BOCC 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~~BOCC. The ~~Board~~BOCC 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~~BOCC 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~~BOCC 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~~BOCC ACTION AFTER IF REFERRED TO PLANNING COMMISSION**. If the application is referred to the Planning Commission for additional review, the ~~Board~~BOCC 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~~BOCC 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~~BOCC 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.

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.

ARTICLE 8: TECHNICAL MODIFICATIONS, TAKINGS, APPEALS AND EXCEPTIONS

SECTION 8-101: TECHNICAL MODIFICATIONS

A. PURPOSE. This Section sets forth the process and standards for obtaining a Technical Modification, which is a minor deviation of not more than ten percent from any minimum or maximum numerical standard required by this *Resolution*.

B. APPLICABILITY. A Technical Modification may be granted by the decision-making body that has final authority to approve or deny the permit application for which a Technical Modification is requested. If the circumstances requiring the Technical Modification become apparent only after a Land Use Change Permit has been approved, the Technical Modification may be approved by the decision-making body that originally approved the permit.

1. **ADMINISTRATIVE REVIEW OR MINOR IMPACT PROJECT.** The Community Development Director or the Planning Commission may grant a Technical Modification concurrent with the approval of a Land Use Change Permit for an Administrative Review Project or Minor Impact Project, or
2. **MAJOR IMPACT PROJECT.** The ~~Board~~BOCC may grant a Technical Modification concurrent with the approval of the Preliminary or Final Plan of a Major Impact Project.

C. PROCESS. The following process shall apply to an application for a Technical Modification.

1. **PRE-APPLICATION CONFERENCE.** Attendance at a Pre-Application Conference is mandatory before submittal of a Technical Modification application, pursuant to Section 3-108: *Pre-Application Conference*.
2. **APPLICATION**. The applicant shall submit an application that includes the following materials:
   a. **SITE PLAN.** A site plan of the subject property, showing existing improvements and proposed development features that are relevant to the review of the proposed Technical Modification (illustrated in Appendix Figure 1: *Site Plan Example.*).
   b. **DESCRIPTION OF REQUESTED MODIFICATION.** A description of the requested modification, including how the request complies with 8-101: D: *Review Standards for Technical Modifications*.
   c. **OTHER MATERIALS.** As necessary, the applicant shall also submit written or graphic information necessary to describe the proposal and to explain its compliance with the standards of this Section.
3. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW.** The Community Development Department shall review the application for completeness, determine whether it meets the requirements of this Section, and shall so indicate to the applicable decision-making body.
4. **ACTION BY DECISION-MAKING BODY.** A complete copy of the application shall be forwarded to the applicable decision-making body, together with a copy of the Community Development Department Review and recommendation. The review body shall review the application, consider the standards of Section 8-101: F: *Review Standards for Technical Modifications*, and may approve, approve with conditions, or deny the application.

D. STANDARDS OF APPROVAL FOR TECHNICAL MODIFICATION'S. An application for a Technical Modification shall comply with all of the following standards:

1. **TECHNICAL OR INSUBSTANTIAL.** The proposed modification shall be of a technical or insubstantial nature, and necessary to compensate for an unusual aspect or feature of the property or of the land use change that is not shared by properties in general, or is necessary to address an unusual hardship associated with the application of the particular standard on the property.
2. **TEN PER CENT LIMIT.** The request shall be to increase a maximum numerical standard or to decrease a minimum numerical standard by 10 per cent or less.
3. **ADVERSE IMPACTS SHALL BE MITIGATED**. Any adverse impacts caused by the proposed modification shall be mitigated to the maximum extent practical, so the resulting effects on those properties are insubstantial.

4. **COMPLIANCE WITH PURPOSES OF STANDARD TO BE MODIFIED.** The applicant shall demonstrate that if the requested modification is granted, the proposed land use change will still comply with the purposes of the standard for which the modification is requested, and will advance or protect the public interests as well or better than strict compliance with the standard.
5. **NO ADVERSE IMPACT ON PUBLIC HEALTH, SAFETY AND WELFARE, OR ON THE ENVIRONMENT.** The proposed modification shall cause no adverse impact on public health, safety and welfare, or on the environment.
6. **NO CHANGE IN IMPACT CLASSIFICATION.** Approval of the proposed modification will result in no change to the impact classification of the proposed land use change.
7. **SUBSTANTIALLY SAME OR LESS IMPACT.** Approval of the proposed modification will result in the same or less actual impact due to unique site features, the nature of the equipment that will be used, the nature of the operations and activities proposed, or proposed mitigation measures, including buffering and screening.

E. APPEALS. An appeal of an action on a Technical Modification may be made pursuant to Section 8-103: *Appeals*.

SECTION 8-102: ADMINISTRATIVE TAKINGS PROCESS FOR LAND USE CHANGE PERMITS

A. PURPOSE. It is the intent of this *Resolution* that no private landowner be deprived of all reasonable economic use of real property. However, it is possible that certain regulatory decisions made pursuant to this *Resolution* may, in limited unique circumstances, potentially result in claims that all reasonable economic use of a parcel has been denied. This Section establishes an administrative appeal to attempt to resolve such claims, and to reduce the potential for litigation.

B. APPLICABILITY. Any landowner who believes that a final decision made or final action taken by a decision-making body pursuant to this *Resolution* results in a denial of all reasonable economic use of all of a parcel of real property, must initiate and complete an appeal pursuant to this Section before initiating litigation against Gunnison County for such decision or action. This requirement is not a prerequisite to a landowner's filing a petition in the district court pursuant to *Colorado Rules of Civil Procedure*, Rule 106, or C.R.S. 29-20-201 *et seq*.

C. DEADLINES FOR PETITION. No later than 30 days after the final decision or final action has been made, the applicant shall file a written notice with the Community Development Department that a Takings Relief Petition will be submitted. Within 30 days after filing that notice, the petitioner shall submit the Takings Relief Petition to the Community Development Department.

D. CONTENTS OF TAKINGS RELIEF PETITION. The Takings Relief Petition shall, at a minimum, include the following:

1. **IDENTIFICATION OF PETITIONER**. Name, address, telephone number of petitioner.
2. **IDENTIFICATION OF LANDOWNER**. Name, address, telephone number of current owner of the property, with notarized written approval of the current owner of the property to file the petition.
3. **TERMS OF PURCHASE**. Price paid, and all other terms of sale, of the current owner's purchase of the subject property; the date of purchase; the name of the party from whom purchased; and the relationship, if any, between the current owner and the party from whom the property was purchased.
4. **APPRAISALS**. Any appraisals of the property, prepared for any purpose, including financing, offers for sale, or ad valorem taxation, during the five years immediately preceding the date of the decision or action that is the subject of the petition.
5. **FORM OF OWNERSHIP**. The form of ownership of the property (sole proprietorship, for profit or not-for-profit corporation, partnership, or joint venture), and the nature of the property interest (including fee simple, leasehold).
6. **VALUE AND TAXES.** The assessed value of the property, and all real property taxes paid for the five years immediately preceding the date of the decision or action that is the subject of the petition.
7. **MORTGAGES OR LOANS.** A full description of current mortgages, loans, or other encumbrances on the property, including the name of the mortgagee or lender, the current interest rate, remaining loan balance, term of the loan, and other significant requirements, including the right of purchasers to assume the loan.
8. **LISTINGS.** All listings of the property for sale or rent, the price asked, and any written offers received during the five years immediately preceding the date of the decision or action that is the subject of the petition.
9. **STUDIES**. Any studies undertaken by the petitioner or agents of the petitioner within the five years immediately preceding the date of the decision or action that is the subject of the petition concerning the feasibility of development or use of the property.

10. **INCOME AND EXPENSE STATEMENTS**. For income-producing property, itemized income and expense statements for the prior three years.

11. **IMPROVEMENTS AND EXPENSES.** Documentation of any improvements and investments made to the property, and any expenditures for professional and other services related to the property made during the prior three years.

12. **STATEMENT.** A statement identifying the regulations that are alleged to result in the elimination of all reasonable economic use of the land and describing the use the landowner believes represents the minimum legally required reasonable economic use of the land, accompanied by any documentation, studies, or other supporting evidence.

E. ADDITIONAL INFORMATION. The Community Development Director or the Hearing Officer may request additional information that is reasonably necessary, in his/her opinion, to conclude that there has or has not been a denial of all reasonable economic use causing a substantial economic hardship.

F. WAIVER OF INFORMATION. The Community Development Director or the Hearing Officer may waive the submittal of information if in his/her opinion it is unnecessary or not applicable to the subject petition.

G. INFORMATION NOT AVAILABLE. In the event that any of the information required to be submitted by the petitioner is not reasonably available, the petitioner shall file a statement identifying the information that could not be provided, explaining why the information is not available and, if it will become available, when it will become available.

H. APPOINTMENT OF HEARING OFFICER. Within 30 days of receipt of the completed petition, the ~~Board~~BOCC~~BOA~~ shall appoint a hearing officer to review the petition and conduct a hearing pursuant to this Section.

1. **QUALIFICATIONS OF HEARING OFFICER**. The Hearing Officer shall have demonstrated experience in land use law, land development, real estate finance and appraisal, and in other disciplines related to land use or real estate development sufficient to perform the duties required by this Section. Before appointment, the Hearing Officer shall submit a statement to the parties of no actual or potential conflict of interest regarding the subject petition.

2. **COMPENSATION FOR COSTS.** The Hearing Officer shall be compensated at his/her normal rate for professional services of a similar type, and any reimbursable expenses, including staff support if necessary. The petitioner shall deposit a fee in advance with the County to cover the reasonable cost of preparing and copying the record, the cost of the services of the hearing officer, the cost of the hearing, and the costs incurred for publication of public notice, as estimated by the Community Development Director. At the conclusion of the hearing, the Hearing Officer shall award to the prevailing party all reasonable costs but not any attorney fees except if the Hearing Officer determines that the claim or defense is frivolous, groundless or vexatious.

I. HEARING PROCESS. The process for conducting the hearing shall be as follows:

1. **RECORD.** Gunnison County shall expeditiously prepare the record and deliver a copy of the record to the petitioner and to the Hearing Officer.

2. **NOTICE.** Notice of the hearing shall be given pursuant to Section 3-112: *Notice of Public Hearing*.

3. **TESTIMONY.** The Hearing Officer shall review the record and shall allow an opportunity during the hearing for the petitioner, and Gunnison County, and any witness called by either party to offer written or oral testimony regarding the Takings Relief Petition. The burden of proof shall be on the petitioner to demonstrate, by the preponderance of the evidence, that the decision or action appealed from has denied all reasonable economic use of all of the subject property.

J. DECISION AND FINDINGS. Within 30 days after the close of the hearing, the Hearing Officer shall prepare and present to the ~~Board~~ BOA and petitioner a decision on the merits of the appeal, based on the record and testimony. The decision shall be based on the evidence submitted and shall include the following findings and determinations:

1. **ADEQUATE INFORMATION.** Whether the petitioner has fully presented the information required by this Section.

2. **MARKET VALUE**. The fair market value of the property considering the decision or action appealed from, and the fair market value if the proposed Land Use Change Permit were to be granted.

3. **FEASIBLE DEVELOPMENT ALTERNATIVE.** Whether there exists a feasible alternative that could provide a reasonable economic use of the property.

4. **FAIR MARKET VALUE OR REASONABLE ECONOMIC BENEFIT OF ALTERNATIVE DEVELOPMENT**. The fair market value or reasonable economic benefit available to the landowner from alternative development of the subject property including any opportunity to develop the property together with any other contiguous property owned by the landowner, or to use any other incentives available within this *Resolution*.

5. **DEVELOPMENT FEASIBILITY**. Whether it was feasible to develop the property as of the date of the application, or shortly thereafter.

6. **DEMONSTRATION OF TAKINGS.** Whether the petitioner has met its burden to prove that the decision appealed from has denied all reasonable economic use of all of the subject property.

K. RECOMMENDATION FOR RELIEF. If the Hearing Officer finds that the petitioner has been denied all reasonable economic use of all of the subject property, then the Hearing Officer shall recommend relief to remedy the denial of all reasonable economic use. The Hearing Officer shall recommend the minimum reasonable increase in use, density, intensity, or other possible chance to the decision or action that would permit a reasonable economic use of the subject property. The highest and best use, or even an average or generally reasonable expectation of use, is not required or intended as the appropriate remedy.

L. ~~BOARD~~BOA ACTION. Within 60 days, following receipt of the Hearing Officer's decision, the ~~Board~~BOA shall review it and shall approve, approve with modifications, or disapprove the decision of the Hearing Officer. The ~~Board~~BOA may, in its sole discretion, conduct a public hearing before taking action. If the ~~Board~~ BOA chooses to conduct a public hearing, it shall be conducted pursuant to Section 3-113: *Conduct of Public Hearing*. The decision of the ~~Board~~ BOA upon review of the Hearing Officer's decision shall be the final action necessary to complete an appeal pursuant to this Section.

1. **IMPLEMENTATION OF RELIEF MEASURES.** The ~~Board~~BOA in its discretion may adopt any measure that is within the ~~B~~oard~~BOCC~~BOA's authority to implement the Hearing Officer's recommendations, with or without further review by the Planning Commission.

SECTION 8-103: APPEALS

A. ACTIONS THAT MAY BE APPEALED TO THE ~~BOARD~~BOARD OF ADJUSTMENT. The following actions may be appealed to the ~~Board~~Board of Adjustment (BOA):

1. **~~A~~ BUILDING PERMIT.** A decision by the Community Development Department to deny a Building Permit under the applicable building code adopted and amended by Gunnison County.

2. **HEARING OFFICER DECISION ON ADMINISTRATIVE TAKINGS CLAIM.** A decision by a Hearing Officer pursuant to Section 8-102: *Administrative Takings Process For Land Use Change Permits*.

3. **CLASSIFICATION OF IMPACT.** Community Development Department classification of impact pursuant to Section 3-111: *Classification of Impact.*

~~2~~4. **ADMINISTRATIVE REVIEW.** Community Development Director actions on an Administrative Review application, pursuant to Section 5-102: *Administrative Review Projects That Require a Land Use Change Permit*.

~~3~~ ~~4~~5. **PLANNING COMMISSION DECISION ON MINOR IMPACT PROJECT.** Planning Commission actions on a Minor Impact application pursuant to Article 6: *Minor Impact Projects.*

~~7~~6. **BOCC DECISION ON MAJOR IMPACT PROJECT.** BOCC actions on a Major Impact application pursuant to Article 7: *Major Impact Projects.*

~~8~~7. **APPEAL PURSUANT TO SPECIAL AREA REGULATIONS.** Action of a final decision-making body under Regulations created for a Special Area pursuant to Section 1-110: *Process for Designating Special Areas*.

~~9~~ ~~8~~4. **INTERPRETATION.** Community Development Director interpretations of this *Resolution*, pursuant to Section 1-114: *Interpretations.*

~~10~~ ~~9~~5. **TECHNICAL MODIFICATION.** Decision-making body's action on a Technical Modification, pursuant to Section 8-101: *Technical Modifications.*

1~~1~~0. **FLOODPLAIN DEVELOPMENT PERMITS.** Action by Community Development Director on Floodplain Development Permit pursuant to Section 11-103: *Development in Areas Subject to Flood Hazards*.

1~~2~~1. **SETBACKS.** Any order, requirement, decision or refusal by the Community Development Director related to the granting of variances from setback requirements, pursuant to Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way*.

1~~3~~2. **EMERGENCY EXCEPTIONS**. Action by the BOCC on an application for an emergency exception pursuant to Section 8-104: *Emergency Exceptions*.

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~~1~~43. **REVIEW OF STOP ORDERS**. Review and potential amendment of Stop Orders pursuant to Section 16-105: *Stop Order; Immediate Compliance.*

~~1~~54. **PERMIT SUSPENSIONS AND REVOCATIONS**. Action by BOCC to suspend or revoke a permit pursuant to Section 16-106: *Temporary Suspension or Permanent Revocation of Permit.*

~~1~~65. **VIOLATION OF ABATEMENTS**. Issuance of Orders to Abate by BOCC pursuant to Section 16-107: *Abatement of Violation.*

B. STANDING TO APPEAL. The following persons shall have standing to ~~submit an~~ appeal:

~~1.~~ **1. APPLICANT.** The applicant or the owner of the subject property affected by a decision.

~~2. **MEMBER OF THE PUBLIC.** Any member of the public.~~

2. **PERSON AGGRIEVED BY DECISION UNDER THIS *LAND USE RESOLUTION.*** Any person who can establish that a decision made under this *Land Use Resolution* denies that person a claim of right or imposes a substantial burden or obligation upon that person. Such person must establish that the claim of right is a property or personal right.

3. **PERSON WHO HAS REQUESTED AN INTERPRETATION**. A person who has requested an interpretation of this *Resolution* pursuant to Section 1-114 *Interpretations.*

4. **PERSON WHO HAS APPEALED AN IMPACT CLASSIFICATION**. A person who requests consideration of an impact classification determined pursuant to Section 3-111: *Classification of Impact*.

5. **COUNTY.** Any officer, department, board, or bureau of Gunnison County affected by:

a. The grant or refusal of a building permit; or

b. Any decision or action set forth in Section 8-103~~(A)~~: A. *Actions That May Be Appealed to the Board of Adjustment.*~~:~~

C. PROCESS. The process for submittal and review of an appeal is as follows:

1. **WRITTEN APPEAL.** An appeal may be submitted to the Community Development Director no more than 15 days after the date on which the decision-making body issues its final decision ~~on the application~~, not including the day on which the decision was made. The appeal shall be submitted in writing, stating the basis of the appeal and the relief that is requested. The appeal shall become part of the record.

   a. **FEE FOR APPEAL SUBMITTAL.** In order to compensate the County for the cost of reviewing and processing the petition, the appellant(s) shall bear the full cost of preparation of the record of the initial decision-making body. The appellant(s) shall pay a required appeal fee, as shown in a schedule of fees that is adopted and amended from time to time by the ~~Board~~BOCC. The fee schedule shall be calculated to make the amount of the fee generally equivalent to the expense reasonably to be incurred by the County in reviewing and processing the appeal. The appeal fee shall be adjusted when the record is complete and at a minimum shall include costs of document reproduction, and provision of notice(s) required for the public meeting and, if conducted, the public hearing. If the appeal is submitted by the County, no fee is required.

   b. **COUNTY SHALL PREPARE RECORD.** Upon receipt of payment of the appeal fee, the County shall prepare the record of the ~~initial~~ prior decision-making bod(ies)~~y~~.

      1. **THE RECORD.** The record shall consists of all documents provided to or prepared by the County as part of its review and decision-making process, including the application and submittals, site plans, maps, referral agency comments, written and oral public comments, minutes, the decision documents, and audio recordings of the meeting/hearing, except for any documents or information protected by privileged communication.

      2. **TRANSCRIPT.** If a written transcript of the ~~initial~~ prior decision-making bod(ies")~~y~~ audio recordings is requested by the ~~Board~~BOA, the cost of the transcript shall be paid by the ~~Board~~County.

2. ~~BOARD~~**BOA CONSIDERATION OF APPEAL.** The appeal shall be considered by the ~~Board~~BOA at a regularly scheduled meeting within 30 days after the date the written appeal was filed and applicable appeal fee paid.

Commented [MH14]: "Appeals to the board of adjustment may be taken by any officer, department, board, or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning resolution."

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a. **NOTICE OF MEETING.** The Community Development Department shall, by first-class mail, inform the applicant and, the appellant and if a public hearing was part of the review process on the application for which an appeal of action has been filed, anyone who testified at the public hearing or submitted written comments on the application. That information shall include the date, time, and place of the meeting.

b. **BOARDBOA DETERMINATION WHETHER TO CONDUCT PUBLIC HEARING**. At the meeting, the BoardBOCCBOA may determine that a public hearing should be conducted on the appeal. If the BoardBOA so determines, notice shall be given pursuant to Section 3-112: *Notice of Public Hearing*. The public hearing shall be conducted pursuant to Section 3-113: *Conduct of Public Hearing*.

1. **CRITERIA FOR CONDUCTING PUBLIC HEARING.** The BoardBOA shall conduct a public hearing if the BoardBOA is satisfied that the anticipated, additional testimony or documents could not reasonably have been presented to the initial decision-making body. The BoardBOA shall consider all of the following in making such a decision:

a. **AVAILABILITY AT TIME OF REVIEW BY INITIAL DECISION-MAKING BODY**. Availability of the anticipated, additional testimony or documents at the time of review of the application by the initial decision-making body.

b. **ADDITIONAL TESTIMONY OR EVIDENCE WOULD BE SIGNIFICANT**. Whether the additional testimony or evidence would be significant; that is, whether it would have a major effect on the BoardBOA's decision on the appeal.

c. **BOARDBOA CONSIDERATION ONLY OF RECORD; NO PUBLIC HEARING CONDUCTED**. If the BoardBOA determines that a public hearing shall not be conducted on the appeal, the BoardBOA shall limit its consideration to review of the record of the initial decision-making body, and argument by the appellant and applicant regarding that record. No new evidence shall be accepted or considered, and the BoardBOA chairperson may limit statements made to the BoardBOA.

d. **BOARDBOA CONSIDERATION OF RECORD AND NEW EVIDENCE; PUBLIC HEARING CONDUCTED.** If the BoardBOA determines that a public hearing shall be conducted on the appeal, the BoardBOA shall make its decision de novo based on consideration of the record of the initial decision-making body and any evidence presented at the public hearing.

3. **BOARDBOA DECISION.** The BoardBOA shall affirm, reverse, modify or remand, in whole or part, the appealed action. When the BoardBOA reverses or modifies a decision, the BoardBOA shall set forth its findings and state its reasons. Reversal of a decision shall require the concurring vote of four of the five members of the BOA. When the BoardBOA elects to remand the matter back to the initial decision-making body, the BoardBOA shall include a statement explaining the reasons for the remand and the action to be taken.

a. **MODIFICATION, REVERSAL OR REMAND OF ORIGINAL ACTION.** Unless expressly provided otherwise in this *Land Use Resolution* or other applicable regulations, tThe original action shall only be modified, reversed or remanded if the appellant establishes, that:

1. **NO CREDIBLE EVIDENCE**. There is no credible evidence in the record to support the original decision;

2. **ORIGINAL ACTION INCONSISTENT WITH THIS *RESOLUTION*.** The original action was inconsistent with the applicable requirements of this *Resolution*; or

3. **REVIEW BODY ACTION INAPPROPRIATE.** The initial decision-making body exceeded its jurisdiction or abused its discretion.

b. **BOARDBOA DECISION SHALL BE FINAL.** The Board'sBOA's decision to affirm, reverse or modify a decision shall be final and shall not be further appealed, but may be subject to judicial review.

SECTION 8-104: EMERGENCY EXCEPTIONS

A. PURPOSE. Gunnison County recognizes that occasionally an existing legal nonconforming land use, or a land use that has been permitted and complies with the conditions of that permit, may be subject to unexpected situations that require immediate and temporary relocation of the land use to another site to avoid serious detriment to an individual or business entity. This Section allows the BoardBOCC to evaluate such situations on a case-by-case basis to provide temporary relief from certain requirements of this *Resolution* to allow reasonable time and opportunity for an individual or business entity to obtain a Land Use Change Permit for that land use.

Commented [MH15]: Interested persons would still receive notice through the website and other methods

Commented [MH16]: "(3) The concurring vote of four members of the board in the case of a five-member board and of three members in the case of a three-member board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or agency or to decide in favor of the appellant."

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B. AUTHORITY. An Emergency Exception may be granted solely by the ~~Board~~BOCC. Unless specifically exempted within the conditions of the Land Use Change Permit, all sections of this *Resolution* shall apply. Under no circumstances, however, shall the use be exempted from the following sections: Section 1-105: *Sections Necessary for Immediate Preservation of Public Health and Safety,* Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way,* Section 13-109: *Signs,* Section 13-113: *Fencing*, Section 13-119: *Standards to Ensure Compatibility* and 9-300: *Commercial and Industrial Uses.* Such Exception shall also be required to obtain any applicable Building Permit and On-Site Wastewater Treatment System Permit.

C. STANDARDS OF APPROVAL FOR AN EMERGENCY EXCEPTION. An application for a Land Use Change Permit for an Emergency Exception shall comply with the following standards:

1. **IS A LEGAL USE CONDUCTED IN GUNNISON COUNTY**. The applicant currently conducts the land use within Gunnison County, including any of its incorporated municipalities, and is a legal nonconforming land use or a land use that has been permitted and complies with the conditions of that Permit.
2. **EXCEPTIONAL HARDSHIP**. Exceptional hardship to the applicant will result if the ~~Board~~BOCC does not grant emergency relief.
    a. **HARDSHIP IS NOT SELF-IMPOSED**. The special circumstances and conditions resulting in the emergency have not been caused by either the action or inaction of the applicant.
3. **NO REASONABLE ALTERNATIVE.** The applicant has documented and thoroughly pursued the alternative solutions, and no timely, feasible alternative to the Emergency Exception is available.
4. **RELIEF IS MINIMUM NECESSARY.** Approval of the Emergency Exception does not exceed the minimum action necessary to achieve the objective of allowing the temporary location of a land use and reasonable time and opportunity for an individual or business entity to obtain a permanent Land Use Change Permit if required.
5. **PUBLIC COST SHALL BE LIMITED.** Approval of the Emergency Exception shall not result in undue public costs.
6. **PUBLIC SAFETY SHALL NOT BE JEOPARDIZED.** Location of the land use in the site applied for within the Emergency Exception application shall not jeopardize the public health, safety or welfare.
7. **DOES NOT ADVERSELY AFFECT LAND USES IN THE AREA**. The granting of the Emergency Exception will not change the character or otherwise adversely affect other land uses in the area where the Emergency Exception is proposed,
8. **SIZE OF AFFECTED WORK FORCE.** The size of the affected workforce of a business shall be considered, but shall not be the deciding factor in determining the legitimacy of an emergency.
9. **ALL STRUCTURES TEMPORARY; RECLAMATION TO ORIGINAL CONDITION REQUIRED.** All structures approved by the Exception shall be temporary, and the site approved for the Exception shall be returned, to the maximum extent feasible, to the condition in which it was before the temporary land use approved by the Exception was initiated.

D. PROCESS. The following process shall apply to an application for an Emergency Exception.

1. **APPLICATION FORM.** The Community Development Department shall provide the applicant with an application form appropriate for the Emergency Exception. At a minimum, the application shall include:
    a. **APPLICANT.** The name, address, telephone and fax numbers, and email address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and also stating the same information for the agent.
    b. **PROPERTY OWNER.** Name, address, telephone and fax numbers and email address of the owner of the property and, if other than the applicant, a notarized letter from the owner consenting to the application must be submitted.
    c. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the land use change is proposed to be located. A copy of the recorded deed to the property should be included.
    d. **PRESENT LAND USE.** Identify present land uses, and locations and sizes of structures that exist on the property.
    e. **LIST OF ADJACENT LANDOWNERS**. As applicable, a listing of all landowners and land uses that are adjacent to the boundaries of the entire parcel on which the Project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the property except for the existence of

the roadway. When the parcel is located adjacent to a municipality, a platted townsite or platted recorded subdivision, all owners of surface property rights within 500 feet of each boundary of the entire parcel shall be included in the listing. The source for the best-available information to identify those landowners is the Gunnison County Assessor's Office.

f. PROJECT DESCRIPTION AND SITE PLAN. A narrative description and site plan (illustrated in Appendix Figure 1: *Site Plan Example.*) of the proposed Project, including all uses, structures, roads, utilities, parking areas, amount and kinds of traffic to be generated.

g. DESCRIPTION OF EMERGENCY. A statement of fact(s) that describes the situation that constitutes an emergency, an explanation of how the hardship was not self-imposed by an action or inaction of the applicant, and why the Emergency Exception is necessary.

h. DESCRIPTION OF ALTERNATIVE SOLUTIONS. Documentation that the applicant has pursued alternative solutions other than an Emergency Exception and documentation of when the applicant became aware of the emergency.

i. APPLICATION FOR PERMANENT LAND USE CHANGE PERMIT. The applicant shall submit an application for a permanent Land Use Change Permit no later than ninety (90) days after ~~simultaneously with~~ the submittal of the application for the Emergency Exception, and shall reference the location proposed for the permanent location.

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j. ESTIMATED COSTS. Documentation from contractors, materials providers, engineers or other professionals, indicating the final estimates for costs for installation of roads, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements required by the County for approval, and for the reclamation of the site once the use is completed, including the removal of temporary structures, vehicles, and reclamation of the property pursuant to Section 13-115: *Reclamation and Noxious Weed Control.*

k. APPLICATION AND REVIEW FEES. To compensate the County for the cost of reviewing and processing applications for Land Use Change Permits, each applicant shall pay the required fee as shown in a schedule of fees issued by the Community Development Department, adopted and amended from time to time by the ~~Board~~BOCC. 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.

2. COMMUNITY DEVELOPMENT DEPARTMENT REVIEW. The Community Development Director shall request to schedule a public hearing for the application on the ~~Board~~BOCC's next available agenda and within seven days of receiving the application and certifying it as complete, shall prepare a Department report that describes the proposed Project, the requirements of this section, and, as applicable, recommends any specific conditions to ensure compliance with this *Resolution*, and shall forward the report to the ~~Board~~BOCC.

3. HEARING NOTICE. Public notice that the ~~Board~~BOCC will conduct a public hearing to consider the Emergency Exception application shall be accomplished pursuant to Section 3-112: *Notice of Public Hearing*; minimum public notice, including publication, posting of property and mailing of notice to adjacent landowners shall be 15 days, and shall be required to be sent by overnight express mail by the applicant.

a. COST FOR PUBLIC HEARING NOTICE(S). 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*.

4. ~~BOARD~~BOCC HEARING. The ~~Board~~BOCC hearing shall be conducted pursuant to Section 3-113: *Conduct of a Public Hearing*. The applicant shall present the application and explain the immediate need for emergency relief.

5. ~~BOARD~~BOCC DECISION. Within seven days after the close of the public hearing, the ~~Board~~BOCC shall approve, approve with conditions or deny the application. The ~~Board~~BOCC shall be required to base its decision on findings that specifically address each Section 8-104: C: *Standards of Approval for Emergency Exception*, and shall, as applicable, include the following:

a. SURETY. The ~~Board~~BOCC decision shall include a determination that surety pursuant to Section 16-117: B: *Financial Security* shall be provided by the applicant sufficient to reasonably reclaim the site to its original condition.

b. "PRE-ACTION" CONDITIONS. Those conditions that shall be required to be completed before the Certificate of Approval is recorded, such as the completion of a Development Improvement Agreement and/or provision of surety.

c. **ADDITIONAL CONDITIONS.** Those conditions that are ongoing after the Certificate of Approval is recorded and which are related to operation of the approved land use, and or the reclamation of the property once the term of the Emergency Exception Permit has ended.

6. **DURATION OF APPROVAL.** An Emergency Exception shall expire six months after the date the ~~Board~~BOCC approves it.

   a. **EXTENSION OF EMERGENCY EXCEPTION.** The applicant may request extension of the Exception for good cause shown, including the time necessary to obtain a Land Use Change Permit for the permanent location of the land use. In no case, however, shall the Emergency Exception be permitted to continue more than two years beyond the date of the ~~Board~~BOCC's approval.

      1. **MAJOR IMPACT PROJECT.** If the Land Use Change Permit is classified as a Major Impact Project, pursuant to Section 3-111: *Classification of Impact*, the Project shall be required to have submitted a complete application for Sketch Plan in order for the Exception to be extended.

7. **RECORDATION OF CERTIFICATE.** Within five days following the submittal by the applicant of documentation showing compliance with any Pre-Action Conditions included in the ~~Board~~BOCC's approval of the Emergency Exception application, the Community Development Director shall record a *Certificate of Emergency Exception* in the Office of the Gunnison County Clerk and Recorder's Office. The Certificate shall describe the specific Project, the legal description of the subject property, the Findings of the Decision, any conditions of approval, and include the Community Development Director's signature line, and the date of approval.

8. **EXCEPTION REVOCABLE.** Failure of the applicant to comply with the Pre-Action Conditions and to submit and diligently pursue an application for a permanent Land Use Change Permit within 45 days of the ~~Board~~BOCC's approval of the Emergency Exception, or failure of the applicant to comply with all additional conditions of the approval shall cause the Emergency Exception to be revoked.

ARTICLE 9: SPECIAL USES

This Article governs land uses that have individualized standards in addition to the other standards of this *Resolution,* and identifies and establishes those standards. Unless otherwise exempted, all uses and structures referred to in this Article are also subject to all other generally applicable standards of this *Resolution*.

DIVISION 9-100: SECONDARY USES AND ACTIVITIES

SECTION 9-101: USES SECONDARY TO A PRIMARY RESIDENCE

A. GENERAL. Certain secondary uses are a use by right on any parcel where there is a legal, permitted primary residential use. They require no separate Land Use Change Permit. Any use that has received a Land Use Change Permit shall also be permitted to include those secondary uses, structures, and activities that are necessarily and customarily associated with, and incidental and subordinate to the primary residence.

B. SUBJECT TO SAME STANDARDS AND REQUIREMENTS. Unless otherwise exempted or required by this Section, secondary uses and activities shall comply with all standards and requirements that apply to the primary residence.

C. STRUCTURES AND USES ALLOWED AFTER A BUILDING PERMIT IS ISSUED FOR A PRIMARY RESIDENCE. The following secondary structures or uses do not require a separate Land Use Change Permit, but may be initiated only after a Building Permit is issued for the primary residence to which these uses are accessory. These shall not apply to the construction of barns or other agricultural buildings used in conjunction with an agricultural operation.

- **a. GARDENS AND GREENHOUSES, INCLUDING HOME OCCUPATIONS**. Private gardens and private greenhouses, including those that are home occupations, constructed and operated pursuant to Section 9-102: *Home Occupations*.
- **b. POOLS AND RECREATION FACILITIES**. Private swimming pools and private recreation facilities associated with a primary residence, and not part of a private club or membership group.
- **c. INTEGRATED SECONDARY RESIDENCE 1,200 SQ. FT. OR SMALLER ON A LEGAL LOT.** An integrated secondary residence 1.200 sq. ft. or smaller in a primary residence on a legal lot.
- **d. ONE HOME OCCUPATION**. One home occupation, pursuant to Section 9-102: *Home Occupations*.

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

1. SECONDARY STRUCTURES AND USES ~~CLASSIFIED AS ADMINISTRATIVE REVIEW PROJECTS~~THAT DO NOT REQUIRE LAND USE CHANGE PERMITS. The following are ~~classified as Administrative Review Projects pursuant to~~reviewed pursuant to Article 4: *Administrative Review Projects That Do Not Require Land Use Change Permits* ~~and Article 5: *Administrative Review Projects That Require Land Use Change Permits*~~:

- **a. ~~INTEGRATED SECONDARY RESIDENCE LARGER THAN 1,200 SQ. FT. ON A LEGAL LOT~~DUPLEX.** ~~An integrated secondary residence smaller than 1,200 sq. ft. on a legal lot~~ duplex as defined in Article 2: *Definitions*~~.~~.
- **b. DETACHED SECONDARY RESIDENCE ON A LEGAL LOT.** A detached secondary residence ~~on a legal lot~~.
- **c. SECONDARY STRUCTURE INTENDED ONLY FOR SLEEPING WITHOUT A KITCHEN.** A secondary structure that is to be used only for sleeping facilities, shall not include a kitchen and shall meet the requirements of Section 9-101: E: *Standards for Development of a Secondary Detached Residence or Secondary Structure Intended for Sleeping.*

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2. **SECONDARY STRUCTURES OR USES CLASSIFIED AS MINOR IMPACT PROJECTS.** A separate Land Use Change Permit is required before obtaining a Building Permit for any of the following structures, which shall be reviewed pursuant to Article 6: *Minor Impact Projects:*

   a. **MORE THAN ONE SECONDARY RESIDENCE ON ONE LEGAL LOT**. More than one secondary residence on one legal lot.

   b. **MAXIMUM BUILDING SIZE LARGER THAN 5,000 SQ. FT. AND AGGREGATE SQUARE FOOTAGE LARGER THAN 7,000 SQ. FT..** No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 5,000 sq. ft. and the aggregate of all structures shall not exceed 7,000 sq. ft. unless a land use change permit is approved pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*

   c. **MAXIMUM BUILDING SIZE AND MAXIMUM AGGREGATE OF ALL STRUCTURES FOR MULTIPLE-FAMILY RESIDENCE(S).** No building(s) on a parcel equal to or larger than 6,500 sq. ft. shall equal or exceed 10,000 sq. ft. and the aggregate of all structure shall not equal or exceed 12,500 sq. ft. unless a land use change permit is approved pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*

   d. **AGGREGATE SQUARE FOOTAGE MORE THAN 12,500 SQ. FT. FOR MULTIPLE FAMILY RESIDENCE(S).** An aggregate of more than 12,500 sq. ft. of unless a land use change permit is approved pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*

   ~~b. **TOTAL AGGREGATE 7,000 SQ. FT. OR LARGER.** An aggregate square footage of 7,000 sq. ft. or larger of all structures that may include a combination of residential living area (one single-family residence, or any combination of a primary single-family residence, an integrated secondary residence, and/or a detached secondary residence allowed by this Section), attached and/or detached garages.~~

   ~~c. **TOTAL AGGREGATE RESIDENTIAL LIVING AREA AND ATTACHED GARAGE 5,000 SQ. FT. OR LARGER**. An aggregate square footage including residential living area 5,000 sq. ft. or larger (one single-family residence, or any combination of a primary single-family residence, an integrated secondary residence, and/or a detached secondary residence allowed by this Section and any attached garage). **MAXIMUM BUILDING SIZE AND MAXIMUM AGGREGATE OF ALL STRUCTURES**. No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 5,000 sq. ft. and the aggregate of all structures shall not exceed 7,000 sq. ft. unless~~

E. STANDARDS FOR DEVELOPMENT OF A DETACHED SECONDARY RESIDENCE OR SECONDARY STRUCTURE INTENDED FOR SLEEPING. A secondary detached residence or secondary structure intended for sleeping shall meet these standards:

1. **SECONDARY SMALLER THAN PRIMARY RESIDENCE.** The secondary residence or structure intended for sleeping shall be smaller than the primary residence, and the total floor area of the two buildings shall not exceed any floor area limitations applicable to the parcel pursuant to Section 13-105: *Building Sizes and Lot Coverages*.
2. **LOCATION.** The secondary residence or structure intended for sleeping shall be located in close proximity to the primary residence, so that it will not be more visually obtrusive and will not increase land use impacts, including the building of additional roads or upgrading existing roads, removing additional trees, or disturbing additional irrigated meadows or sensitive wildlife habitat.
3. **DESIGNATION OF BUILDING ENVELOPE.** A building envelope designated on the site plan in which all structures, wastewater treatment system(s) and well are to be located.
4. **ADEQUATE PARKING.** At least that number of parking spaces required for both the primary residence and the secondary residence or structure intended for sleeping shall be provided, pursuant to Section 13-110: *Off-Road Parking and Loading.*
5. **SHARED WATER SUPPLY AND WASTEWATER TREATMENT SYSTEM**. To the maximum extent feasible, the second residence or structure intended for sleeping shall be legally and physically served by the same water and wastewater treatment systems that serve the primary residence.
6. **COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS**. The second residence or structure intended for sleeping shall comply with deed restrictions and/or declarations of protective covenants applicable to the parcel.

F. STANDARDS FOR INTEGRATED SECONDARY RESIDENCE. An integrated secondary residence shall meet these standards:

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1. **SUBORDINATE TO PRIMARY RESIDENCE.** It is subordinate by area, extent and purpose to the primary residence.
2. **LIMITED TO 1,200 SQ. FT.** The floor area of the integrated secondary residence shall be no larger than 1,200 sq. ft., and may be as small as allowed by the applicable building code, adopted and amended by Gunnison County.
3. **ADEQUATE PARKING**. There shall be parking adequate to serve both the primary and secondary residences, pursuant to Section 13-110: *Off- Road Parking and Loading*.
4. **ADEQUATE WATER SUPPLY AND WASTEWATER TREATMENT SYSTEM.** It shall be legally and physically served by the same water and wastewater treatment systems that serve the primary residence.
5. **STRUCTURALLY INTEGRATED.** It shall be structurally integrated within the primary residence, share common roof lines and utility systems~~, and there shall be an internal access between the primary residence and the secondary residence~~.
6. **COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS.** It shall comply with deed restrictions and/or declarations of protective covenants applicable to the parcel on which the primary residence is located.
7. **KITCHEN AND SEWAGE DISPOSAL FACILITIES**. It shall contain a full kitchen, and sanitation facilities.
8. **COMPLIES WITH APPLICABLE CODES**. It shall comply with the applicable building code, adopted and amended by Gunnison County, and the requirements of the applicable fire protection district. When the district's standards conflict with County standards, the County shall only enforce the County standards.

SECTION 9-102: HOME OCCUPATIONS

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

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

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

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

8. **NUISANCE.** The home occupation shall not operate during such hours or in manner that will create a public or private nuisance or disturb neighbors. It shall not produce any offensive noise, vibrations, electrical or magnetic interference, glare, fumes, odors, smoke, dust, heat, or waste noticeable at or beyond the property line. All waste products generated by the home occupation shall be disposed of pursuant to all applicable federal, state and County regulations.

9. **SIGNS.** The only allowed exterior advertising shall be one sign identifying the home occupation, which shall not be larger than four sq. ft., and as applicable, shall otherwise comply with Section 13-109: *Signs*.

10. **OTHER REGULATIONS.** The structure in which the home occupation is located shall comply with all other applicable regulations and codes for the type of home occupation proposed.

SECTION 9-103: BED AND BREAKFAST

A. LAND USE CHANGE PERMIT REQUIRED. The operation of a bed and breakfast in a primary residence requires a Land Use Change Permit, and in addition to complying with all other applicable requirements of this *Resolution* shall comply with the requirements of this Section.

B. STANDARDS FOR OPENING AND OPERATING BED AND BREAKFAST. The following standards shall apply to operations of a bed and breakfast:

1. **MAINTAINING RESIDENTIAL APPEARANCE.** A structure used as a bed and breakfast shall not be altered in a way that changes its residential appearance or character.

2. **MAXIMUM NUMBER OF UNITS.** The bed and breakfast shall not contain more than five separate sleeping rooms available to be rented to guests.

3. **OWNER SHALL LIVE ON PREMISES**. The owner or on-site manager shall live on the premises when the bed and breakfast is in operation.

4. **RECEPTIONS AND MEALS NOT ALLOWED**. There shall not be receptions, private parties, or similar activities for compensation, and no meals shall be served to the general public, unless expressly approved as part of the Land Use Change Permit.

5. **LONG-TERM RENTAL OF GUEST ROOMS.** Long term rental of guest rooms shall not be permitted. The maximum length of any stay shall be 30 consecutive days. No cooking facilities, other than a microwave oven, shall be allowed in guest rooms.

6. **ON-SITE PARKING.** Parking spaces shall be provided pursuant to Section 13-110: *Off-Road Parking and Loading,* and the minimum distances listed in Appendix Table 2*: Off-Road Parking Requirements.*

7. **COMPLY WITH OTHER REGULATIONS.** The bed and breakfast shall comply with all applicable regulations and codes, including those of the applicable fire protection district. When the district's standards conflict with County standards, the County shall only enforce County standards.

SECTION 9-104: MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY.

A. GENERAL. The purpose of this Section to protect the health, safety, and welfare of the residents of Gunnison County by regulating marijuana cultivation, manufacturing and/or testing facilities in unincorporated Gunnison County.

B. NO INTENT TO PROMOTE. Gunnison County does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of state or federal law. As of the date of the enactment of these regulations, the use, possession, distribution, and sale of marijuana is illegal under Federal law and those who engage in such activities do so at their own risk of criminal prosecution.

C. PROHIBITED USE. The following are prohibited in unincorporated Gunnison County.

1. **Retail Marijuana Store Prohibited**: Retail marijuana stores that sell marijuana shall be prohibited in unincorporated Gunnison County.

2. **Medical Marijuana Centers Prohibited**: Medical Marijuana Centers that sell marijuana shall be prohibited in unincorporated Gunnison County.

D. MARIJUANA MANUFACTURING AND TESTING FACILITIES ARE ALLOWED ONLY IN GOLD BASIN INDUSTRIAL PARK, RIVERLAND INDUSTRIAL PARK, SIGNAL PEAK INDUSTRIAL PARK, OR VISTA BUSINESS CENTER. Medical and Retail Manufacturing and Testing Facilities are only allowed in the Gold Basin Industrial Park, Riverland Industrial Park, Signal Peak Industrial Park, or Vista Business Center. Medical and Retail

Manufacturing and Testing Facilities shall not be located anywhere in Gunnison County other than the Gold Basin Industrial Park, Riverland Industrial Park, Signal Peak Industrial Park, or Vista Business Center.

E. LAND USE CHANGE PERMIT AND LICENSE REQUIRED. To lawfully engage in the business of cultivating, manufacturing, and/or testing marijuana in unincorporated Gunnison County, all persons must obtain a land use change permit, all applicable licenses, and in addition to being required to comply with all other applicable standards and requirements of this *Resolution*, shall comply with the standards identified in 9-104. H. *Additional Standards for Marijuana Cultivation, Manufacturing and/or Testing Facility*.

F. GOLD BASIN INDUSTRIAL PARK. A marijuana cultivation, manufacturing or testing facility is a permitted use in the Gold Basin Industrial Park and shall be reviewed pursuant to the *Gold Basin Industrial Park Special Area Regulations* and shall be in compliance with Section 9-104.H of the Land Use Resolution.

G. REQUIRE A LAND USE CHANGE PERMIT. The following uses require a land use change permit and shall be reviewed pursuant to Section 5-105*: Administrative Review Project Review Process and in all circumstances must comply with Section 9-104.H.*

1. MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY CLASSIFIED AS ADMINISTRATIVE REVIEW PROJECTS. The following are classified as Administrative Review Projects pursuant to Article 5: *Administrative Review Projects That Require Land Use Change Permits:*

a. MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY. Marijuana, cultivation, manufacturing, or testing facility located within a permitted structure, in the Signal Peak Industrial Park. Riverland Industrial Park, or Vista Business Center.

b. EXPANSION OF MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY. Expansion of a permitted marijuana cultivation, manufacturing or testing facility, where the total square footage of the expansion is less than 5,000 square feet.

2. MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY CLASSIFIED AS MINOR IMPACT REVIEW PROJECTS. A Marijuana Facility which is not subject to an administrative review under 9-104 G.1 shall be reviewed pursuant to Section 6-106*:* Minor Impact Review Project Review Process. Marijuana Cultivation Facilities may be considered through a Minor Impact Review process in locations other than Signal Peak Industrial Park, Riverland Industrial Park, Gold Basin Industrial Park, or Vista Business Center. All Marijuana Cultivation, Manufacturing and Testing Facilities shall comply with Section 10-104. C2: Compatible With Existing Uses Established In Impact Area and 10-104.C3: No Significant Net Adverse Impact.

H. ADDITIONAL STANDARDS FOR MARIJUANA CULTIVATION, MANUFACTURING AND/OR TESTING FACILITY. The establishment or operation of a marijuana cultivation, manufacturing or testing facility is required to comply with the following:

1. LICENSE REQUIRED. An applicant shall obtain a state and local license pursuant to and in compliance with the *Gunnison County Licensing Regulations for Marijuana Cultivation, Manufacturing and Testing*.

2. NO RESIDENTIAL USE WITHIN THE STRUCTURE. Marijuana Facilities and residential facilities cannot be collocated in the same structure.

3. NO SIGNIFICANT DEGRADATION: A Marijuana Facility shall not cause significant degradation to either the natural or man-made environment of the site or the adjacent properties. The applicant shall demonstrate that there will not be a significant degradation or impact in the following areas:

a. **ODOR.** Noticeable odors shall not occur at the boundary to adjacent properties. Facilities shall be equipped with proper ventilation systems so that odors are filtered and do not materially interfere with adjoining land uses.

b. **ADEQUATE WATER SUPPLY.** The applicant shall demonstrate that the premise is legally and physically served by a water supply pursuant to Section 12-105: *Water Supply* and.

c. **ADEQUATE WASTEWATER TREATMENT SYSTEM.** The applicant shall demonstrate compliance to State and County regulations for waste water treatment including Section 12-106: *Sewage Disposal/Wastewater Treatment.*

d. **ADEQUATE PARKING**. The applicant shall demonstrate that there will be adequate parking to serve the facility, pursuant to Section 13-110: *Off- Road Parking and Loading*.

e. **ADEQUATE PUBLIC INFRASTRUCTURE**: The applicant shall demonstrate that there is adequate road and utility infrastructure to support the use and its proposed operation.

f. **SECURITY:** The applicant shall demonstrate that there is adequate premises, product, personnel, and consumer security.

g. **FIRE SAFETY**. The applicant shall demonstrated that based on its proposed use and operation that there is not a significant fire or criminal safety risk created by the use.

h. **WASTE DISPOSAL.** The applicant shall demonstrate that waste can be securely and safely disposed

i. **ENVIRONMENTAL IMPACTS:** The applicant shall demonstrate that there are no significant environmental or human health impacts associated with the construction and operation of proposed facilities.

j. **VISUAL RESOURCES:** The applicant shall demonstrate that the proposed operation will not be identifiable as a marijuana facility and shall be designed so that it is architecturally compatible with the surrounding natural and built environment. The applicant shall demonstrate that the ambient lighting of a proposed facility does not impact adjacent uses.

4. **OPERATION CONDUCTED WITHIN BUILDING.** All activities associated with the operation of the facility must conducted within the building and not be visible from the exterior of the business.

5. **COMPLIANCE WITH STATE AND COUNTY REGULATIONS.** The facility must operate in compliance with County and State regulations related to marijuana facilities.

6. **COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS.** The facility shall comply with deed restrictions and/or declarations of protective covenants applicable to the parcel on which the facility is located.

7. **COMPLIES WITH APPLICABLE CODES**. The facility shall comply with the applicable building codes, adopted and amended by Gunnison County, State of Colorado Licensing requirements, and Colorado Department of Public Health & Environment codes, and the requirements of the applicable fire protection district.

DIVISION 9-200:
SPECIAL RESIDENTIAL USES

SECTION 9-201: INDIVIDUAL MANUFACTURED AND MOBILE HOMES

A. PURPOSES. The purposes of this Section are:

1. **TO REGULATE MANUFACTURED HOMES.** To regulate the permanent installation of manufactured homes on foundations for occupancy as single-family dwellings.

~~All such manufactured homes shall be designed and located to be compatible with neighboring conventionally-built residences. The specifications provided by this Section are designed to ensure the compatibility of manufactured homes with the aesthetic and architectural character of the surrounding neighborhood, in the same manner as that used by the County to approve other residential Building Permits.~~

2. **TO REGULATE INDIVIDUAL MOBILE HOMES.** To regulate the placement of individual mobile homes outside mobile home communities.

B. SUBDIVISIONS CREATED FOR MANUFACTURED AND MOBILE HOMES. Except as provided in this Section, a Land Use Change Permit application for subdivision of property to provide lots for manufactured and mobile homes shall be subject to all the requirements of this *Resolution* that regulate subdivision of property.

~~**C. NO SEPARATE LAND USE CHANGE PERMIT REQUIRED FOR COMPLIANT INDIVIDUAL MANUFACTURED AND MOBILE HOMES**. No separate Land Use Change Permit is required for a manufactured home or a mobile home placed on a legal lot subject to the following:~~

~~1. **COMPLIANCE WITH PROTECTIVE COVENANTS OR DEED RESTRICTION.** The applicable protective covenants or deed restrictions do not prohibit such use.~~

~~2. **ROOFING SHALL BE SIMILAR**. Roofing shall be similar in color, material and appearance to the roofing material commonly used on residences on adjacent parcels. The roof pitch shall be a minimum of a nominal 2/12; and~~

~~3. **EXTERIOR SIDING SHALL BE SIMILAR**. Exterior siding shall be similar in color, material and appearance to the exterior siding material commonly used on residences on adjacent parcels; and~~

~~4. **GARAGE OR CARPORT**. If a garage is constructed it shall be in materials and color similar to those of the attached residence where garages are predominant on adjacent parcels. A carport may be constructed if residences on adjacent parcels have carports, or there is a mixture of residences with and without garages or carport; and~~

~~5. **ALL CONVENTIONAL STANDARDS APPLY.** All building setbacks, parking, coverage, height, width and size requirements required of conventional homes by the applicable building code adopted and amended by Gunnison County, and by all applicable sections of this *Resolution*, shall apply to manufactured and mobile homes.~~

D. INDIVIDUAL MANUFACTURED HOMES. Manufactured homes shall comply with all applicable requirements of this *Resolution*, and with the following:

1. **CERTIFICATION**. A manufactured home shall be certified pursuant to all requirements of the *National Manufactured Housing Construction and Safety Standards Act of 1974* (42 U.S.C. 5401 *et seq*: as amended).

~~2. **DESIGN.** At a minimum, a manufactured home shall:~~

~~a. **EXTERIOR MATERIALS AND ROOF PITCH.** Have an exterior of brick, wood or cosmetically equivalent siding and a pitched roof.~~

~~3~~2. **SITE PREPARATION, DELIVERY, AND INSTALLATION**. Before delivery to the site, the home shall meet, on an equivalent performance engineering basis, all public safety requirements of the applicable building code adopted and amended by Gunnison County, including snow load, wind shear and energy conservation factors. The home shall be installed:

a. **IN COMPLIANCE WITH BUILDING AND SEWAGE DISPOSAL SYSTEM PERMIT REQUIREMENTS**. Each manufactured home shall obtain the required building and On-Site Wastewater Treatment System permits, as applicable, required by Gunnison County.

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Commented [MH23]: Exclusionary and unnecessary limitation on attainable housing

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b. **IN COMPLIANCE WITH THE APPLICABLE BUILDING CODE ADOPTED AND AMENDED BY GUNNISON COUNTY.** In accordance with the requirements of the applicable building code adopted and amended by Gunnison County, if the home was manufactured pursuant to that code; or

c. **IN COMPLIANCE WITH COLORADO DIVISION OF HOUSING REQUIREMENTS**. In accordance with the manufactured housing installation standards set forth in Colorado Division of Housing *Rule 20* as it may be amended, if the home was manufactured to the HUD code; and

d. **PLACEMENT ON PERMANENT ENGINEERED FOUNDATION.** On a permanent engineered foundation certified by a qualified professional engineer licensed in the State of Colorado as structurally sound, permitted and approved by the Building Inspector, and constructed before delivery of the home to the site.

43. **ALL SYSTEMS COMPLETE**. Be complete, including sanitary, heating and electrical systems and be ready for occupancy when delivered to the site except for minor assembly.

E. **INDIVIDUAL MOBILE HOMES**. A mobile home may be permitted on a legal lot that is not in a mobile home community. It shall comply with all other applicable requirements of this *Resolution* and the following:

1. **PLACEMENT OFF PUBLIC RIGHTS-OF-WAY**. No mobile home shall be parked or permitted to remain on any public highway, road, alley or other such right-of-way for more than a 24-hour period. If so parked for less than a 24-hour period, it shall be parallel to the edge of the right-of-way, safely out of the flow of moving traffic.

2. **REQUIRED TO BE USED AS RESIDENCE**. No mobile home shall be parked on a parcel unless it is permitted to be used as a residence, pursuant to all applicable codes and regulations, and sections of this *Resolution*. All applicable permits, pursuant to Section 1-104: R: *Relationship of Land Use Change Permits to Other Permits*, shall be obtained before a mobile home is located on a parcel.

3. **MOBILE HOME OR TEMPORARY MOBILE HOME PERMIT**. The Community Development Department may issue either a Mobile Home Permit or a Temporary Mobile Home Permit:

a. **MOBILE HOME PERMIT**. Mobile Home Permit to park, occupy and use a mobile home on a parcel not in a mobile home community.

ba. **TEMPORARY MOBILE HOME PERMIT**. Temporary Mobile Home Permit for the temporary parking, occupation and use of a mobile home not in a mobile home community, if all applicable requirements of this *Resolution* and of the *Gunnison County On-Site Wastewater Treatment System Regulations* have been met. The Temporary Mobile Home Permit shall be issued for a period not to exceed 180 days, and may be renewed not more than once for no more than an additional 60 days, without approval by the BoardBOCC.

4. **APPLICATION FORM**. The Community Development Department shall provide the appropriate application form for either of the Permits that, at a minimum, shall include the following:

a. **APPLICANT**. The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and stating the same information for the agent.

b. **PROPERTY OWNER**. Name of the owner of the property; if other than the applicant, a notarized letter from the owner consenting to the application, must also be submitted.

c. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the land use change is proposed to be located. A copy of the recorded deed to the property should be included.

d. **PRESENT LAND USE.** Identify present land uses, locations, and sizes of existing and proposed structures that exist on the property.

5. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW.** The Community Development Department will review the application, determine its compliance with the requirements of this Section and all other applicable requirements of this *Resolution*. If it is in compliance, the applicable Mobile Home Permit or Temporary Mobile Home Permit shall be granted.

a. **HIGHER LEVEL OF REVIEW MAY BE REQUIRED IF LOCATED NEXT TO SUBDIVISION**. If a mobile home is proposed to be located on an individual parcel of land not in a mobile home community, but adjacent to a platted subdivision whose protective covenants either do not address, or do not allow, the location of mobile homes within the subdivision, the application for a Mobile Home Permit shall require a higher level of review, pursuant to Section 3-111: *Classification of Impact*.

Commented [CP24]: The Dept. requires a standard building permit for placement of a mobile home.

~~**b. SUBJECT TO SUBDIVISION PROTECTIVE COVENANTS**. No permit may be issued under this Section for placement of a mobile home on any lot within a platted subdivision unless there have been recorded in the office of the Clerk and Recorder of Gunnison County protective covenants relating to the subdivision that specifically permit the placement of mobile homes within the subdivision on other than a temporary basis. Any such protective covenants or amendments to protective covenants adopted after May 16, 1977, must have been approved by Gunnison County.~~

Commented [MH25]: Exclusionary toward mobile homes and unnecessary burden on attainable housing

F. STANDARDS FOR INSTALLATION OF A MOBILE HOME. Location of an individual mobile home shall comply with the following:

1. **PERIMETER ENCLOSURE**. The mobile home shall be enclosed continuously at the perimeter at ground level with material comparable in composition and appearance to the predominant materials used in foundations of residences on adjacent parcels.

2. **ADDITIONS SHALL MEET BUILDING CODE REQUIREMENTS.** Any additions, extensions, or enlargements will be allowed so long as they meet the requirements of the applicable building code, adopted and amended by Gunnison County, and proof of compliance to any applicable protective covenants has been submitted. If the mobile home is to be modified with a roof structure, the new supporting walls (stud walls) must be completely sided in. No open studs or posts will be allowed.

~~**3. MORE THAN ONE MOBILE HOME CONSTITUTES A COMMUNITY.** The placement of more than one mobile home on any parcel shall create a mobile home community, except as located according to Section 9-201: F.5: Agricultural Operations.~~

4. **NONCONFORMING MOBILE HOME.** Any parcel on which more than one mobile home was in existence before June 20, 1979 will not be considered a mobile home community and shall be allowed to remain as a nonconforming use. If a nonconforming mobile home is removed and replaced with a mobile home that complies with the current HUD code, the replacement shall not create a mobile home community. All applicable requirements of this *Resolution* shall apply.

5. **AGRICULTURAL OPERATIONS**. An agricultural operation may place no more than two mobile homes on the agricultural operation property, for use by family members or employees of the operation, subject to all other applicable requirements of this *Resolution*.

6. **SHALL NOT HAVE BEEN MANUFACTURED BEFORE 1976.** The mobile home shall not have been manufactured before June 15, 1976.

7. **HUD SEAL REQUIRED**. Any mobile home manufactured after June 15, 1976 shall be required to bear the HUD seal.

8. **GENERAL STRUCTURAL AND SNOWLOAD REQUIREMENTS**. If the mobile home is required to meet the applicable snowload requirements applied to structures throughout the County and does not have the manufacturer's certification or an independent certification by a qualified professional engineer licensed in the State of Colorado demonstrating that it meets that requirement, the home shall be modified with a roof structure, designed and constructed pursuant to the requirements of the applicable building code adopted and amended by Gunnison County.

   a. **NO OPEN STUDS OR POSTS.** If the mobile home is to be modified with a roof structure, the new supporting walls (stud walls) must be completely sided in. No open studs or posts will be allowed.

9. **PERMIT ISSUED TO OWNER**. Other than on agricultural operations or within a mobile home community the permit shall be issued only to the owner of the land on which the mobile home is to be placed.

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.

C. **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.

D. 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~~BOCC, 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.

E. **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.

F. 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.

DIVISION 9-300: COMMERCIAL AND INDUSTRIAL USES

SECTION 9-301: APPLICABILITY AND GENERAL STANDARDS

A. APPLICABILITY. Commercial and industrial developments, including buildings, shall be designed according to the same principles governing the design of residential developments, and shall be sited to complement the topography, avoiding environmentally sensitive areas to the maximum extent feasible. Factors including drainage, noise, and odor and surrounding land uses shall be considered in siting buildings; sufficient access shall be provided, and impacts mitigated. Unless specifically exempted by this *Resolution*, commercial and industrial uses are subject to all applicable requirements of this *Resolution*.

B. LAND USE CHANGE PERMIT REQUIRED. Unless otherwise exempted by this *Resolution*, commercial and industrial uses shall be required to obtain a Land Use Change Permit.

C. LOCATION. Location of commercial and industrial uses shall be directed pursuant to Section 10-104: *Locational Standards for Commercial, Industrial and Other Non-Residential Development.*

D. GENERAL STANDARDS. The following standards apply to commercial and industrial uses with the exception of mining and associated activities, that are regulated by Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials* and to home occupations, that are regulated by Section 9-102: *Home Occupations.*

1. **NON-RESIDENTIAL ACCESSORY USES.** Uses that shall be considered accessory to a non-residential use include an office to run the business, a cafeteria, and similar support areas.
2. **FOOD SERVICE REQUIREMENTS.** Food service activities, requiring a license or certificate of inspection pursuant to C.R.S. 12-44-201 through 12-44-213 and the production, storage and dispensing of ice shall be conducted pursuant with the physical and operational requirements of the edition of the *Rules and Regulations Governing the Sanitation of Food Service Establishments* in the State of Colorado in effect at the time the Land Use Change Permit application is submitted.
3. **ELECTRICAL DISTURBANCES.** No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that have a detrimental effect, including radio and television interference, on the operation of any equipment beyond the boundaries of the site. Electrical disturbances affecting operation of equipment beyond the boundaries of a site will require investigation and satisfactory resolution of the disturbance.
4. **FIRE AND EXPLOSIVE HAZARDS.** Materials or products which decompose by detonation shall be handled, sorted and utilized in accord with the *National Fire Protection Association* (NFPA) *Standards* and pursuant to standards and requirements of the applicable fire protection district. Design shall comply with the standards of Section 12-107: *Fire Protection.*
5. **GLARE AND HEAT.** Any commercial or industrial operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make glare or heat imperceptible from any point along the property line.
6. **EXTERIOR LIGHTING.** Whenever exterior lighting is installed in a commercial or industrial development, it shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare, and shall comply with the applicable standards of Section 13-114: *Exterior Lighting*.
7. **ODORS**. No industrial or commercial use shall cause or allow the emission of odors from any single source so as to result in detectable and unreasonable odors.
8. **RADIOACTIVITY**. Releases and use of radioactive materials shall be as follows:
   a. **RELEASES.** Release of radioactivity shall be subject to state and federal regulations, and any other agency having jurisdiction over such releases. Where conflicts between regulations exist, the most restrictive requirements shall apply.
   b. **USE OF RADIOACTIVE MATERIALS**. Medical, dental and veterinary sources of radiation residues, including x-ray machines, gamma and neutron sources, and pharmaceutical isotopes which are used for diagnostic and therapeutic purposes, shall be permitted when located within a hospital, clinic, medical, dental or veterinary office, or medical research facility, whether mobile or fixed.

9. **VIBRATION**. No industrial or commercial use shall result in vibration perceptible to a person without instruments at any point along the property boundaries.

10. **NOISE.** Every use to which this Section applies shall be conducted so that any noise produced is not objectionable because of intermittence, beat frequency, or shrillness regardless of db(A) measurement. Sound levels of noise radiating 25 or more feet beyond the subject property boundary in excess of the db(A) established for the following time periods and uses may be considered a public nuisance as listed in Table 2: *Maximum Permissible Noise Levels for Commercial and Industrial Uses*.

TABLE 2: MAXIMUM PERMISSIBLE NOISE LEVELS FOR COMMERCIAL AND INDUSTRIAL USES

IMPACTED PROPERTY	6 A.M. TO 7 P.M.	7 P.M. TO 6 A.M.
NATIONAL PARKS OR RECREATION AREAS, PUBLIC PARKS, CAMPGROUNDS ON FEDERAL LANDS, AND FEDERALLY, STATE OR LOCALLY-DEDICATED OPEN SPACE OR CONSERVATION AREAS	50 db(A)*	45 db(A)*
RESIDENTIAL	50 db(A*	40 db(A)*
COMMERCIAL	60 db(A)*	55 db(A)*
INDUSTRIAL	80 db(A)*	75 db(A)*
WILDERNESS AREAS	40 db(A)*	40 db(A)*
*db (A): Decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute		

E. DESIGN STANDARDS FOR LIGHT INDUSTRIAL USES. In addition to complying with Section 9-301: D.: *General Standards*, light industrial uses shall comply with all the following:

1. **MAXIMUM AGGREGATE BUILDING SIZE.** Maximum aggregate building size shall be no greater than 5,000 square feet, except that when an employee and/or owner residence is included, the maximum may increase to 6,500 square feet. Such employee or owner residence shall meet all these standards:

   a. **SUBORDINATE TO THE LIGHT INDUSTRIAL USE BUILDING.** It is subordinate by area, extent and purpose to the light industrial use building.

   b. **LIMITED TO A MAXIMUM OF TWO RESIDENCES WITH AN AGGREGATE SQUARE FOOTAGE OF 1,500 SQ. FT.** The aggregate square footage of the residences shall be no larger than 1,500 sq. ft., and may be as small as otherwise allowed by the applicable building code, adopted and amended by Gunnison County.

   c. **ADEQUATE PARKING**. There shall be parking adequate to serve both the light industrial use and the residence(s), pursuant to Section 13-110: *Off- Road Parking and Loading*.

   d. **ADEQUATE WATER SUPPLY AND WASTEWATER TREATMENT SYSTEM.** It shall be legally and physically served by the same water and wastewater treatment systems that serve the light industrial use.

   e. **STRUCTURALLY INTEGRATED.** It shall be structurally integrated within the building in which the light industrial use is located, share common roof lines and utility systems.

   f. **COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS.** It shall comply with deed restrictions and/or declarations of protective covenants applicable to the parcel on which the light industrial use is located.

   g. **KITCHEN AND SEWAGE DISPOSAL FACILITIES**. It shall contain a full kitchen, and sanitation facilities.

   h. **COMPLIES WITH APPLICABLE CODES**. It shall comply with the applicable building code, adopted and amended by Gunnison County, and the requirements of the applicable fire protection district. When the district's standards conflict with County standards, the County shall only enforce the County standards.

2. **OPERATION CONTAINED WITHIN BUILDINGS.** The operation shall be wholly contained within buildings.

3. **OPERATION IMPACTS TO BE CONTAINED WITHIN PROPERTY BOUNDARIES**. The light industrial use shall not produce any offensive noise, vibration, electrical or magnetic interference, glare, fumes, odors, smoke, dust, heat or waste noticeable at, or beyond, the property boundaries of the parcel on which the light industrial use is located.

4. **TRAFFIC.** An individual light industrial use shall be allowed to generate no more than an average of ten additional trips per day, including those of employees, deliveries to and from the business, and customers. However, factors such as the character of the neighborhood, traffic generated by uses existing in the impact area at the time the

Land Use Change Permit application is submitted, and the road classification may be taken into consideration in setting a maximum allowed average trips per day.

5. **HOURS OF OPERATION.** Hours of operation may be restricted, depending upon the character of the neighborhood, including hours of operation of other business or light industrial uses existing in the impact area at the time the Land Use Change Permit application is submitted.
6. **LIMITATION ON RETAIL SALES**. Retail sales shall be incidental and subordinate to a permitted use.
7. **MITIGATION OF VISUAL IMPACTS**. Landscaping, architectural design features, or other screening may be required to minimize visual impacts from the access road and to adjacent land uses.
8. **PARKING SHALL BE INDOORS, OR SCREENED FOR LIGHT INDUSTRIAL USE VEHICLES**. Vehicles used as part of the light industrial use shall be parked inside buildings or within screened parking areas.
9. **EMPLOYEE AND CUSTOMER PARKING**. Parking for employees and customers shall meet the requirements of Section 13-110: *Off- Road Parking and Loading*.
10. **OUTSIDE STORAGE**. Outside storage is permitted, but shall be fully-screened from the access road and from neighborhood land uses.

SECTION 9-302: FARM OR RANCH STAND

A. NO LAND USE CHANGE PERMIT REQUIRED. One farm or ranch stand at which primarily raw agricultural products are sold may be erected as an accessory structure on the same property on which the product was grown or produced, or it is the only such stand on property on which the product was not grown or produced, and it is erected as a temporary use, pursuant to the requirements of Section 9-502: Temporary Structures.

B. ADEQUATE PARKING. An off-road parking area that is sufficient in size to accommodate the anticipated number of customers shall be provided.

C. TRAFFIC SAFETY. The sales area shall be adequately set back from the adjacent road and shall be so situated so that it does not block any required access to or exit from the site, does not disrupt vehicular or pedestrian circulation in the surrounding area, and does not cause a traffic hazard or safety problem.

D. SIGNS. Any identification signs used for the operation shall comply with Section 13-109: *Signs*.

SECTION 9-303: DUDE RANCHES AND RESORTS

In addition to complying with all other applicable standards and requirements of this *Resolution*, dude ranches and resorts shall meet the following:

A. ACCESS TO PUBLIC LAND. Where activities require use of public lands, the dude ranch or resort shall have the applicable Special Use Permit or its equivalent from the appropriate public lands agency, and shall abut these lands or have access to them by either:

1. **EASEMENT OR AGREEMENT**. A written access agreement or easement across any intervening private land; or
2. **PUBLIC ROAD**. A public road.

B. COOKING AND DINING FACILITIES. Full service cooking or dining facilities may be provided but shall not be required. Individual cabins may be served by kitchens in the cabins, or by a central dining hall.

C. LIMITATIONS ON OCCUPANCY. Lodging rooms or individual cabins shall not be used for long term rentals. Full-time residents shall be limited to the dude ranch or resort owner or manager and their family, employees, and family guests.

D. COMPLIANCE WITH BUILDING CODE AND APPLICABLE FIRE PROTECTION DISTRICT REQUIREMENTS. When an applicant requests a Land Use Change Permit for a dude ranch or resort, and the buildings proposed to be used were in existence as of the effective date of this *Resolution*, the building shall be inspected and shall comply with applicable requirements of the applicable building code, adopted and amended by Gunnison County, and the applicable fire protection district requirements as a condition of issuance of the Land Use Change Permit. All such uses, whether preexisting this *Resolution*, or approved as new Land Use Change Permits, shall comply with the standards of Section 12-107: *Fire Protection*.

E. COMPATIBILITY WITH NEIGHBORHOOD USES. Approval of a conditional Land Use Change Permit for a dude ranch or resort may include conditions as to the location, layout and operation of facilities necessary to ensure compatibility with and to mitigate adverse impacts on neighborhood properties.

SECTION 9-304: ADULT-ORIENTED USES

A. **LAND USE CHANGE PERMIT REQUIRED.** The establishment or operation of an adult-oriented use requires a Land Use Change Permit and in addition to being required to comply with all other applicable standards and requirements of this *Resolution*, shall comply with the following:

1. LOCATION SHALL COMPLY AS COMMERCIAL USE.. The location of any building proposed for an adult-oriented use shall comply with the standards of Section 10-104: *Locational Standards for Commercial, Industrial and other Non-Residential Development.*

2. SUBSEQUENT ESTABLISHMENT OF OTHER USES. An adult-oriented use legally operating pursuant to this Section and all other applicable standards of this *Resolution* shall not become illegal by the subsequent establishment of a residence, public park or playground, recreational facility, child care center, place of worship or assembly, or school within 1,000 feet of that adult-oriented use.

3. SETBACKS FROM OTHER USES. Adult-oriented uses shall not be established or operated within 1,000 feet of any of the following: a residence; a public park or playground; an outdoor or indoor recreational facility; a child care center; a place of worship or assembly; a public or private school; or another adult-oriented use.

a. SETBACK MEASUREMENT. Measurements of setback distance shall be made from the nearest property line of the property from which spacing is required to the nearest portion of the building in which the adult use is to occur, using a straight line, without regard to intervening structures or objects.

4. DISPLAYS. Advertisements, displays, live displays or other promotional materials or showing or depicting sexual activities, or specified anatomical areas shall not be shown or exhibited so as to be visible or audible outside of the establishment. All building entries, windows, and doorways for adult-oriented uses shall be located, covered, or screened in such a manner as to prevent the interior of such the premises from being viewed from outside of the establishment.

SECTION 9-305: SEASONAL RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS

A. **PURPOSE.** The purpose of this Section is to provide regulations and minimum requirements for the protection of health and safety of occupants of commercial campgrounds and of the general public.

B. **LAND USE CHANGE PERMIT REQUIRED**. Construction, alteration, or expansion of a recreational vehicle park or campground requires a Land Use Change Permit, which shall be classified pursuant to Section 3-111: *Classification of Impact*. In addition to complying with all other applicable requirements of this *Resolution*, any such park or campground shall comply with the requirements of this Section.

C. GENERAL STANDARDS. In addition to the other applicable standards and requirements of this *Resolution*, recreational vehicle parks shall comply with the following:

1. COMPLIANCE WITH COLORADO DEPARTMENT OF HEALTH STANDARDS. Seasonal recreational vehicle parks shall comply with the requirements of the Colorado Department of Public Health and Environment's *Standards and Regulations for Campgrounds and Recreation Areas*, a copy of which is available in the Community Development Department.

2. **VEHICLES, TENTS, TENT TRAILERS, OTHER CAMPING SHELTERS ALLOWED**. All types of recreational vehicles as defined in this *Resolution*, and other camping shelters, may be located in a seasonal recreational vehicle park permitted by Gunnison County so long as each individual camping shelter is accommodated on its own site.

3. SEASONAL OPERATION ONLY. Recreational vehicle parks shall be designed and constructed for seasonal operation only, and shall not accommodate year around residency, except for permanent constructed primary residences or other similar residences intended to house the property owner or park caretaker.

4. PROPERTY LINE SETBACKS. Sites in a recreational vehicle park shall meet the following minimum setbacks from property lines (Table 3: *Recreational Vehicle Park Property Line Setbacks*):

TABLE 3: RECREATIONAL VEHICLE PARK PROPERTY LINE SETBACKS

DESCRIPTION	SETBACK
FROM THE PERIMETER OF THE RECREATIONAL VEHICLE PARK	75 feet
FROM EXISTING PRIMARY RESIDENCES, UNLESS THEY ARE SECONDARY USES WITHIN THE PARK	250 feet
FROM THE EDGE OF A PUBLIC ROAD RIGHT-OF-WAY	100 feet

5. **REFUSE DISPOSAL.** Animal-proofed refuse containers shall be supplied and maintained pursuant to recommendations by the Colorado Division of Wildlife.

6. **DISPOSAL OF WASTE.** Septage and other sewage or wastewater shall be disposed of only pursuant to a permit obtained in full compliance with the *Gunnison County On-Site Wastewater Treatment System Regulations*, and any other applicable County, state or federal standard or regulation. Compliance with those *Regulations* may require that a long-term On-Site Wastewater Treatment System be installed and maintained on the parcel.

D. PROHIBITED ACTIONS. The following shall be prohibited:

1. **LEAVING REFUSE.** Storage of refuse, debris or litter in an exposed or unsanitary condition.

2. **DUMPING OF POLLUTANTS NEAR WATER BODY**. Placing any substance that pollutes, or may pollute the water body within 150 feet of a stream, lake or other water body

DIVISION 9-400: EXPLORATION, EXTRACTION AND PROCESSING OF MINERALS AND CONSTRUCTION MATERIALS

SECTION 9-401: PURPOSE

The purpose of this Division is to establish reasonable and uniform limitations, safeguards and controls for exploration, extraction and processing of minerals and construction materials (referred to collectively as "mining operations") in the County that allow wise utilization of natural resources, eliminate or mitigate to the maximum extent feasible both on and off-site environmental and visual impacts, manages the extraction of mineral resources in a responsible manner while conserving other natural resources, ensure compatibility with surrounding land uses, protect the safety of the community, promote beneficial post-mining land uses, and protect the tax base of the County.

SECTION 9-402: APPLICABILITY

A. ALL OPERATIONS REQUIRED TO COMPLY WITH STANDARDS OF THIS *RESOLUTION*. Unless otherwise regulated by the County, the standards in this Division shall be used by the applicant and the County in designing, reviewing, evaluating, permitting, constructing, and conducting mining operations in the County, including Special Development Projects as defined in the *Gunnison County Special Development Projects Regulations*. Unless expressly exempted by Section 1-106: *Partially Exempted Land Use Changes*, all mining operations, including the extension or expansion of a permitted mining operation onto land outside the area permitted by the County, shall also comply with all other standards and requirements of this *Resolution*.

B. LAND USE CHANGE PERMITS REQUIRED. All applicants for exploration, mining operations or processing of construction materials shall obtain a permit for a Minor or Major Impact Project as provided in Article 6: *Minor Impact Projects* and Article 7: *Major Impact Projects* unless specifically exempted, or unless such activities are regulated pursuant to the *Gunnison County Special Development Projects Regulations*.

C. ACTIVITIES EXEMPTED FROM SUBMITTAL AND REVIEW REQUIREMENTS. The following mining operations shall be exempt from the submittal and review requirements of this Division but shall comply with all the other requirements of this Division and this *Resolution*:

1. **LIMITED CONSTRUCTION MATERIAL EXTRACTION**. Extraction of construction materials without any additional processing by a property owner of 300 cubic yards per year or less without any compensation for use on the owner's property or agricultural operation.
2. **MAPPING ACTIVITIES**. Mapping activities that do not require use of explosives, motor vehicles, or other surface disturbance.
3. **LIMITED MINERAL EXPLORATION**. Mineral exploration limited to non-motorized hand tools including picks and hammers with no new or improved access for motorized vehicles and less than five cubic yards of excavation or fill per site.
4. **LIMITED CONSTRUCTION MATERIALS EXPLORATION**. Construction materials exploration shall be limited to 25 cubic yards per exploratory hole, with a maximum of three holes open at the same time.

D. EXTENSION OR EXPANSION OF CURRENT UNDERGROUND MINERAL EXPLORATION REQUIRED TO FILE NOTICE OF ACTIVITY. The following is presumed not to require a Land Use Change Permit; however, a Notice of Activity shall be required to be submitted to the Community Development Department before the activity is initiated: Extension or expansion of underground mineral exploration existing as of the effective date of this *Resolution* that results in no surface transportation of materials, no surface disturbance, either visual or aural, or adverse subsurface or surface hydrological impacts. This includes underground drilling, excavation, or maintenance undertaken as part of an existing underground operation.

1. **ANNUAL FILING REQUIRED.** A Notice of Activity is required to be filed annually, for either a single, or multiple operations conducted by the same person.
2. **ONE NOTICE FOR MULTIPLE OPERATIONS**. When one person or entity wants to conduct activities that are described in Section 9-402: D: *Extension or Expansion of Current Underground Mineral Exploration Required to File Notice of Activity,* on more than one site, only one Notice of Activity shall be required to be filed for all those activities.

SECTION 9-403: PERMIT SUBMITTAL REQUIREMENTS FOR MINING OPERATIONS

A. APPLICATION FORM. The Community Development Department shall provide the appropriate application form based on the applicable initial impact classification of the Project. The applicant shall include within the submittal a description of the construction the applicant intends to complete within three years after the date the Land Use Change Permit receives approval.

B. DRMS AND OTHER AGENCY APPLICATION CONTENTS SHALL BE ACCEPTED. To the maximum extent feasible, information supplied by the applicant within an application submitted to the Colorado Division of Reclamation Mining and Safety (DRMS), and any other state or federal agency, shall be accepted by Gunnison County to meet submittal requirements required by this Section.

C. REVIEW BY GUNNISON COUNTY PUBLIC WORKS. A copy of the applicant's application to the Division of Minerals and Geology shall be submitted to the Gunnison County Public Works Department at the time of receipt of the Land Use Change Permit application. The Public Works Department shall have 21 days from the date of receipt to review and return comments to the Community Development Department.

D. NOTICE OF ACTIVITY. Operators of activities described in Section 9-402: D: *Extension or Expansion of Current Underground Mineral Exploration Required to File Notice of Activity* shall submit a completed Notice of Activity form to the Community Development Department a minimum of 15 days before any intended activity is initiated. When multiple operations are conducted by one person or entity, all information required by the Notice of Activity form shall be supplied for each separate site. The Community Development Department shall provide, and the operator shall complete the form, that, at a minimum, shall include the following:

1. **NAME AND ADDRESS.** Name and address of the property owner, and, if applicable, the name of the operator or other representative of the operation.
2. **SITE DESCRIPTION**. Legal description of the site on which the activity will occur.
3. **INTENDED ACTIVITIES**. Identify the underground drilling, excavation, or maintenance to be undertaken as part of the existing underground operation.
4. **DURATION OF ACTIVITIES**. Define the length of time during which the activities will occur.
5. **VICINITY MAP**. **VICINITY MAP**. A vicinity map, which at a minimum includes the following (as illustrated in Appendix Figure 2: *Vicinity Map Example*):
    a. **PROPERTY LOCATION AND NEARBY PARCEL SIZES AND LAND USES**. Location of the property on a United States Geological Survey quadrangle map with the location highlighted so that it is easy to see, and that clearly shows sizes of parcels and land uses within a half-mile of the proposed Project.
    b. **TOPOGRAPHIC FEATURES**. Streams, lakes, ponds, wetlands, contour lines and elevations.
    c. **ROADS**. All U.S. and state highways and nearest County or Forest Service, Bureau of Land Management, and/or subdivision/private roads that traverse and/or provide access to this proposed Project.
    d. **EASEMENTS.** Easements recorded or historically used that provide access to or across, or other use of, the property.
    e. **BOUNDARIES OF DISTRICTS, MUNICIPALITIES OR SUBDIVISIONS**. Locations of special district boundaries, municipalities or residential subdivisions within a half mile of the property.
    f. **PROXIMITY OF MINING OR PROCESSING ACTIVITY**. Any parcel located within 1,000 feet of the property proposed for land use change on which there exists an operation involving mineral exploration or extraction or construction materials processing.
6. **PERSONNEL.** The estimated number of employees who will perform the work.
7. **DISTURBANCE**. The amount of surface and underground disturbance likely to occur.
8. **EQUIPMENT**. Equipment to be used in the operation. .

E. INFORMATION SUBMITTALS FOR MINOR AND MAJOR IMPACT PROJECTS. An applicant for a Minor or Major Impact Project that involves extraction of minerals or construction materials shall at a minimum submit a copy of the application submitted to the DRMS, the items specified in Section 3-107: *General Application Requirements,* and the following, if not included in the application submitted to the DRMS:

1. **IDENTIFICATION OF MINERAL OR CONSTRUCTION MATERIAL.** Identification of the mineral or construction material proposed to be extracted, including estimated amount, depth and boundaries of mineral deposit, estimated amount of overburden, and estimated amount of proposed surface and subsurface disturbance.
2. **MINING OPERATIONS PLAN.** A detailed description of the method of operation of extraction, restoration and rehabilitation to be employed, including any proposed uses including rock crusher, asphalt plant or cement batch plant. An extraction plan showing the areas to be mined, maximum height and location(s) of stockpile area(s), locations of structures, general location of processing equipment, location of any rock crusher, asphalt plant or cement batch plant, time schedules, fencing if applicable, general depth of deposit, general tons in the deposit, length of operation, proposed phases of activity and operation, power supply, location and size of tailings ponds, hazardous materials, potential pollutants or contaminates, and other pertinent factors.
3. **RESTORATION AND RECLAMATION PLAN**. A detailed reclamation plan showing proposed reclamation with time schedules including finish contours, grading, sloping, types, placement, and amount of vegetation, after use plans, and any other proposed factors. The plan shall include a copy of each relevant applicable section submitted to the DRMS, and shall be designed pursuant to Section 13-115: *Reclamation and Noxious Weed Control.* Approval of the Land Use Change Permit shall be conditioned on subsequent submittal of a copy of the approved DRMS Reclamation Permit to the County. The County may, at its discretion require additional information on reclamation plans.
4. **TOPOGRAPHY.** Topography of the area with contour lines of sufficient detail and at a scale that shows all elements of the land use change, and to portray the direction and rate of slope of the land included in the Project. The map shall include a map scale, appropriate legend, map title, and a north arrow, the date and the name of the person who drafted the map.
5. **VEGETATION.** Type, character, and density of existing and proposed vegetation, and identification of how the existing vegetation will be impacted, restored and rehabilitated.
6. **ESTIMATED COSTS.** The operator's estimated cost at each of the following segments of the rehabilitation process, including where applicable, backfilling, grading, re-establishing topsoil, planting, revegetation management, and protection before vegetation establishment and administrative cost.
7. **STORM WATER MANAGEMENT PLAN.** A copy of the application's Storm Water Management Plan submitted to the Colorado Department of Public Health and Environment shall be submitted.
8. **EMISSION CONTROL PLAN**. If required by the Colorado Department of Public Health and Environment, an emission control plan proposed to be submitted to, or approved by the Colorado Department of Public Health and Environment. Approval of the Land Use Change Permit shall be conditioned upon subsequent submittal of a copy of the plan to the Count as approved by the CDPHE.
9. **DUST CONTROL PLAN**. A dust control plan.
10. **ACCESS AND TRANSPORTATION PLAN**. An access and transportation plan that shall address the following:
    a. **IDENTIFICATION OF PROPOSED HAUL ROUTE(S).** Traffic analysis that identifies traffic impacts of the proposal, including the numbers of trips per day to be generated by employees during construction, operation and restoration/reclamation; road and safety conditions in the pit area, in the vicinity of the pit area, and the haul route (if any). This shall include ingress/egress, parking and loading areas, on site circulation, estimate of number of trucks per day on the average and maximum number of trucks per day (ranges are acceptable).
    b. **ALTERNATIVE TRANSPORTATION MODES.** All applications for mining operations other than construction materials processing that are classified as Major Impact Projects shall include an assessment of the feasibility of alternative modes of transportation for employees and hauling of materials to and from the extraction and processing sites, including rail transportation, conveyor belts, buses, and vans.
    c. **EMPLOYEE TRANSPORTATION.** When a Project is classified as a Major Impact, and when the County determines that, due to road capacity and/or increases in traffic hazards, the traffic generated by the operation will adversely affect public infrastructure and current levels of services the operation may be required to provide and use pool transportation plans for employee shuttles to and from the mining operation to residential areas and designated pick-up points.
    d. **TRAFFIC STUDY.** A traffic study conducted pursuant to the applicable requirements of Section 12-103: *Road System* and that includes current data and an assessment of existing road capacity and levels of service, road condition before and after the operation has been approved, and cumulative effects of existing traffic and traffic generated by the mining operation. Improvements necessitated by, and directly attributable to the mining operation including paving, lane widening, entry lanes, acceleration/deceleration lanes, runaway truck

ramps, passing lanes, and special stop or crossing areas at high-risk locations shall be itemized and proposed mitigation addressed in one or more of the following ways:

1. **IMPROVEMENTS COMPLETED BY APPLICANT**. The applicant shall first have the option to provide the personnel, materials, equipment and identified period in which to construct the improvements, subject to approval by the County.
2. **IMPROVEMENTS ENSURED BY DEVELOPMENT IMPROVEMENT AGREEMENT.** The applicant shall provide collateral sufficient to ensure construction of improvements, pursuant to a Development Improvements Agreement whether the applicant intends to complete the improvements, or contract the work out.
3. **IMPACT FEES FOR DETERIORATION CAUSED BY MINING OPERATIONS.** If the mining operation will significantly deteriorate existing roads, impact fees sufficient to compensate for the eventual cost of mitigating the deterioration shall be paid by the applicant before development is initiated, unless a payment schedule is approved by the County.

11. **HOURS OF OPERATION.** Proposed operation schedule, including the range of hours, days and months during which the Project will operate, and likely or temporary closures.
12. **ENVIRONMENTAL IMPACT MITIGATIONS.** Mitigation, including avoidance, of noise, dust, air quality impairment, odor, and vibration, including siting, buffering and processing.
13. **IMPACTS TO WATER QUALITY.** The application shall include identification of potential impacts of the operation to on-site and off-site water quality, and proposed avoidance and mitigation measures; at a minimum, the application shall comply with the requirements of Section 11-107: *Protection of Water Quality.* The applicant shall provide sufficient water quality data before a Project is initiated, including a copy of water quality data submitted to the Division of Minerals and Geology. As required during and after operation, the applicant periodically and at least during spring snowmelts, shall provide data to ensure that such standards are being met.
14. **FIRE PROTECTION PLAN**. The applicant shall submit a fire protection plan designed pursuant to Section 12-107: *Fire Protection* that shall be reviewed and approved by the County in consultation with the applicable fire protection district. Fire protection plans shall include documentation of types of construction for all structures on the site and full disclosure of all types of chemicals to be used or stored on site, their locations, and information regarding safe exposure levels, fire risks, and treatment and suppression techniques.
15. **CULTURAL SURVEY.** A cultural, historical and archeological survey of the site prepared by a qualified professional. Upon receipt, the survey shall be submitted by the Community Development Department to the State Historic Preservation Officer and the Gunnison County Historic Preservation Committee for comments and recommendations.
16. **VISUAL IMPACT ASSESSMENT.** A written visual impact assessment that considers the impact of the proposed operation on scenic qualities of the site and on significant visual resources. Inventories of existing natural features and the impacts of the proposed land use change on them, the assessment shall include information required by Section 11-108: *No Development on* If significant impacts are reasonably likely to result from the operation, proposed mitigation measures shall be included in the assessment.
17. **BLASTING LICENSE**. Before blasting, a copy of a current blasting explosive license as filed with the Gunnison County Sheriff's Office or other applicable agency and issued to the applicant or to the contractor who will be conducting blasting activity shall be submitted to the County.
    a. **ESTIMATED SCHEDULE BLASTING TIMES.** A schedule for blasting above ground, near population centers, shall be provided a minimum of 10 days before the blasting is to occur.
18. **WATER SUPPLY.** Proposed water supply, including identification of water rights and impacts on water quality and quantity. An analysis of any hydrologic connection that shall identify any hydrologic connection between the proposed mining activity and wells or water bodies, and, as applicable, proposed impacts and avoidance or mitigations of impacts. A copy of a plan of water augmentation or other plans or permits required of the operation by any state or federal agency shall be included; if none is required by any such agency, none shall be required by the County.
19. **FUTURE LAND USES**. The application shall include a written summary of proposed future land uses of the site after completion of the mining operations.

SECTION 9-404: SITE LOCATION AND SETBACKS FOR MINING OPERATIONS

A. SUPERSEDES LOCATIONAL STANDARDS. This Section shall supersede the requirements of the locational standards of Section 10-104: *Locational Standards for Commercial, Industrial and Other Non-Residential Development.*

B. COMPATIBILITY. To the maximum extent feasible, mining operations shall be located and conducted in such a manner as to be compatible with existing surrounding land uses and shall not unduly interfere with other economic development efforts in the County. Mining operations shall not cause a significant net adverse impact upon existing developed dedicated conservation easement or other areas identified for residential, commercial, institutional, or industrial development by either the County or its constituent municipalities.

C. USE OF BEST MANAGEMENT PRACTICES. To the maximum extent feasible, mining operations shall be designed, constructed, operated, maintained and reclaimed using best management practices, pursuant to Section 11-102: *Voluntary Best Management Practices.*

1. NO INTERFERENCE WITH LATERAL SUPPORT. There shall be no interference with lateral support on adjacent property, regardless of the setback required.

D. SETBACKS. Other than in industrial parks that existed as of the effective date of this *Resolution*, construction materials processing and other mining operations as defined within this *Resolution,* at a minimum, shall meet the following standards:

1. **SETBACKS FOR CONSTRUCTION MATERIALS PROCESSING OPERATIONS**. Mining operations that are construction materials processing operations shall comply with the following setback requirements, as summarized in Table 4: *Setbacks for Construction Materials Operations.*

a. CENTERLINE OF PUBLIC ROAD. Unless all of the conditions of Section 9-404: D. 1. b: *Standards for Temporary Gravel Operations for a Specific Road Project*, are met, all components of a construction materials processing operation, except cuts and fills, office buildings, scales and screening shall be located no closer than 500 feet of the centerline of a public road, unless visual screening of natural vegetation is placed to block visual impacts to those using the adjacent road, in which case the setback may be as little as 50 feet from the edge of the right-of- way.

b. STANDARDS FOR TEMPORARY GRAVEL OPERATIONS FOR A SPECIFIC ROAD PROJECT. The boundary of gravel extraction or processing may be located as close as 65 feet of the centerline of a public road other than federal or state highways or within 65 feet of the edge of the right-of-way of a federal or state highway, if all four of the following requirements are satisfied; cuts and fills may occur as needed within the road improvement Project.

1. PROJECT ADJACENT TO IMPROVEMENT PROJECT. The Project phase for which the construction materials are to be extracted and processed is to improve the road to which it is adjacent and it is within the Project boundary; Gunnison County can use the site if another source of materials is not reasonably available; and

2. TEMPORARY. The extraction, processing and reclamation will be active only for the length of a specific Project or Project phase, but no longer than one year, and reclamation activities will take no longer than one year and eight months, if delays are caused by weather; and

3. WRITTEN AGREEMENT WITH ROAD JURISDICTION. There is written agreement between the applicant and the agency that holds jurisdiction of the road that the location is satisfactory to that agency.

4. LANDSCAPING. Compliance with Section 13-111: *Landscaping and Buffering*.

c. NO STORAGE WITHIN SETBACKS. In no case shall machinery, over burden or extracted material be stored within 140 feet of the centerline of the public road, except for roadside crushing purposes.

d. WATER BODY. Construction materials processing operations shall set back at least 100 feet from any water body. No construction materials processing shall take place in the bed of any water body.

TABLE 4: SETBACKS FOR CONSTRUCTION MATERIALS OPERATIONS

	GENERAL CONSTRUCTION MATERIALS PROCESSING OPERATIONS	TEMPORARY GRAVEL OPERATION FOR PUBLIC ROAD PROJECT
PUBLIC ROADS	500 feet from centerline, unless visual screening blocks impacts, then may be reduced to 50 feet from edge of right-of-way. No storage of equipment or materials within 140 feet of centerline.	65 feet of centerline of roads that are not federal or state highways
NATURAL WATER BODY	100 feet; no activity within bed of water body	100 feet; no activity within bed of water body
FEDERALLY-DESIGNATED WILDERNESS, PARKS OR RECREATION AREAS, OR FEDERAL CAMPGROUND	1,000 feet	1,000 feet
DEDICATED OPEN SPACE OR PUBLIC PARK	1,000 feet	1,000 feet
RESIDENTIAL STRUCTURES	125 feet or less if property owner consents to smaller setback; no asphalt/batch plant or crusher shall be located closer than 250 feet.	125 feet or less if property owner consents to smaller setback; no asphalt/batch plant, or crusher shall be located closer than 250 feet.
PUBLIC AND CIVIC BUILDINGS	1,000 feet, unless materials are to be used on-site	1,000 feet, unless materials are to be used on-site
PUBLIC CEMETERY	125 feet	300 feet
ADJACENT PROPERTY, RIGHT-OF- WAY OR IRRIGATION DITCH	30 feet	30 feet
SENSITIVE WILDLIFE HABITAT	As required by Section 11-106: *Protection of Wildlife Habitat Areas*	As required by Section 11-206: *Protection of Wildlife Habitat Areas*

e. FEDERALLY DESIGNATED WILDERNESS AREAS, NATIONAL PARKS OR RECREATION AREAS, PUBLIC PARKS, FEDERAL LANDS CAMPGROUNDS Construction materials processing operations shall be set back at least 1,000 feet from any federally designated wilderness area, national park or recreation area, public park, or from any campground located on federal lands to ensure that there is no significant net adverse effect to the purposes for which the designation was made. These setbacks shall not apply when the materials are to be used only on-site, and the impacted owner consents to the application by notarized written form.

f. DEDICATED OPEN SPACE OR CONSERVATION EASEMENTS. Construction materials processing operations shall be set back a sufficient distance from a permanently dedicated open space or conservation easement to assure that there is no significant net adverse effect to the purposes for which the open space or conservation easements were dedicated. However, these setbacks shall not apply if the materials are to be used only on-site, and the owner of the dedicated open space consents to the application by notarized written form.

g. RESIDENTIAL STRUCTURES. Construction materials processing operations shall be set back at least 125 feet of an existing residential structure, legally permitted at the time the processing application is filed, unless the notarized written consent of the owners of the residence has been obtained in advance of submittal of the application for a Land Use Change Permit, the consent is recorded in the Office of the Gunnison County Clerk and Recorder, and is binding upon future owners.

1. CRUSHER, ASPHALT/BATCH PLANT FURTHER LIMITED. No crusher, asphalt or batch plant shall be located within 250 feet of a residential structure.

h. PUBLIC AND CIVIC BUILDINGS. Construction materials operations shall be set back at least 1,000 feet of any public or civic building, including churches, schools, and community structures, unless the materials are to be used on-site.

i. CEMETERY. Construction materials processing operations shall be set back at least 300 feet of the property boundary of a public cemetery.

j. SENSITIVE WILDLIFE HABITAT. Construction materials processing operations shall be located pursuant to the setback requirements of Section 11-106: *Protection of Wildlife Habitat Areas*.

k. ADJACENT PROPERTY, IRRIGATION DITCH OR ROAD RIGHT OF WAY. No construction materials processing shall be permitted within 30 feet of the boundary of adjacent property, irrigation ditch or right of way.

2. SETBACKS FOR MINING OPERATIONS OTHER THAN CONSTRUCTION MATERIALS PROCESSING. The mining operations that are not construction materials operations shall comply with the following setback requirements Table 5: *Setbacks for Mining That Is Not a Construction Materials Processing Operation.*

TABLE 5: SETBACKS FOR MINING THAT IS NOT A CONSTRUCTION MATERIALS PROCESSING OPERATION

LAND USE	SETBACK
PUBLIC ROADS	500 feet of centerline, except for transport of minerals
NATURAL WATER BODY	500 feet; no activity within the water body bed
FEDERALLY-DESIGNATED WILDERNESS, PARKS OR RECREATION AREAS	1,000 feet, unless materials are used onsite, or property owner consents
DEDICATED OPEN SPACE OR PUBLIC PARK	1,000 feet
RESIDENTIAL STRUCTURES	500 feet of residential structure legally permitted when mining application filed, or with consent of residence owner
PUBLIC AND CIVIC BUILDINGS	1,000 feet
PUBLIC CEMETERY	30 feet
ADJACENT PROPERTY, RIGHT-OF-WAY OR IRRIGATION DITCH	30 feet
SENSITIVE WILDLIFE HABITAT	As required by Section 11-106: *Protection of Wildlife Habitat Areas*

a. PUBLIC ROADS. Mining operations shall be conducted no closer than 500 feet of the centerline of a public road, except that the motorized transportation of minerals may occur within that setback. Any Project that is classified as a Special Development Project as defined in the *Gunnison County Special Development Projects Regulations* may be subject to either more, or less restrictive requirements, based upon the impacts of the proposed land use.

b. WATER BODY. Mining operations shall be conducted no closer than 500 feet of any water body. No mining operation shall take place in the bed of any water body.

1. WAIVER ALLOWED. A waiver from this setback may be recommended by the recommending body and approved by the decision-making body as part of the overall Land Use Change Permit review process, requiring no separate submittal of an application or form, and no separate review process. The process for requesting and granting a waiver shall include:

a. SUBMITTAL OF A LETTER OF REQUEST. The applicant may submit a letter requesting the waiver from this Section, stating the reason for the request, and factual documentation that supports a position that approval of the waiver will not result in degradation of water quality of the water body present at the time of submittal of the Land Use Change Permit application.

b. DETERMINATION OF APPROPRIATENESS BY THE RECOMMENDING BODY. The recommending body shall consider the request, and based on a finding that the submitted documentation is adequate to support the request, recommend denial or approval of the request. Approval of the waiver shall include the following conditions:

1. **BEST MANAGEMENT PRACTICES UTILIZED.** Best management practices as described in Section 11-102: *Voluntary Best Management Practices* shall be incorporated into the plan for location and operation of the mining operation in the location allowed by the waiver.
2. **MONITORING PLAN REQUIRED.** A monitoring plan, utilizing wells, instream devices, or other standard measuring devices acceptable to the Colorado Department of Public Health and Environment or the U.S. Geological Survey, shall be submitted to the County as part of the Final Plan for the operation. Guarantee of its use, and provision of related measures to insure immediate cessation of the operation upon indication of degradation, and for reclamation of the water body, shall be included within the Development Improvement Agreement for the Project.
3. **NO DEGRADATION OF EXISTING WATER QUALITY**. Language shall be included within the approval of a Final Plan that indication of degradation of the quality of water within the affected water body(ies) shall result in revocation or suspension of the permit, pursuant to Article 16: *Enforcement.*

c. FEDERALLY DESIGNATED WILDERNESS AREAS, NATIONAL PARKS OR RECREATION AREAS, PUBLIC PARKS, FEDERAL LANDS CAMPGROUNDS. Mining operations shall be set back at least 1,000 feet from any federally designated wilderness area, national recreation area, national park, public park, or from any campground located on federal lands, to ensure that there is no significant net adverse effect to the purposes for which the dedication was made. These setbacks shall not apply when the materials are to be used only on-site, and the impacted owner consents to the application by notarized written form.

d. FEDERALLY, STATE, OR LOCALLY DEDICATED OPEN SPACE OR CONSERVATION AREAS. Mining operations shall be set back a sufficient distance from a permanently dedicated federal, state, or local open space or conservation area to assure that there is no significant net adverse effect to the purposes for which the open space was dedicated. However, these setbacks shall not apply if the materials are to be used on-site only, and the owner of the dedicated open space consents by notarized written form to the application.

e. RESIDENTIAL STRUCTURES. Mining operations shall be conducted no closer than 500 feet of a residential structure, legally permitted at the time the application is filed, unless the recorded consent of the owner of the residential structure has been obtained in advance of submittal of the application for a Land Use Change Permit, and the consent is recorded in the Office of the Gunnison County Clerk and Recorder after final approval, and is binding upon future owners.

f. PUBLIC AND CIVIC BUILDINGS. No closer than 1,000 feet of any public or civic building including churches, schools, and community buildings.

g. CEMETERY. No closer than 300 feet of any public cemetery.

h. ADJACENT PROPERTY, IRRIGATION DITCH OR ROAD RIGHT OF WAY. No excavation, deposit of overburden, or stockpiling or other mining operations shall be permitted within 100 feet of the boundary of adjacent property, irrigation ditch or right of way. If natural vegetative screening is provided, the setback shall be 30 feet.

3. **WAIVER TO REDUCE SETBACK REQUIREMENTS**. A waiver from this setback may be recommended by the recommending body and approved by the decision-making body as part of the overall Land Use Change Permit review process, requiring no separate submittal of an application or form, and no separate review process. The process for requesting and granting a waiver shall include:

a. SUBMITTAL OF A LETTER OF REQUEST. The applicant may submit a letter requesting the waiver from this Section, stating the reason for the request, and factual documentation that supports a position that approval of the waiver will not result in degradation of water quality of the water body present at the time of submittal of the Land Use Change Permit application.

b. DETERMINATION OF APPROPRIATENESS BY THE RECOMMENDING BODY. The recommending body shall consider the request, and based on a finding that the submitted documentation is adequate to support the request, shall recommend denial or approval of the request. Approval of the waiver shall include the following conditions:

1. **NO SIGNIFICANT NET ADVERSE IMPACT**. There is no significant net adverse impact that results from the reduction.

2. **PROJECT IMPACT IS LIMITED OR MITIGATION OF IMPACT IS SUFFICIENT**. The impact of the proposed use has been identified and analyzed, sufficient to determine that its impacts are insubstantial and therefore a reduction is warranted, or the proposed mitigation of the setback-related impacts have been effectively mitigated. Included in this finding shall be a description, or reference to, the setback-related impacts and their mitigation.

3. **NOTICE TO AFFECTED LAND OWNERS CONCERNING LAND USE CHANGES INVOLVING MINERAL EXPLORATION OR EXTRACTION OR CONSTRUCTION MATERIALS PROCESSING.** When a land use change involving mineral exploration or extraction or construction materials processing has been requested, Gunnison County shall make reasonable efforts to provide a written advisory notice of the application to all landowners within the required setbacks. Applicants for other land use changes within 1000 feet of an approved mineral exploration or extraction activity or construction materials processing operation shall be apprised of those existing uses. Failure of Gunnison County to provide such notice shall not affect the processing or validity of any land use change process or permit or be the basis of any liability whatsoever of Gunnison County.

SECTION 9-405: GENERAL DEVELOPMENT STANDARDS FOR MINING OPERATIONS

The following standards in addition to the other standards of this *Resolution* shall be applied in reviewing all proposed mining operations:

A. ACCESS AND TRANSPORTATION PLAN. If there are conflicts between this Section and other sections of this *Resolution*, this Section shall apply. All applications shall comply with all applicable requirements of Section 12-103: *Road System*, including an Access and Transportation Plan pursuant to Section 9-403: C. 10: *Access and Transportation Plan*, and shall be required to comply with the following:

1. **ROAD DAMAGE AND MAINTENANCE**.

   a. **VEHICLE WEIGHT**. The weight of trucks shall not exceed federal, state or local government imposed road or bridge weight capacity on approved haulage routes.

   b. **APPLICANT BEARS COST**. The applicant shall bear the proportionate cost of all road and bridge improvements, repairs, and maintenance necessitated by the proposed mining activity.

   c. **SEASONAL TRAFFIC LIMITATION**. Truck traffic may be limited on public roads during seasons when heavy vehicle use, weather conditions or water saturation may result in significant damage.

2. **ROUTING**. Designation of construction and haul routes for a specific mining operation application shall comply with the following:

   a. **AVOIDANCE OF DEVELOPED AREAS**. Truck haulage and traffic routes shall be designed to the maximum extent feasible to avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities and already congested locations. Alternative routes shall be identified.

      1. **REVIEW BY AFFECTED AGENCY OR ASSOCIATION**. When a proposed route includes streets within a municipality or developed residential area, the applicable municipal government or property owners' association shall be included as a review agency during the review process.

      2. **CONSIDERATION OF PUBLIC BENEFIT**. When a proposed haul route is located near a developed area. The County shall determine the public benefit to be gained by a shorter haul route with decreased haulage trips against other potential impacts to residences and other developed areas.

   b. **TIMING OF HAUL TRAFFIC**. Timing of truck traffic may be controlled to prevent congestion or adverse noise impacts or safety risks.

3. **MITIGATION TO PROVIDE DUST CONTROL AND EFFECTS OF LOAD LOSS.** Applicant shall be held reasonably responsible to prevent loss of loads and fugitive dust emissions during transit by using mitigation methods described in required dust control plan, such as using tarps and tight tailgates, and shall be responsible to ensure that haul routes are maintained reasonably free of dust from the operation as required by the applicable state or federal agency. Measures may include EPA approved dust suppressants, watering, oiling, paving. These mitigations shall not be required of haulers using one-ton or smaller pick-up trucks.

a. **AIR QUALITY MONITORING**. Operation shall provide a program for initial air quality measurements and an ongoing monitoring program, including monitoring of dust from equipment and stockpiles, to ensure that during operation dust leaving the subject property does not substantially exceed initial air quality levels.

4. **TRUCK AND CRUSHER NOISE.** The County may impose measures to control on-site noise generated by truck traffic and crushers used by the operation including restrictions on the use of jake brakes on- or off-site except in emergencies, banging of tailgates or use of horns on site, and regulation of truck speeds. Such measures shall be imposed pursuant to noise standards indicated in Table 6: *Maximum Permissible Noise Levels for Mining Operations* but shall not contradict state or federal regulations.

5. **POST-OPERATIONAL ACCESS TO MINE SITE**. Access to the mine site and processing site during post-mining operations shall be restricted by fencing or other means if there are impoundments retaining water contaminated with harmful or hazardous materials or hazardous conditions remain present on the site.

B. ROCK CRUSHER, ASPHALT PLANT, CEMENT BATCH PLANT. No rock crusher, asphalt plant, or cement batch plant shall be used unless specifically identified in the application and approved as part of the Land Use Change Permit.

C. IMPACTS ON ENVIRONMENTAL AND CULTURAL RESOURCES.

1. **WATER.** All operations shall comply with the standards of Section 11-107: *Protection of Water Quality*, and shall comply with the following:

a. **WATER QUALITY.** The quality of surface or ground water discharged from the mine or mining operation shall meet the standards set by the U.S. Environmental Protection Agency and the Colorado Department of Public Health and Environment, Water Quality Control Commission.

b. **WATER QUANTITY.** The operator shall insure that the mining operations shall not cause injury to existing water rights decreed by the Colorado Division of Water Resources.

c. **HYDROLOGIC BALANCE**. The operator shall ensure that mining operations avoid disturbances to the prevailing hydrologic balance of the mining site and surrounding areas to the maximum extent feasible. Stream flows shall not be significantly increased or decreased because of the proposed mining operations.

d. **AUGMENTATION PLAN**. Compliance with any augmentation plan approved for the Project by the Colorado Division of Water Resources. Replacement water shall be subject to the applicable requirements of the Colorado Division of Water Resources, but not necessarily limited to augmentation of evaporative loss.

e. **WELLS.** To the extent permission can be obtained by the applicant as a result of a good faith effort, wells both on- and off-site shall be measured and logged for quantity and quality of water by the applicant before approval to establish a baseline from which the impacts of the mining operation can be measured. The operator shall ensure that the quantity and quality of the water in such wells reasonably anticipated to be affected by the operation shall not be adversely impacted by the mine or mining operations.

f. **RECYCLING**. To conserve water supplies, water used in mining operations shall be recycled to the maximum extent feasible.

g. **HAZARDOUS MATERIALS**. All fuel, chemicals, oil, grease, and blasting agents shall be stored, used and maintained in such a manner as to prevent accidental discharge into any surface or ground water, and, at a 2.minimum, shall comply with the requirements of the EPA.

2. **AVOIDANCE OF SENSITIVE AREAS.** Mining shall be prohibited in sensitive areas.

3. **AIR QUALITY**. All mining operations shall comply with the Colorado Department of Health Air Quality Control Commission's Regulation 2 and all other state and federal regulations controlling dust and odor.

a. **MONITORING.** To ensure that air quality is fully monitored, in addition to monitoring requirements imposed by the Colorado Department of Public Health and Environment, and based on site-specific conditions, the County may impose reasonable additional requirements as a condition of approval.

b. **ODOR AND DUST CONTROL.** Odor and dust from on- and off-site activities, including dust from truck traffic, stockpiles, and processing, shall be mitigated to the greatest extent feasible. Dust mitigation measures shall be employed, including paving, treating of road surfaces, cleaning of vehicles, covering of truck loads, and revegetation of disturbed areas.

4. **SIGNIFICANT CULTURAL, HISTORICAL AND ARCHEOLOGICAL RESOURCES**.

a. **RESOURCES TO BE PRESERVED TO MAXIMUM EXTENT FEASIBLE.** To the maximum extent feasible, significant cultural, historical and archeological resources identified on the site shall be maintained and preserved. Where preservation is not feasible, adequate opportunity shall be provided to the state, county, or other appropriate agencies to document and salvage the resources.

b. **RESOURCES IDENTIFIED DURING OPERATIONS**. Any cultural, historical or archeological resource identified or discovered during the mining operation shall be expeditiously and properly reported to the appropriate agencies, investigated, and preserved to the maximum extent feasible as provided above. Any County permit deadlines shall be extended to compensate for lost operating time due to recovery efforts.

D. MINE WASTES AND HAZARDOUS MATERIALS.

1. CYANIDE HEAP LEACHING PROHIBITED. Open mining for gold and silver, when ore processing methods that utilize cyanide to heap leach the gold and silver from ore, is prohibited.

2. MINE WASTE PILES. Mine waste piles or impoundments shall be located to the maximum extent feasible to prevent surface water runoff from entering the mines, waste piles or other structures. Any structures to be established shall divert surface water runoff from mine waste piles or impoundments containing water that has been contaminated during mining operations. Seepage of leachate from mine wastes into ground water shall be prevented with liners or other specific technologies or siting and design measures as determined in the review process.

3. HAZARDOUS WASTE TREATMENT. Mine wastes that may retain hazardous chemical or heavy metal residues shall be detoxified to the greatest extent feasible or disposed of pursuant to applicable state or federal regulations. For purposes of this Section, "detoxified" shall mean that wastes are not hazardous as defined by local, state, and federal regulations, stabilized or treated such that potential for groundwater contamination cannot occur, and capable of supporting natural vegetation and animal life. Hazardous mine wastes shall not be used for backfilling.

4. NON-HAZARDOUS WASTE TREATMENT. Non-hazardous mine wastes shall be treated, stored, disposed of in accordance with local, state, and federal requirements and shall be covered and graded to allow surface drainage and ensure long-term stability. Non-hazardous waste by-products may be used on-site as backfill.

5. HAZARDOUS MATERIALS. If the applicant proposes to use hazardous materials or a chemical mining process, the applicant must demonstrate that the use of such materials or chemical mining process is essential and will not have an adverse impact upon the public health, safety, or welfare, or the environment. To the maximum extent feasible, transportation of such materials shall be avoided.

E. **VISUAL IMPACTS**. All mining operations shall comply with the standards of Section 11-108: *Standards for Development on Ridgelines*, and shall also comply with the following:

1. **MITIGATION.** Mining shall mitigate visual impacts as mitigation priorities are defined in the definition of "mitigation," in Article 2: *Definitions* of this *Resolution*. Potential adverse visual impacts of the mining operation shall be avoided primarily or minimized secondarily to the maximum extent feasible by:

a. MINIMIZE DISTURBED AREA. Minimizing the total area of disturbance;

b. MINIMIZE OFF-SITE IMPACT. Minimizing the view from off-site of the disturbance;

c. PHASING. Phasing the disturbance;

d. EXPEDITING RECLAMATION. Expediting reclamation.

e. SCREENING AND VISIBILITY. Natural topography, preservation of existing vegetation, berms, landscaping, and other buffers shall be reasonably used to screen mining operations and stockpiles from off site visibility. The visibility of highwalls, equipment, and mining faces shall be reduced through backfilling, acid-etching, painting, or other appropriate techniques.

f. ROADS. Access roads shall be constructed and sited in ways that minimize potential visual impacts from off-site.

g. BLASTING. Blasting shall be conducted pursuant to this Division and the blasting explosive license as filed with the Gunnison County Sheriff's Office or other applicable agency and issued to the applicant or to the contractor who will be conducting blasting activity.

F. GENERAL OPERATIONS.

1. **COMPLIANCE WITH MSHA**. At a minimum, mining operations shall comply with the current requirements of the U.S. Mine Safety Health Administration (MSHA). The following shall also apply; when there is a question of whether the MSHA or Gunnison County requirements apply, the more restrictive shall prevail.
2. **HOURS OF OPERATION**. Hours of operation normally shall be no longer than 6:00 a.m. to 7:00 p.m.; the County may approve extended hours for a specific number of days per year or season for a specific operation or its component, only upon a finding that there will be no significant net adverse impacts on human activity, surrounding properties or the community in general. The operator shall keep current written logs of the days and hours of operation identifying by components the operations conducted. Such logs shall be available to County personnel during normal hours of operation for inspection and copying.
    a. **TEMPORARY OPERATIONS OUTSIDE THE APPROVED HOURS OF OPERATIONS.** Operations necessary for the emergency conduct of repair of equipment, preservation of public health, safety and welfare, or response to unique and unexpected demands on the operation may be permitted upon notification by telephone, e-mail letter or fax to the County Manager's Office.
3. **PHASING OF MINING OPERATIONS**. The County may require phasing of mining Projects and impose limitations on the duration of such phases to reduce the potential adverse impacts of mining operations.
4. **FIRE PROTECTION**. All mining operations shall comply with Section 11-105: *Development in Areas Subject to Wildfire Hazards,* and Section 12-107: *Fire Protection*. Water supply, firefighting machinery, trained personnel, and a fire suppression plan may be required for fire suppression purposes adequate to meet safety requirements as specified by the applicable fire protection district and approved by Gunnison County.
5. **FENCING**. All mining operations shall comply with Section 11-106: F.8.: *Fences* and Section 11-109: F. *Fences*, and shall also comply with the following:
    a. **SAFETY**. Based on the location, fencing may be required to be installed around the site to prevent access to potentially hazardous or unsafe areas by non-employees, livestock, and wildlife. Areas to be fenced include shafts, mine entrances, stockpile areas, roads, detention and retention impoundments, steep slopes, and active mining areas.
    b. **VISIBILITY**. When the operation is adjacent to a residential or commercial land use, fencing, buffering or screening may be required to minimize visibility of the mining operation.

TABLE 6: MAXIMUM PERMISSIBLE NOISE LEVELS FOR MINING OPERATIONS

IMPACTED LAND USE	ALLOWABLE DECIBEL LEVELS BY TIME OF DAY	
	6:00 A.M. TO 7:00 P.M.	7:00 P.M. TO 6 A.M.
NATIONAL PARKS OR RECREATION AREAS, PUBLIC PARKS, FEDERAL LANDS CAMPGROUNDS, AND FEDERALLY, STATE, OR LOCALLY DEDICATED OPEN SPACE OR CONSERVATION AREAS.	50 db (A)*	45 db (A)*
RESIDENTIAL	50 db (A)*	40 db (A)*
COMMERCIAL	60 db (A)*	55 db (A)*
INDUSTRIAL	80 db (A)*	75 db (A)*
WILDERNESS AREAS	40 db (A)*	40 db (A)*

*db (A): Decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute

6. **NOISE.** The following shall apply to noise generation:
    a. **NOISE MITIGATION MEASURES**. All operations shall reduce noise impacts from the site to the maximum extent feasible. Noise mitigation measures may include restrictions on hours of operation, enclosure of

equipment and operations, buffering and screening, limitations on hours of truck traffic, and siting of operations away from sensitive uses and activities including hospitals, schools, and residential areas.

b. MONITORING. Before mining operations begin, the applicant and County shall measure existing noise levels on the site and at locations both on and off-site that may be affected by operations. A program for periodic noise monitoring shall also be included in any noise mitigation plan.

c. MAXIMUM PERMISSIBLE NOISE LEVELS. Under normal conditions noise from, and attributed to (as indicated by standard decibel measurement), mining operations at the boundary of any impacted property that is nearest the operation shall not exceed the levels indicated in Table 6: *Maximum Permissible Noise Levels for Mining Operations.* If noise levels of a use existing as of the effective date of this *Resolution* exceed these levels, the mining operation for which a Land Use Change Permit is being reviewed may operate at the existing higher level.

1. WARNING DEVICES EXEMPTED. Devices required by MSHA, or the U.S. Department of Labor, are exempt from this standard.

2. **SAGE GROUSE BREEDING AREA NOISE LIMITS**. In addition to the above requirements, all mining operations shall avoid disturbance of sage grouse breeding areas that may impair the acoustic component of the breeding display within one mile of known lek sites between the dates of March 20 and May 15 and between the hours of 4:30 a.m. and 8:30 a.m.

G. POST-OPERATIONAL LAND USE. Once completed, phases and the entire site of the mining operation shall meet the following standards:

1. STATE AND FEDERAL RECLAMATION REQUIREMENTS. The applicant shall comply with all state and federal site reclamation requirements.

2. COUNTY PRIORITIES. In addition to state and federal regulations, it shall be the first priority for a Project to restore the site before the mining operation begins, secondly to rehabilitate to the maximum extent feasible, and thirdly, to reclaim the site.

3. RECLAMATION TO BE COMPLETED PURSUANT TO DRMS RECLAMATION PLAN. Reclamation shall be completed as required by the Reclamation Plan approved by the DRMS, including, as applicable, any phases within the Project.

4. REVEGETATION. There shall be a revegetation plan that meets the requirements of *Section 13-115: Reclamation and Noxious Weed Control.*

a. THREE YEAR MAINTENANCE REQUIRED. After revegetation of an area, the vegetation must be maintained by the applicant for a minimum of three years.

SECTION 9-406: ADDITIONAL FINANCIAL SECURITY

In addition to the financial security required by Article 16: *Enforcement*, the County shall require adequate financial security to ensure that any off-site damage caused by blasting is remedied.

SECTION 9-407: NO EXERCISE OF PRE-EMPTED AUTHORITY REGARDING RECLAMATION

Nothing in this Division or in Article 16: *Enforcement* is or shall be construed to be a requirement of reclamation, or financial security for reclamation, different than that established by the Colorado Division of Reclamation Mining and Safety.

DIVISION 9-500: MISCELLANEOUS USES AND ACTIVITIES

SECTION 9-501: SPECIAL EVENTS

A. PURPOSE. This Section provides for the regulation and permitting of temporary special events, to ensure the orderly, compatible and safe use of property by requiring adequate provision of parking, sanitary facilities, and structural strength of facilities, utilities and safety services.

B. PERMIT REQUIRED. Operation of a special event shall require a Special Event Permit, which may be obtained from the Community Development Department.

C. EXEMPTIONS. The following are exempted from the requirements of this Section:

1. **SITE THAT HAS RECEIVED LAND USE CHANGE PERMIT**. If an event is to be conducted in a permanent facility, and/or on a site for which a Land Use Change Permit has been granted specifically allowing the special events activity, and the operation of the event complies with the conditions of the permit approval, no separate Special Event Permit is required.
2. **ACTIVITY CONDUCTED AT A PRIVATE RESIDENCE.** An event conducted at a private residence, that is reasonably determined to be a private event, including graduation parties, holiday family gatherings, and picnics shall not require a Special Event Permit.
3. **WEDDINGS AND FUNERALS**. Weddings and funerals not to exceed 24 hours duration shall not require a Special Event Permit.

D. DURATION OF PERMIT. A Special Event Permit shall be valid for the duration of the function, but in no case shall the permit be valid for more than 10 days unless specifically approved in advance of the event by the ~~Board~~BOCC.

1. **PERMIT EXTENSION.** An applicant may request that the duration of the permit be extended, by submitting a letter of request to the Community Development Department, who shall forward a copy of the request, and the original application and Department approval to the ~~Board~~BOCC. The request shall be placed on the ~~Board~~BOCC's next available agenda.

2. ~~BOARD~~BOCC ACTION. The ~~Board~~BOCC shall consider the request in light of potential impacts of the extended activity to County infrastructure, emergency service providers, and to neighborhood ~~-~~lands, and shall either approve, approve with conditions, or deny the request.

3. **IMMEDIATE CESSATION ALLOWED TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE**. The County shall have the right to require immediate cessation of the temporary use without prior hearing if the County determines it is appropriate for the protection of public health, safety and welfare. Such right may be exercised by the ~~Board~~BOCC, the County Manager, Assistant County Manager, County Attorney or other designee of the ~~Board~~BOCC.

E. FEES. The cost of a Special Event Permit shall be as delineated in a schedule of fees charged for permits issued by the Community Development Department, and as adopted, and amended from time to time by the ~~Board~~BOCC. Additional compensation may be required from the applicant to cover additional costs, if the operation of the event causes the County or another public service provider to incur expenditures for personnel, materials or other needs.

F. APPLICANT'S CONTACT WITH SERVICE PROVIDERS. Before submitting the application, the applicant is encouraged to contact each of the potentially affected service providers referred to in Section 9-501: H. *Standards of Operation*, to determine the services that may be required for the applicant's special event.

G. APPLICATION. The applicant shall complete and submit an application, which, at a minimum, shall include the following:

1. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and stating the same information for the agent.
2. **PROPERTY OWNER**. Name of the owner of the property; if different than the applicant, a notarized letter from the owner consenting to the application, must be submitted.

3. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads, metes and bounds), property address and common description of the parcel on which the land use change is proposed to be located. A copy of the recorded deed to the property.

4. **PRESENT LAND USE.** Identify present land uses, locations, and sizes of structures that exist on the property.

5. **IDENTIFICATION OF PREVIOUSLY -APPROVED USES**. If Land Use Change Permits or subdivision approvals were previously issued by the County on the parcel on which the special event is proposed, they shall be identified.

6. **CHARACTERISTICS AND CURRENT CONDITION OF THE LAND.** Identification of physical characteristics, natural characteristics and current conditions of the parcel on which the special event is proposed to occur, including streams, irrigation ditches, ponds, soils, roads, vegetation, geologic hazards. Indications if trees or other vegetation, have been removed, or changes caused either by weather-related or human activity.

7. **LIST OF ADJACENT LANDOWNERS**. As applicable, a listing of all landowners and land uses that are adjacent to the boundaries of the entire parcel on which the Project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the property except for the existence of the roadway. When the parcel is located adjacent to a municipality, a platted townsite or platted recorded subdivision, all owners of surface property rights within 500 feet of each boundary of the entire parcel shall be included in the listing. The source for the best-available information to identify those landowners is the Gunnison County Assessor's Office.

8. **TYPE OF EVENT**. A description of the type of proposed event.

9. **ESTIMATED NUMBER OF PEOPLE ATTENDING**. The estimated number of participants.

10. **SALES OF FOOD AND BEVERAGES.** If food and or beverages, including liquor, will be sold or given to participants, food service licenses and liquor licenses shall be obtained as required by the Colorado Department of Public Health and Environment, Consumer Protection Division, and by the Office of the Gunnison County Clerk and Recorder, respectively, and a copy of the licenses, or of the license applications, shall be submitted with the Special Event Permit application.

11. **TEMPORARY STRUCTURES.** A list of temporary structures, including camping shelters and vendor stands that are anticipated. If there are to be vendors as part of the event, a copy shall be submitted of each individual vendor's food service license, liquor license, business license, or of the "blanket license" covering all such activities as may be required by other applicable County or state agencies.

12. **AREA PLANNED FOR PARKED VEHICLES**. Location of the area where parking will be located, and the estimated number of participant vehicles.

13. **DURATION OF EVENT**. Identification of hours, and days during which the proposed event is to occur. If applicable, identification of beginning and ending dates.

14. **HOURS WHEN EVENT WILL TAKE PLACE**. A listing of the hours of the day the proposed event is to occur. If planned to include activities during nighttime hours.

15. **EXTERIOR LIGHTING**. An identification of proposed lighting fixtures and their locations, pursuant to the requirements of Section 13-114: *Exterior Lighting*.

16. **UTILITIES.** Information about utilities shall be addressed as follows:

    a. **SOURCE OF POTABLE WATER**. If potable water is required, the source for it shall be identified.

    b. **SEWAGE DISPOSAL FACILITIES.** The details of sewage disposal and toilet facilities shall be provided.

    c. **MINIMUM FACILITIES.** A minimum of one toilet facility shall be provided to serve an anticipated attendance of each 25 people. Public or common use toilets shall comply with the federal Americans with Disabilities Act accessibility guidelines, which require that five percent of the total number, no less than one toilet facility per each cluster of toilet facilities, must be accessible to guests with disabilities.

    d. **TRASH.** Identification of how trash generated by the event will be confined, collected, and disposed of. The applicant should contact the Gunnison County Public Works Department to notify them of the proposed event, and the Projected amount of trash, and the proposed means and timing of deposit at the County Landfill.

    e. **EMERGENCY SERVICES**. Identification of how emergency services will be provided based on the Projected number of participants, the location of the event, access to the event, and the nature of the event.

    f. **PET AND OTHER DOMESTIC ANIMAL CONTROL.** A description of how pets or other domestic animals will be confined to the parcel on which the proposed event is to occur, if applicable.

g. FEES. To compensate the County for the cost of reviewing and processing applications for Land Use Change Permits, each applicant shall pay the Final Plan fee as shown in a schedule of fees charged for permits issued by the Community Development Department, adopted and amended from time to time by the ~~Board~~BOCC. 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.

H. COMMUNITY DEVELOPMENT DEPARTMENT REVIEW. The Community Development Department will review the application for completeness, determine if additional information is needed, or if specific agencies shall be contacted to review the application.

I. STANDARDS OF OPERATION. An applicant for a Special Event Permit shall demonstrate that the event will operate so that the following concerns are satisfactorily addressed, and that the event will comply with all applicable County and State regulations. Requirements shall be based on the extent and duration of the proposed event:

1. SERVICES TO PROTECT PUBLIC SAFETY AND TO ADDRESS EMERGENCIES. First aid and other emergency services shall be provided. In consultation with the Gunnison County Sheriff, the applicable fire protection district, and the applicable Emergency Services agency, the applicant may be required to develop and submit a plan for traffic circulation and control, including requirements for parking and for emergency service vehicle access before, during and after the event. The adequacy of the plan shall be determined by the consulted agencies.

2. SHERIFF'S DETERMINATION OF NEED FOR PERSONNEL. The Sheriff's Department shall have the authority to estimate the anticipated number of persons in attendance, and determine if law enforcement personnel will be needed to regulate traffic associated with the event. The Sheriff shall have the authority to require that law enforcement be provided at the applicant's expense to monitor crowd control during the event and shall provide an estimated cost figure to the Community Development Department. The estimated cost of such traffic control or other activity shall be paid by the applicant at the time the permit is issued and shall not be refundable in whole or in part.

3. PARKING PLAN. Parking space and signs for parking shall adequately address anticipated parking demands, pursuant to Section 13-110: *Off-Road Parking and Loading* and the minimum distances listed in Appendix Table 2*: Off-Road Parking Requirements.* In no case shall parking be allowed along any shoulder of any road, and vehicles shall not be parked in any manner that would create a traffic hazard as determined either by the Sheriff's Department or the Public Works Department.

4. TEMPORARY STRUCTURES SHALL MEET FIRE PROTECTION DISTRICT REQUIREMENTS. Use of tents or other camping shelters or other temporary structures shall meet 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. Location of temporary structures shall be required to meet setback requirements, pursuant to Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*

5. ELECTRICAL HOOKUPS. Any electrical hookups shall comply with the requirements of the applicable municipality or rural electric association provider.

6. FOOD AND LIQUOR. Food service licenses and liquor licenses shall be obtained as required by the Colorado Department of Public Health and Environment, Consumer Protection Division, and by the Office of the Gunnison County Clerk and Recorder, respectively.

7. TOILET FACILITIES. A minimum of one toilet facility shall be provided to serve an anticipated attendance of each 25 people.

a. TOILETS SHALL BE ADA ACCESSIBLE. Public or common use toilet facilities shall comply with the federal Americans with Disabilities Act accessibility guidelines, which require that five percent of the total number, no less than one toilet facility per each cluster of toilet facilities, must be accessible to guests with disabilities.

8. TRASH DISPOSAL. The applicant shall provide for the collection of trash and litter. All solid waste shall be deposited as required by the Gunnison County Public Works Department.

9. CONTAINERS SHALL BE PROVIDED. Separate containers shall be provided for the collection of recyclable materials.

10. REMOVAL OF LITTER FROM THE PROPERTY. All solid waste, litter and recyclable materials shall be removed from the site within 24 hours following the event.

11. DAILY CLEANUP. For multiple-day events, the grounds shall be maintained during each day of the event with no accumulations on- or offsite that would create a nuisance or pose a health hazard.

12. **CONSTRUCTION OF TEMPORARY SEATING**. All grandstands, bleachers, scaffolding and platforms shall be constructed pursuant to requirements of the Gunnison County Building Office in the Community Development Department. When determined necessary by the Building Inspector, plans showing structural details shall be submitted for review before construction begins.
13. **AMUSEMENT RIDES**. All mechanical equipment associated with amusement rides shall conform to the applicable requirements of U.S. Consumer Product Safety Commission. All applicable licenses or certifications shall be provided to the Community Development Department as a condition of permit issuance. The County reserves the right to require an inspection by a qualified professional engineer licensed in the State of Colorado at the applicant's expense in addition to any inspections required by the Safety Commission.
14. **NOISE THAT BECOMES A NUISANCE IS PROHIBITED.** Unreasonably loud and disturbing noise that the County reasonably determines to be a public or private nuisance is prohibited.
15. **HOURS OF OPERATION**. Hours during which the normal activity of a special event may take place shall be between 7 a.m. and 11 p.m., unless otherwise specified in the Special Event Permit.
16. **CONFINEMENT OF ANIMALS**. All domestic and exotic animals shall be confined to the parcel on which the special event is permitted.
17. **LOCATION.** The special event shall only be permitted to occur in a location where the County reasonably determines it will not be detrimental to the public health, safety and welfare, improvements of the surrounding area or to the environment, including impacts on air and water resources, agricultural operations, wildlife habitats, and visual resources.

J. **COORDINATION WITH MUNICIPALITIES**. When the application is for a special event to be located within a municipal Three Mile Plan area, the County shall consider how the application 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.

K. **INSURANCE**. The applicant shall be required to demonstrate that a general liability insurance policy in an amount to be reasonably determined by the County Attorney will be in effect for the duration of the special event. The County, its officials, employees and agents, and owners of adjacent property as reasonably determined by the County shall be named as additional insured parties in the policy.

L. **INDEMNIFICATION AGREEMENT**. The applicant shall be required to submit a fully executed written agreement, acceptable to the County Attorney, to defend, indemnify and hold harmless Gunnison County, its officials, employees and agents, from and against all causes of action, claims and expenses, including reasonable attorneys' fees that might arise, indirectly or directly, because of the particular activity. This requirement is not, and shall not be construed to be, a waiver by Gunnison County of governmental immunity.

M. **CONDITIONS OF PERMIT APPROVAL.** In its approval, the County shall apply such conditions as it reasonably deems to be necessary to provide that the special event shall comply with the standards of operation and does not result in significant on-site or offsite impacts to lands, County infrastructure, or public health, safety and welfare, including the following:

1. **BOND AND CLEAN-UP DEPOSIT**. Provision for a bond and damage or clean-up deposit, or other financial guarantee to provide that the site is restored to its former condition and any damages are repaired.
2. **OPERATIONAL LIMITATIONS.** Operational limitations, including limits on the maximum daily attendance and the event's hours of operation, and limitations on exterior lighting, noise and parking.

SECTION 9-502: TEMPORARY STRUCTURES

A. **PURPOSE.** This Section provides for the regulation of temporary structures including a temporary residence or temporary construction office and the operation of a temporary vendor's stand not including a farm or ranch stand.

B. **NO VESTING OF TEMPORARY STRUCTURES.** Approval of a temporary structure as allowed by this Section shall not constitute approval of a site-specific development plan entitled to statutory or other vested right.

C. **TEMPORARY BUILDINGS NOT REQUIRING A PERMIT**. In conjunction with the issuance of a Building Permit or a Land Use Change Permit for a development site, the County may authorize an applicant to install one or more temporary buildings reasonably needed for the following and similar purposes. The temporary shelter shall not be placed for more than 18 months from the date of issuance of the Building Permit. One six-month extension may be permitted by the Community Development Department, upon a demonstration of hardship.

1. **CONTRACTOR'S OFFICE.** A contractor's office located in a development that is under construction; or,

2. **TEMPORARY SHELTER.** A temporary shelter for the owner of the property, located on the same site as a residence that is under construction and has a valid Building Permit.

D. REMOVAL. The applicant shall provide positive assurance that the temporary building will be removed by the time established in the Land Use Change Permit. The County may remove the temporary building at the applicant's expense if, at any time, the building is reasonably determined to be out of compliance with this *Resolution*. A deposit may be required from the applicant to defray the County's costs to remove a temporary building.

E. **OUTDOOR VENDING REQUIRES PERMIT**. The sale of goods other than from a farm or ranch stand pursuant to Section 9-302: *Farm or Ranch Stand*, from an open stand, push cart, vehicle or an outdoor site, but not from a permanent building, is permitted as an accessory use. An applicant shall obtain an Outdoor Vending Permit from the Community Development Department, and shall comply with the following requirements; the permit shall be issued for a period of 150 consecutive days for each one-year period.

1. **PURPOSE OF VENDING LIMITED TO FOOD AND BEVERAGES.** Outdoor vending shall provide no service or product other than the sale of food or beverages for immediate consumption. No food or drink may be sold except as allowed by the Colorado Department of Public Health and Environmental Consumer Protection Division.

2. **STANDARDS FOR OUTDOOR VENDING OPERATION**. An outdoor vending operation shall:

   a. **HAVE OWNER'S PERMISSION**. Locate on property owned or leased by the vendor or at a location for which notarized written permission to operate the business has been obtained from the property owner. A copy of the permission shall be submitted to the Community Development Department.

   b. **NOT LOCATE IN ROADWAY OR RIGHT-OF-WAY**. Not locate within any road or highway right- of-way, driveway or aisle way, within 35 feet of a residential property boundary, within a required setback, or in any parking spaces. An outdoor vendor shall not obstruct pedestrian or vehicular traffic, or obstruct motorists' vision.

   c. **ADVERTISING.** Any signs advertising an outdoor vending operation shall comply with Section 13-109: *Signs*.

   d. **ADEQUATE PARKING.** If necessary because the vending requires parking of vehicles, and the proposed site has no existing parking, the applicant shall be responsible for providing an area of the site that complies with the requirements of Section 13-110: *Off-Road Parking and Loading* and the minimum distances listed in Appendix Table 2*: Off-Road Parking Requirements.* Customers shall be provided space to safely pull off the road and park without causing congestion or hazards either to themselves or to traffic. Parking spaces shall not be located so vehicles can back directly onto a public road other than an alley.

   e. **TRASH CONTROL**. Where an outdoor vendor is distributing products that may result in trash, such as food in disposable containers, the outdoor vendor shall provide trash containers and make adequate provision for trash control and removal. The outdoor vending site shall be maintained by the vendor in a clean and sanitary condition.

   f. **SEWAGE DISPOSAL.** Use of any facilities for sewage collection and gray water disposal shall comply with the *Gunnison County On-Site Wastewater Treatment System Regulations*.

   g. **BUSINESS LICENSE**. The applicant shall secure any necessary licenses, and pay any fees required by the Gunnison County Officer of Clerk and Recorder to operate the business.

F. **FEES.** The fee for an Outdoor Vending Permit shall be as shown in a schedule of fees charged for permits issued by the Community Development Department, and as adopted and amended from time to time by the ~~Board~~BOCC.

SECTION 9-503: SATELLITE DISH DEVICES

A. LAND USE CHANGE PERMIT NOT REQUIRED. No Land Use Change Permit is required for the following:

1. **SATELLITE DISH 36" OR SMALLER**. A satellite dish reception or transmission device that is 36 inches in diameter or equivalent size or smaller may be installed as an accessory use without a Land Use Change Permit.

2. **SATELLITE DISH LARGER THAN 36".** A satellite dish reception or transmission device that is in excess of 36 inches in diameter or equivalent size or smaller may be installed without a Land Use Change Permit as an accessory use, provided it complies with the following standards:

   a. **LOCATION.** The satellite dish device shall not be located in any required setback, in any public right-of way, or on a roof; and

b. VISIBILITY. The satellite dish device shall be located to minimize its visibility from neighbors and from public roads. When the antenna can only be located such that it is visible from neighbors or public roads, the County may reasonably require the satellite dish device to be screened with landscaping or fencing, or to be painted with colors that to the maximum extent feasible, camouflage its appearance.

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 9-506: CHILD CARE CENTER

A. LAND USE CHANGE PERMIT REQUIRED. The operation of a child care center requires a Land Use Change Permit and in addition to complying with all applicable requirements of this *Resolution*, shall comply with all applicable requirements of Colorado law, the Colorado Department of Human Services, and the Gunnison County Department of Human Services, and shall comply with the requirements of this Section.

B. COMPLIANCE WITH APPLICABLE BUILDING CODE, ADOPTED AND AMENDED BY GUNNISON COUNTY. Construction and operation of a child care center shall comply with the applicable requirements of the applicable building code, adopted and amended by Gunnison County.

C. COMPLIANCE WITH FIRE PROTECTION DISTRICT REQUIREMENTS. All structures used as part of a child care center shall comply with requirements of the applicable fire protection district. All such uses, whether pre-existing this *Resolution*, or approved by new Land Use Change Permits after the effective date of this *Resolution*, shall comply with the standards of Section 12-107: *Fire Protection*.

D. ADEQUATE PARKING. A child care center shall provide one off-road parking space per non-resident employee. These spaces shall be in addition to any other parking required for the property (including if the center is operated within a residence), pursuant to Section 13-110: *Off-Road Parking and Loading* and the minimum distances listed in Appendix Table 2*: Off-Road Parking Requirements.*

E. DROP-OFF/PICK-UP AREA. A child care center shall have one designated on- or off-road drop-off/pick-up space for every six children. The space shall:

1. **AVAILABLE DURING OPERATING HOURS**. Be available during operating hours to provide for the loading and unloading of children; and
2. **LOCATED ON SAME SIDE OF ROAD**. Be located on the same side of the road as and adjacent to the child care facility.

F. OUTDOOR PLAYGROUND. A child care center shall have an on-site outdoor play area that meets the State standard for facilities of its size, as specified in Minimum Rules and Regulations for Child Care Centers, issued by the Colorado Department of Human Services. The outdoor play area shall be fenced or screened to prevent children from exiting on their own and shall not be located in the property's front yard.

G. **IN-HOME BABY-SITTING DOES NOT REQUIRE PERMIT**. In-home babysitting, for the purposes of this *Resolution*, does not constitute a child care center, and does not require a Land Use Change Permit

SECTION 9-507: GROUP HOME

A. LAND USE CHANGE PERMIT REQUIRED. The operation of a group home for developmentally-disabled persons, aged persons, and persons with mental illness or juvenile offenders requires a Land Use Change Permit and shall comply with all applicable requirements of Colorado law, the Colorado Department of Human Services, and the Gunnison County Department of Human Services, and shall meet the following standards:

B. COMPLIANCE WITH APPLICABLE BUILDING CODE ADOPTED AND AMENDED BY GUNNISON COUNTY. Construction and operation of a group home shall comply with the applicable requirements of the applicable building code, adopted and amended by Gunnison County.

C. COMPLIANCE WITH FIRE PROTECTION DISTRICT REQUIREMENTS. All structures used as part of a group home shall comply with requirements of the applicable fire protection district. When the district's standards conflict with County standards, the County shall only enforce the County standards. All such uses, whether pre-existing this *Resolution*, or approved by new Land Use Change Permits after the effective date of this *Resolution*, shall comply with the standards of Section 12-107: *Fire Protection*.

D. AVAILABILITY OF SERVICE AND FACILITIES. A group home must be located so that services and facilities, including convenience stores, commercial services, transportation and public recreation facilities are readily accessible to the residents.

SECTION 9-508: KEEPING OF LIVESTOCK NOT ON AN AGRICULTURAL OPERATION

A. **LIVESTOCK AND SMALL ANIMALS ALLOWED WITH NO LAND USE CHANGE PERMIT**. The keeping of livestock and domestic animals on property other than an agricultural operation is permitted without a Land Use Change Permit subject to the following:

1. **CONFINEMENT TO THE SITE.** Animals shall be confined to the parcel on which the primary use is located unless with the owner.
2. **DISPOSAL OF MANURE.** Manure may be composted, used as fertilizer on meadows, or removed at least every six months from the property.

3. **DISTANCE FROM LOT LINES AND WATER**. Manure piles shall be located a minimum of 40 feet from any lot line and 150 feet from any well, stream or water body. Manure shall be stored so as to protect surface and groundwater

4. **ODOR CONTROL**. Animals shall not be allowed to create excessive odor problems or present a health hazard to neighbors or surrounding lands.

5. **DRAINAGE FACILITIES**. Adequate drainage facilities or improvements shall be provided by the landowner and constructed to prevent any adjacent land or natural drainages from receiving runoff containing contaminants including sediment or organic wastes.

6. **VEGETATION STANDARDS**. The following vegetation requirements shall apply only to land uses other than agricultural operations.

   a. **NATURAL RESOURCES CONSERVATION SERVICE GUIDELINES**. Recommendations of the Natural Resource Conservation Service may be utilized in determining the maximum devegetation per lot area.

   b. **MAINTENANCE OF VEGETATION**. The site, excluding the area that is allowed to be devegetated, must be maintained with vegetative groundcover. Vegetative groundcover includes native plants or introduced grasses and forbs, but does not include weeds on bare dirt. The minimum amount of vegetative groundcover required shall comply with the Section 13-115: *Reclamation and Noxious Weed Control.* Natural rock outcroppings shall not count towards the maximum area that may be devegetated.

7. **NONDOMESTIC/EXOTIC ANIMALS**. The keeping of nondomestic or exotic animals for breeding or commercial viewing purposes is subject to all other standards of this *Resolution* and applicable Colorado regulations.

SECTION 9-509: CAMPING ON INDIVIDUAL PARCELS

A. PURPOSE. The purpose of this Section is to provide regulations for the use of an individual recreational vehicle or other camping shelter (such as a tent) on an individual parcel, and to provide minimum requirements for the protection of health and safety of occupants of the camping shelter, adjoining lands, and of the general public.

B. **LONG-TERM CAMPING IN A RECREATIONAL VEHICLE OR OTHER CAMPING SHELTER REQUIRES PERMIT**. Use of a recreational vehicle or other camping shelter for longer than a total of 14 days during any consecutive three months on the same parcel shall require a Long-term Camping Permit, which may be obtained from the Community Development Department.

1. **EXCEPTIONS**. Long-term camping in approved campgrounds on federal or state lands, or on lots or parcels that are located in subdivisions that have been approved as platted subdivisions by the County, with protective covenants approved by the County, and in which camping is allowed by those protective covenants, shall not be required to obtain either a Land Use Change Permit or a Long-Term Camping Permit.

C. **NO LAND USE CHANGE PERMIT REQUIRED FOR CAMPING IN A RECREATIONAL VEHICLE OR OTHER CAMPING SHELTER ON AN INDIVIDUAL PARCEL.** A recreational vehicle or other camping shelter may be parked on an individual parcel and may be occupied by the landowner or by his/ her guests, and shall comply with these requirements:

1. **PROTECTIVE COVENANTS ALLOW CAMPING.** If any applicable protective covenants or deed restrictions are recorded against the property in the Office of the Gunnison County Clerk and Recorder, they do not prohibit this use.

2. **NO PARKING ON PUBLIC RIGHT-OF-WAY.** No recreational vehicle or other camping shelter shall be parked on any public right-of-way or road for camping, storage or residential use.

3. **THERE IS NO COMPENSATION.** There is no compensation to the owner or lessee of the parcel involved.

4. **CAMPING LIMITED TO 14 DAYS.** The travel trailer, recreational vehicle, camper or other camping shelter may only be used for camping for a period that does not exceed a total of 14 days during any consecutive three months on the same parcel without obtaining a Long-Term Camping Permit. The vehicle or other camping shelter shall be removed from the parcel after that time

5. **MAINTENANCE.** The lot or parcel on which camping occurs shall be maintained in a safe, clean and sanitary manner, and shall not be a nuisance or create adverse impacts to surrounding property, land or land uses.

6. **DISPOSAL OF WASTE**. Septage and other sewage or wastewater shall be disposed of only pursuant to a permit obtained in full compliance with the *Gunnison County On-Site Wastewater Treatment System Regulations*, and

any other applicable County, state or federal standard or regulation. Compliance with those Regulations may require that a long-term On-Site Wastewater Treatment System be installed and maintained on the parcel.

D. PROHIBITED ACTIONS. The following shall be prohibited:

1. **LEAVING REFUSE**. Storage of refuse, debris or litter in an exposed or unsanitary condition.
2. **DUMPING OF POLLUTANTS NEAR WATER BODY**. Placing any substance that pollutes, or may pollute the water body within 150 feet of a stream, lake or other water body.

E. LONG-TERM CAMPING PERMIT.

1. **ONE LONG-TERM CAMPING PERMIT IN A CALENDAR YEAR.** Only one long-term camping permit may be issued in a calendar year.
2. **TERM OF PERMIT FOR LONG-TERM CAMPING PERMIT IS 180 DAYS.** The maximum term of a long-term camping permit is 180 days, from the date of issuance, within the calendar year.

F. **APPLICATION.** The Community Development Department shall provide an application form for a long-term camping permit that the applicant shall complete and which, at a minimum, shall include the following:

1. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and stating the same information for the agent.
2. **PROPERTY OWNER**. Name of the owner of the property; if different than the applicant, a notarized letter from the owner consenting to the application, must be submitted.
3. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads, metes and bounds), property address and common description of the parcel on which the land use change is proposed to be located. A copy of the recorded deed to the property.
4. **TYPE OF RECREATIONAL VEHICLE OR CAMPING SHELTER TO BE USED.** The type of recreational vehicle or other camping shelter to be used.
5. **PRESENT LAND USE**. Identify present land uses, locations, and sizes of structures that exist on the property.
6. **LIST OF ADJACENT LANDOWNERS**. As applicable, a listing of all landowners and land uses that are adjacent to the boundaries of the entire parcel on which the Project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the property except for the existence of the roadway. When the parcel is located adjacent to a municipality, a platted townsite or platted recorded subdivision, all owners of surface property rights within 500 feet of each boundary of the entire parcel shall be included in the listing. The source for the best-available information to identify those landowners is the Gunnison County Assessor's Office.
7. **TRASH.** A~~n~~ description of how trash will be removed from the site and taken to the appropriate landfill.
8. **SEWAGE DISPOSAL**. Demonstration of compliance with the *Gunnison County On-Site Wastewater Treatment System Regulations.*
9. ~~**THERE IS NO COMPENSATION.** There is no compensation to the owner of lessee of the parcel involved.~~

G. **FEES.** The fee for a Long-Term Camping Permit shall be as shown in a schedule of fees charged for permits issued by the Community Development Department, and adopted and amended from time to time by the ~~Board~~BOCC.

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DIVISION 9-600: ESSENTIAL HOUSING

SECTION 9-601: PURPOSES.

Future demand for Essential Housing that is affordable for Gunnison County's workforce and residents is impacted by a myriad of variables including population growth, housing market trends, and employment trends. While these variables cannot be accurately predicted, it is unlikely, given current conditions and funding availability, that future demand for Essential Housing in Gunnison County will decrease. It is probable, given rapidly increasing housing prices, that demand will increase.

The wellbeing of the residents and visitors in Gunnison County is dependent upon a supply of affordable workforce housing being available for including emergency services personnel, medical practitioners, teachers and other employees crucial to our economy and community so they can live within reasonable proximity to their worksites and provide necessary public- and private-sector services. The documented trend of increasing housing and land prices in Gunnison County has resulted in an inadequate supply of Essential Housing for county residents. This jeopardizes the ability of local employers to hire and retain employees, thus negatively impacting business operations.

Employees are not the only residents whose health, safety and welfare are negatively impacted by the insufficient supply of affordable housing. Seniors, persons with disabilities and other residents who may be unemployed, living on low to moderate incomes are not provided adequate, affordable housing opportunities by the free market.

A. TO ENCOURAGE AFFORDABLE/ESSENTIAL HOUSING. To encourage and ensure the development and availability of safe, affordable housing for low-income and moderate-income households within Gunnison County.

B. TO ACHIEVE AND MAINTAIN VARIED HOUSING SUPPLY. To achieve and maintain a housing stock which meets County-defined targets for income groups and owner/renter ratios.

C. TO ADD ESSENTIAL HOUSING PROPORTIONAL TO NEW DEVELOPMENT. To promote the County's goal to add essential residences in proportion to the housing impacts generated by new residences and commercial and industrial uses to provide a basis for economic development and job growth.

D. TO ENSURE GROWTH PAYS ITS PROPORTIONATE SHARE. To ensure that growth contributes a proportionate share of funding, land and/or construction to increase and maintain a sufficient supply of essential housing residences.

E. TO MITIGATE IMPACTS BY PROMOTING BALANCE OF JOBS AND HOUSING. To mitigate impacts that accompany new residential and non-residential development by protecting diversity of the County's housing stock, promoting a balance between jobs and housing, and reducing the demands placed on transportation infrastructure.

F. TO ENCOURAGE LOCATION OF ESSENTIAL HOUSING NEAR WORK SITES. To encourage essential housing to be located near central work sites and public transportation.

G. TO ENSURE DEVELOPMENT THAT ENHANCES THE EXISTING SENSE OF "COMMUNITY" IN GUNNISON COUNTY. To ensure that development of Essential Housing Projects and residences integrates new and current residents and does not isolate Essential Housing Residences from free-market residential development.

SECTION 9-602: RELATIONSHIP OF DEVELOPMENT AND ESSENTIAL HOUSING NEED

A. BASIS FOR REQUIREMENTS. Multiple sources of data indicate a need for Essential Housing in response to escalating free-market housing prices and rents that are not affordable to essential employees who are crucial to the economic well-being of Gunnison County but who earn low to moderate incomes and others, including seniors, who live on fixed incomes. These sources include the 2000 U.S. Census for Gunnison County; *Gunnison County Housing Needs Assessments* completed in 1992 and 1999; the *Gunnison County Residential Job Generation Study* completed in 2000 by Rees Consulting, Inc and the Housing Collaborative, and the *Nexus/Proportionality Analysis for Commercial and Residential Linkage Programs* 2006 Rees Consulting, Inc. Based on this information, and as further identified by *Board of County Commissioners' Resolution 2006-44,* there is a demonstrable nexus between the impact of new non-residential and residential developments, the jobs generated by those developments, and the need for Essential Housing in Gunnison County, and an accurate mechanism to establish an appropriate and proportional workforce housing fee for new commercial, industrial and residential development.

1. **HOUSING OPPORTUNITIES LIMITED TO QUALIFIED HOUSEHOLDS.** Analyses of the housing situation in the County, particularly in the corridor that encompasses the area between the City of Gunnison and Towns of

Crested Butte and Mt. Crested, reveal that with the exception of housing developed in partnership with the assistance of public or non-profit entities, residential development does not provide adequate housing opportunities for low- and moderate-income households. There is a demonstrated market price gap between free-market housing prices and what households within those income categories can afford.

2. **DATA IS BASIS FOR ESSENTIAL HOUSING REQUIREMENTS.** This Division uses data which includes the average number of employees per household; the target income levels for workforce housing development; the estimated multiple jobs held by workers; the estimated affordable rents and sales prices for workforce housing--and other such data necessary to construct reasonable methodologies to provide for workforce housing.

3. **ECONOMIC DEVELOPMENT BENEFITS.** A permanent supply of Essential Housing is a necessary component of an economic development strategy that seeks to retain employers and employees and bring new jobs to Gunnison County.

SECTION 9-603: WORKFORCE HOUSING LINKAGE

A. PURPOSE. New construction or expansion of residential, commercial and industrial buildings or uses in the unincorporated areas of Gunnison County will result in new workers employed by or within those buildings or uses. This Section is intended to ensure that commercial and industrial development and construction of individual free market residences provide constructed residences and installed infrastructure, or contribute to the construction of a reasonable and appropriate percentage of Essential Housing to mitigate impacts to the county's housing supply as growth occurs.

B. APPLICABILITY. Unless otherwise exempted, this Section shall apply to all proposed residential, commercial, and industrial development that is subject to the requirements of this *Resolution,* and for which an application is submitted for a Building Permit after June 13, 2006.

C. EXEMPTIONS. The following shall be exempt from the Workforce Housing Fee:

1. **SAME-SIZE RECONSTRUCTION OF PRE-EXISTING STRUCTURE**. The reconstruction of any pre-existing structure pursuant to *Section 1-108: Non-conforming Uses* if the reconstruction does not increase the size more than 500 square feet, or as applicable, the number of residences within it, except when the structure was not a legally habitable residence before the reconstruction; or

2. **ADDITION OF 500 SQ. FT. OR LESS TO PRE-EXISTING STRUCTURE.** The addition of 500 square feet or less to a structure, whether it is a residential, commercial or industrial use; or

3. **INTEGRATED SECONDARY RESIDENCE.** An integrated secondary residence as allowed pursuant to *Section 9-102: F.: Standards for Integrated Secondary Residence*, provided that it is deed-restricted for occupancy by Qualified Households with incomes as defined in *Section 9-601: C. 6.: Exemption for Income-Qualified Households.*

4. **MOBILE HOMES**. Individual mobile homes and mobile home communities as defined by this *Resolution*, provided that the homes are deed-restricted for occupancy by Qualified Households with incomes as defined in *Section 9-601: C. 6.: Exemption for Income-Qualified Households.*

5. **ESSENTIAL RESIDENCES**. Residences that are constructed and deed-restricted as Essential Housing.

6. EXEMPTION FOR INCOME-QUALIFIED HOUSEHOLDS. Households earning less than 120 percent of AMI, as qualified by the Gunnison County Housing Authority Executive Director, are building homes for their own occupancy and which are a household's primary residence. Primary residency shall be determined by the Gunnison County Housing Authority Executive Director, who may consider the following factors:

a. **EMPLOYMENT ADDRESS.** Employment address.

b. **UTILITY BILLS**. Utilities bills.

c. **DRIVER'S LICENSE, CAR REGISTRATION**. Driver's license and car registration address.

d. **TAX RETURN ADDRESS**. Address on federal and state tax returns.

e. **FAMILY MAIN ADDRESS**. Family members' main residence location.

f. **FINANCIAL INSTITUTION ADDRESS**. The address of a financial institution used by the household.

g. **VOTER REGISTRATION ADDRESS**. Voter registration card addresses.

D. WORKFORCE HOUSING FORMULA AND FEES. Unless exempted by this Division, additions or remodels to existing residences of more than 500 square feet, and all residential, commercial and industrial construction for which a Building Permit is required to pay after June 13, 2006, the Workforce Housing Fee schedule, adopted and amended from time to time by the ~~Board~~BOCC, shall apply as follows:

1. **RESIDENTIAL DEVELOPMENT.** Workforce Housing Fees for single-family residences, multiple-family residences, manufactured homes, secondary residences that are not integrated secondary residences, and sleeping quarters, are identified in the adopted fee schedule.

2. **COMMERCIAL AND INDUSTRIAL.** Workforce Housing Fees for commercial and industrial construction are identified in the adopted fee schedule.

SECTION 9-604: INCENTIVES TO PROVIDE ESSENTIAL HOUSING

A. REQUIRED INCENTIVES. Notwithstanding any other requirements of this *Resolution*, the decision-making body shall provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing:

1. **EXPEDITED REVIEW PROCESS FOR ESSENTIAL HOUSING PROJECTS.** Conforming and complete applications submitted pursuant to this Division generally shall be given priority over other applications that are being reviewed by staff, the Planning Commission or the ~~Board~~BOCC. At each phase of its review, each application shall be placed on the first scheduled Commission or ~~Board~~BOCC agenda for which it can be properly noticed.

2. **INCREASE IN ALLOWABLE RESIDENTIAL LIVING AREA**. An increase of 15 percent in maximum residential living area, within a primary residence, allowed pursuant to *Section 13-105: C.: Parcels Smaller Than 6,500 Sq. Ft.*, and *Section 13-105: D.: Parcels Equal To or Larger Than 6,500 Sq. Ft.* when a secondary residence is included that is deed-restricted as an Essential Housing residence.

3. **INCREASE IN BUILDING HEIGHT**. An increase of 25 percent in the maximum structure height allowed pursuant to *Section 13-103: G.: Allowed Structure Heights,* when such increase is found to not interfere with solar access or potential solar access of existing adjacent structures, and the County determines the increase to be in the public benefit in its allowance for additional and/or larger residences and that are deed-restricted pursuant to this Division.

4. **REDUCED SETBACK REQUIREMENTS**. An exception pursuant to *Section 13-104: Setbacks from Property Lines and Rights-of-Way* shall be allowed by reducing front setbacks to 15 feet, and side/rear setbacks to 10 feet, subject to approval by the applicable fire protection district.

5. **DEFERRED FEES.** Fees for Essential Housing residences may be deferred as follows:

   a. **PROJECTS THAT INCLUDE CONSTRUCTED ESSENTIAL HOUSING RESIDENCES.** A proposed land use change includes the construction of Essential Housing Residences, and the installation of infrastructure to service them. The applicable decision-making body may defer all related County fees, such as Building Permit Fees, ISDS Permit fees, Access Permit fees, and Reclamation Permit fees for Essential Housing that is to be constructed by the Land Use Change Permit applicant, until the applicant receives a Certificate of Occupancy for each of the constructed residences. Payment of fees may be in whole for all the residences in the development when a Certificate of Occupancy is obtained for the first residence, or in part for each residence at the time each residence receives a Certificate of Occupancy thereafter.

   b. **PROJECTS IN WHICH UNIMPROVED LOTS WILL BE SOLD FOR FUTURE CONSTRUCTION.** In Essential Housing Projects in which construction of individual single-family or multiple-family residences will be accomplished by persons who purchase lots within the Project, fees for each Building Permit may be deferred until each Essential Housing residence receives a Certificate of Occupancy.

6. **MODIFIED DEVELOPMENT STANDARDS.** The decision-making body shall approve modifications to the design requirements of Article 10: *Locational Standards*, Article 11: *Resource Protection Standards*, Article 12: *Development Infrastructure Standards*, and Article 13: *Project Design Standards* for Essential Housing, provided that the requested modification will result in residences that will be more energy-efficient, will provide more amenities, or improved design, and will not jeopardize public health, safety or welfare.

   a. **STANDARDS THAT CANNOT BE MODIFIED.** The following standards shall not be waived:

      1. ***SECTION 11-103****: Development in Areas subject to Flood Hazards.*

2. ***SECTION 11-104****: Development in Areas subject to Geologic Hazards*.
3. ***SECTION 11-107****: 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:* F. 6.: *Domestic Animal Controls.*
8. ***SECTION 13-107****: Installation of Solid Fuel-Burning Devices.*
9. ***SECTION 13-114****: Exterior Lighting*.
10. *SECTION* ***13-106****: Energy and Resource Conservation*.

B. POSSIBLE ADDITIONAL INCENTIVES. Notwithstanding any other requirements of this *Resolution*, the decision-making body may provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing:

1. **REDUCED PARKING SPACE REQUIREMENTS**. A reduction in the number of parking spaces required pursuant to *Section 13-110: Off-Road Parking and Loading,* depending upon location, bedroom mix, the availability of public transit and other pertinent factors.

2. **REDUCTION IN REQUIRED AMOUNT OF OPEN SPACE.** A reduction in the amount of open space required pursuant to *Section 13-108: Open Space and Recreation Areas.*

ARTICLE 10: LOCATIONAL STANDARDS

SECTION 10-101: PURPOSE

This Article establishes improvement standards that are intended to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights, to encourage development in areas closest to existing population centers, to foster growth that is orderly and reasonable in its rate and location, and is compatible with existing uses, and to promote the use of existing infrastructure.

SECTION 10-102: LOCATIONAL STANDARDS FOR RESIDENTIAL DEVELOPMENT

A. APPLICABILITY. Any application for a new subdivision shall be subject to the requirements of this Section.

1. **EXEMPTION FOR PARCELS PART OF AGRICULTURAL OPERATION**. A new subdivision on a parcel on which an agricultural operation is conducted and that creates one new lot in addition to the existing parcel shall be exempt from the requirements of this Section except that subdivisions may not be obtained sequentially to avoid compliance with this Section. One such exemption per parcel shall be allowed every five years.

B. LOCATIONAL STANDARDS. In addition to all applicable standards of this *Resolution*, Aan application for a new subdivision shall initially be reviewed for its location relative to existing development and shall be located:

1. **ADJACENT TO EXISTING POPULATION CENTER**. Adjacent to the established population centers of Somerset, Ohio City, Almont or Crested Butte South or the incorporated municipalities of Gunnison, Crested Butte, Mt. Crested Butte, Pitkin or Marble, or to a subdivision that is served by a central wastewater treatment system that was platted and approved pursuant to the requirements of the former *Gunnison County Land Use Resolution*;

2. **WITHIN A MUNICIPAL THREE MILE PLAN AREA.** Within a municipal Three Mile Plan area;

C. 3. LOCATION RESULTS IN NO SIGNIFICANT NET ADVERSE IMPACT TO THE NEIGHBORHOOD. When the e applicant has demonstrated that a proposed residential development cannot satisfy the locational standard, the location may be approved if the BoardBOCC finds that in addition to meeting all of the applicable requirements of this *Resolution*, the cumulative impacts of the proposed development and existing development will result in no significant net adverse impact to neighborhood lands or land uses, wildlife, visual quality, air or water quality, including impacts caused by a proliferation of On-Site Wastewater Treatment Systems and/or individual water wells.

SECTION 10-103: RESIDENTIAL DENSITY

A. PURPOSE. The purpose of this Section is to prevent sprawl and leapfrog development and to allow for flexibility in residential subdivision design.

B. APPLICABILITY. Any application for a proposed subdivision shall be subject to the requirements of this Section.

1. **EXEMPTION FOR PARCELS PART OF AGRICULTURAL OPERATION**. A new subdivision on a parcel on which an agricultural operation is conducted and that creates one new lot in addition to the existing parcel shall be exempt from the requirements of this Section except that subdivisions may not be obtained sequentially to avoid compliance with this Section. One such exemption per parcel shall be allowed every five years.

C. PRIMARY RESIDENTIAL LOT SIZE AND DENSITY STANDARDS. Residential lot sizes and density of a land use shall change shall initially be reviewed relative to existing development.

1. **COMPLIANCE WITH MUNICIPAL THREE MILE PLAN AREA**. 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; and

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2. **DETERMINATION OF DENSITY CONSIDERS SEWAGE DISPOSAL REQUIREMENTS**. Location, configuration, and the final maximum density of lots one acre or larger in a proposed development shall be determined subject to feasibility of use of an On-Site Wastewater Treatment System pursuant to the *Gunnison County On-Site Wastewater Treatment System Regulations*. In no case shall any lots smaller than an acre be allowed in a new subdivision unless served by a central or regional wastewater treatment system, and

3. **LOT SIZE AND LOT DENSITY CONSIDERATIONS.** Unless exempted pursuant to *Section 10-103: B.1.: Exemption for Parcels on Agricultural Operation,* lot size and lot density shall be substantially similar to neighborhood parcels unless the standards of either (a) or (b) are met:

   a. **CONDITIONS ARE APPROPRIATE FOR SMALLER LOTS OR GREATER DENSITY**. The project shall be considered for smaller lots or greater density when all of the following four requirements are met:

      1. **DEVELOPMENT SERVED BY PUBLIC WASTEWATER TREATMENT SYSTEM.** The development is or will be served by a public wastewater treatment system, by approval of the subject application pursuant to *Section 12-106: Sewage Disposal/Wastewater Treatment.*

      2. **DEVELOPMENT SERVED BY OTHER SERVICES AND FACILITIES.** To the maximum extent feasible, the development is or will be served by a public water supply, public transportation and other public services and facilities by approval of the subject application.

      3. **COMPATIBLE WITH NEIGHBORHOOD**. The development is compatible with the neighborhood existing when the Land Use Change Permit application is submitted. Methods of ensuring compatibility may include, but are not limited to:

         a. **PERMANENT COVENANTS TO ENSURE CONTINUED COMPATIBILITY WITH NEIGHBORHOOD USES AND DENSITIES.** The proposed development includes permanent protective covenants that, at a minimum, address the following, to ensure that, if approved, it remains compatible with the neighborhood uses and densities that exist as of the date of approval of the Land Use Change Permit:

            1. **DESIGN STANDARDS**. Building exterior design standards.

            2. **LANDSCAPING**. Landscaping requirements.

            3. **OUTSIDE PARKING AND STORAGE**. Standards and limitations on outside parking and storage.

            4. **COMPATIBILITY OF USES**. Conditions pursuant to *Section 13-119: Standards to Ensure Compatible Uses.*

            5. **BUILDING SIZE**. Building size.

         b. **SITE LAYOUT AND DESIGN.** The proposed development shall locate buildings and lots to minimize to minimize visual impact.

4. IMPACT OF INCREASED DENSITY IS MITIGATED**.** The decision-making body finds that impacts of the increased density have been reasonably mitigated; methods of mitigation may include, but are not limited to:

   a. **ADDITIONAL OPEN SPACE.** The amount of open space included in the proposed development exceeds the amount required by *Section 13-108: Open Space and Recreation Areas* by at least ten percent of the total land designated for residential uses within the development.

   b. **PROVISION OF ESSENTIAL RESIDENCES.** Provision of Essential Residences that equal at least ten percent of the total number of residences, in addition to any other applicable requirements of this *Resolution*.

   c. **CLUSTERING OF RESIDENCES**. Residences are clustered to minimize visual impact and impacts on wildlife habitats as depicted on Wildlife Habitat Maps.

   d. **PARTICIPATION IN PUBLIC TRANSPORTATION SYSTEM**. As applicable, provision of a bus stop or similar facility for use with an existing public transportation system.

   b. **CONDITIONS ARE APPROPRIATE FOR LARGER LOT SIZE OR LESSER DENSITY**. The decision-making body may deny a subdivision proposal that involves lot sizes that are substantially similar to the parcels in the neighborhood if one or more of the following conditions are met:

      1. **LAND CHARACTERISTICS**. The density of the proposed development does not comply with the standards of Article 11: *Resource Protection Standards;* or

2. **PUBLIC WATER SUPPLY AND WASTEWATER TREATMENT ARE NOT AVAILABLE**. Public water supply and wastewater treatment systems are not available or the service providers are unwilling or unable to serve the proposed development; or

3. **EMERGENCY SERVICES ACCESS IS DIFFICULT**. Emergency services including fire, medical and law enforcement are not sufficiently close to the location of the development to provide timely response year-round, response is reasonably expected to be difficult because of access, terrain or weather conditions and require more than currently available equipment or personnel or response time to provide those services, or personnel would be exposed to undue risk; or

4. **SIGNIFICANT NET ADVERSE EFFECT WILL RESULT.** All impacts, including cumulative impacts when there is a reasonable probability that cumulative impacts of the proposed and existing developments will have a significant net adverse effect on neighborhood land and land uses, County or other infrastructure, public health, safety or welfare, or on the environment.

SECTION 10-104: LOCATIONAL STANDARDS FOR COMMERCIAL, INDUSTRIAL AND OTHER NON-RESIDENTIAL DEVELOPMENT

A. APPLICABILITY. This Section shall apply to all proposed commercial, industrial and other non-residential land use changes except for the following:

1. **AGRICULTURAL OPERATIONS.** Agricultural operations, including farm or ranch stands.

2. **PUBLIC FACILITIES OR UTILITIES**. Essential public facilities including fire protection, emergency medical service or law enforcement facilities and utilities shall be exempt, if the decision-making body finds:

   a. **ESSENTIAL TO PUBLIC WELFARE**. That the proposed facilities or utilities are essential to public health, safety and welfare; and

   b. **ALTERNATIVE SITE UNAVAILABLE OR NOT SATISFACTORY**. That suitable alternative sites that meet the standards of this Section are not available, or would not provide a location adequate to provide the necessary services.

B. PRIMARY LOCATIONAL STANDARD. Proposed commercial, industrial and other non-residential development shall be reviewed for its location relative to existing development. In order of priority, this new growth should be located:

1. **ADJACENT TO INCORPORATED MUNICIPALITY.** A proposed commercial, industrial, or other non-residential development should be located adjacent to a municipal boundary on land that qualifies for annexation into the municipality by meeting the criteria of the *Colorado Municipal Annexation Act,* C.R.S. 31-12-101.

2. **CONSISTENT WITH A MUNICIPAL THREE MILE PLAN AREA.** 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.

C. ALTERNATIVE LOCATIONAL STANDARDS. When the applicant has demonstrated that a proposed commercial, light industrial, industrial or other non-residential development cannot satisfy the primary locational standard, the location may be approved if the ~~Board~~BOCC finds that in addition to meeting all of the other applicable requirements of this *Resolution*, the cumulative impacts of the proposed development and existing development will result in no significant net adverse impact to neighborhood uses, wildlife, visual quality, air or water quality, and the proposed use complies with the following:

1. **LOCATIONAL CONSIDERATIONS**.

   a. **NECESSARY LOCATION**. The location is necessary because of specific circumstances including location of minerals, unique transportation needs or geologic conditions; or

   b. **NO SITE IS REASONABLY ATTAINABLE IN OR ADJACENT TO THE NEAREST MUNICIPALITY OR EXISTING PERMITTED BUSINESS OR INDUSTRIAL PARK.** There is no site reasonably attainable within or adjacent to the municipality or existing permitted businesses or industrial park nearest the proposed development site, in an area that qualifies for annexation, or is consistent with a municipal Three Mile Plan area. Evaluation of suitability shall consider size of parcel needed, reasonable availability of necessary utilities and other infrastructure, and the applicant shall provide documentation of comparable sites. Economic

feasibility or practicality of comparable sites may be considered, but shall not be the deciding factor in determining suitability; or

c. **LOCATION WELL-SUITED TO SPECIFIC USE**. The proposed location is particularly well-suited for the specific use (recreational facilities, including dude ranches or resorts); provided, however, that location in a high traffic area or on a highway artery shall not, in and of itself, qualify a proposed commercial development for approval; or

d. **NEED OR USE IS WELL-SUITED IN A PARTICULAR AREA.** There is a documented need for the specific use in the proposed location; or

e. **USE IS DESIGNED TO SERVE A SPECIFIC RESIDENTIAL AREA.** The development will be located and designed primarily to serve an integral part of a specific residential area or development, and shall provide services that are reasonably likely to reduce vehicle trips between the residential area and population centers.

2. **COMPATIBLE WITH EXISTING USES ESTABLISHED IN IMPACT AREA.** The proposed use is compatible with uses established in the impact area.

3. **NO SIGNIFICANT NET ADVERSE EFFECT**. There will be no significant net adverse effect, including cumulative impacts when there is a reasonable probability that there are cumulative impacts, of the proposed and existing developments on adjacent land uses, County or other infrastructure, or public health, safety or welfare, or the environment.

ARTICLE 11: RESOURCE PROTECTION STANDARDS

SECTION 11-101: PURPOSES

This Article establishes standards to protect the natural resources, wildlife habitat, and agricultural lands of Gunnison County, and to ensure that proposed land use changes avoid, or mitigate the hazards from natural areas that could pose threats to persons and to property. It is designed to achieve the maximum protection of areas that are environmentally sensitive or that provide sensitive wildlife habitat, whether because of the nature, quality, or location of certain natural features. It is also designed to preserve the natural landscape and unique and visually significant land forms (including mountain peaks, ridgelines, hillsides, buttes, and foreground areas including irrigated meadows), and to protect significant or unusual areas of water-land interface (scenic or sensitive stretches of shore, river, and streams, natural springs, wetlands, or other riparian areas), and aquifer recharge areas. The protection of these areas may be achieved by avoiding development in these areas whenever possible, minimizing unavoidable adverse development, and mitigating the impacts of development to the maximum extent feasible.

SECTION 11-102: VOLUNTARY BEST MANAGEMENT PRACTICES

Unless otherwise expressly required by this *Resolution*, applicants are encouraged to utilize best management practices voluntarily.

A. PURPOSES. By utilizing best management practices in its own Projects, and recommending their use in addition to specifying standards and requirements for land use changes, Gunnison County seeks to achieve the following:

1. **IMPROVE WATER QUALITY.** Improve water quality by preventing excessive soil and water loss; prevent sediment and soil-borne pollutants from entering surface water.
2. **PRODUCE OPTIMUM VEGETATION.** Produce plant species appropriate for the ecological site and land use for grazing and browsing animals on grazing land or land converted to grazing land from other uses.
3. **REDUCE SEDIMENT LOADS**. Reduce sediment loads causing downstream damages and pollution.
4. **IMPROVE STREAM QUALITY**. Improve streams for recreation or as a habitat for fish and/or wildlife.
5. **CONTROL UNNATURAL CHANNEL MEANDER**. Control unnatural channel meander that may adversely affect the channel, on-site, upstream, and downstream facilities.
6. **PREVENT LOSS AND DAMAGE**. Prevent the loss of land or damage to utilities, roads, structures, or other facilities adjacent to the channel banks.
7. **MINIMIZE HUMAN IMPACT**. Minimize impacts of human activities in riparian, sensitive and wet areas.
8. **MINIMIZE SOIL EROSION.** Minimize soil erosion and loss of plant nutrients. Maintain mulch and other materials necessary to reduce erosion and sedimentation; rehabilitate areas where an unacceptable level of erosion and/or stream/lake sedimentation is already occurring.
9. **CONTROL WATER LOSS.** Control undesirable water loss either through runoff or leaching, and improve water use efficiency.
10. **IMPROVE WILDLIFE HABITAT.** Maintain or improve habitat conditions for fish and wildlife; restore and maintain fisheries that have been damaged or destroyed by sedimentation.
11. **IMPROVE SOIL QUALITY.** Improve or maintain good physical, chemical and biological conditions of the soil.
12. **MAINTAIN QUALITY OF SENSITIVE AREAS.** Maintain or improve the quality and integrity of sensitive areas including research, natural, scenic, and unstable geologic areas.

B. TECHNIQUES AND GUIDELINES. Practices that can help to achieve these purposes and shall be considered by the County to contribute to the mitigation of impacts may include:

1. **BUFFER STRIPS**. The inclusion and maintenance of buffer strips is desirable between water bodies and residential, commercial or industrial development and livestock grazing, for wildlife migration corridors and water quality.

2. **STREAM PROTECTION.** Stream bank protection and stream channel stabilization and stabilization of critically eroding areas.
3. **NUTRIENT APPLICATION.** Application of nutrients based on vegetation needs, and considering cumulatively the impacts of sources of nutrients (including commercial fertilizer, manure or sludge, irrigation water, composted products), and the areas to which they are applied. Limit potential impacts by:
   a. **ELIMINATING OVER-APPLICATION.** Minimize availability of nutrients for transport by eliminating over-application.
   b. **REDUCE NUTRIENT LOADING.** Reduce nutrient loading to surface and ground water.
   c. **MINIMIZING IMPACTS OF ANIMAL WASTE**. Handling animal waste in a manner that minimizes impacts or potential impacts to surface or ground water, including issues including collection, storage and land application.
4. **USE OF PESTICIDES.** Using a chemical whose intended effect is no greater than that necessary to eliminate pests on a Project site, using the minimum effective rate, and timing the application for the targeted pest.

C. RESOURCES. Gunnison County encourages applicants for Land Use Change Permits to seek assistance and specific information about how to integrate BMP's into Project design from the following:

1. **USDA.** USDA Natural Resources Conservation Service Field Office's *Technical Guide.*
2. **CSU.** Colorado State University Cooperative Extension, including the guide, *Best Management Practices for Colorado Agriculture.*
3. **TIMBER INDUSTRY.** Colorado Timber Industry Association's *Silviculture BMP's.*
4. **COLORADO STATE FOREST SERVICE**. Colorado State Forest Service technical references.
5. **USFS.** U.S. Forest Service's *Watershed Conservation Practices Handbook* and other technical references.
6. **USDI.** USDI Bureau of Land Management technical references.
7. **MOUNTAIN DRIVEWAY BEST MANAGEMENT PRACTICES.** The Colorado Nonpoint Source Council's *Mountain Driveway Best Management Practices Manual.*
8. **WESTERN STATE COLLEGE OF COLORADO**. Western State College of Colorado in Gunnison.
9. **U.S. ARMY CORPS OF ENGINEERS**. The U.S. Army Corps of Engineers.
10. **GUNNISON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT**. The Gunnison County Community Development Department.

SECTION 11-103: DEVELOPMENT IN AREAS SUBJECT TO FLOOD HAZARDS

A. PURPOSES. This Section establishes regulations to prevent the imprudent use and occupation of flood hazard areas and to minimize the threat of flooding to human life and property. This Section addresses development within areas subject to flood hazards that are depicted on the most recent Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, National Flood Insurance Program and areas that are identified by survey, documented site specific observation, or engineering study as being areas subject to flood hazards, within the 100-year floodplain. Specifically, this Section establishes development standards that are intended:

1. **TO REDUCE FLOOD HAZARDS**. To reduce the hazard of floods to life and property by:
   a. **PROHIBITING USES HAZARDOUS TO LIFE.** Prohibiting certain uses that are hazardous to life or property in time of flood from locating in the floodplain;
   b. **RESTRICTING USES HAZARDOUS TO HEALTH.** Restricting the development of certain uses in the floodplain that are hazardous to public health in time of flood;
   c. **RESTRICTING USES SUSCEPTIBLE TO FLOOD DAMAGE.** Restricting the development of certain uses in the floodplain that are especially susceptible to flood damage, so as to alleviate hardship and eliminate demands for public expenditures for relief and protection;
   d. **REQUIRING PERMITTED USES TO BE FLOOD PROOFED.** Require permitted floodplain uses, including public facilities that serve such uses, to be protected against floods by requiring flood proofing and general flood protection at the time of initial construction.

2. **TO PROTECT RESIDENTS IN FLOODPLAIN AREAS.** To protect those who may occupy areas of the floodplain by:

   a. **REGULATING CONSTRUCTION.** Regulating the manner in which structures and developments designed for human occupancy may be constructed and developed to minimize danger to human life within them;

   b. **REGULATING WATER SUPPLY AND WASTEWATER TREATMENT SYSTEMS.** Regulating the method of constructing water supply and wastewater treatment systems to prevent disease, contamination and unsanitary conditions resulting from flood inundation;

   c. **REGULATING ROADS AND BRIDGES**. Regulating the location and method of constructing roads and bridges so as to prevent damage during flooding;

   d. **REQUIRING INFORMATION TO BE MADE AVAILABLE TO THE PUBLIC.** Requiring the requirements of this Section and maps delineating floodplain areas to be available to the public to protect people from purchasing floodplain lands for purposes that are not suitable.

3. **TO AVOID UNNECESSARY EXPENDITURE.** To protect the public from the burden of avoidable financial expenditures for flood control and relief by:

   a. **MINIMIZING DAMAGE**. Regulating uses and construction methods within floodplain areas. Providing for patterns of development and methods of construction that will minimize the probability of damage to property and loss of life or injury to the occupants of flood hazard areas.

4. **TO PROTECT FLOODPLAIN STORAGE CAPACITY**. To protect the storage capacity of floodplains and to assure retention of sufficient area to convey flood flows that can reasonably be expected to occur by:

   a. **REGULATING ACTIVITY IN DRAINAGE CHANNELS**. Regulating filling, dumping, dredging, and alteration of drainage channels;

   b. **PROHIBITING ENCROACHMENTS**. Prohibiting excessive encroachments.

B. REPEAL OF THE *GUNNISON COUNTY FLOOD DAMAGE PREVENTION RESOLUTION*. This Section repeals and replaces the requirements adopted in the *Gunnison County Flood Damage Prevention Resolution*. All rights and liabilities that accrued by actions taken pursuant to that resolution are preserved and may be enforced.

C. STRUCTURES AND USES THAT ARE SPECIFICALLY NOT IN CONFORMANCE WITH THIS SECTION.

1. **LEGAL BEFORE THE EFFECTIVE DATE OF THIS *RESOLUTION***. The use of any structure or land within the 100-year floodplain that was legal before the application of the requirements of the *Gunnison County Flood Damage Prevention Resolution*, or as it was amended, but that does not conform to the requirements of this Section may be continued subject to the following conditions:

   a. **EXPANSION SHALL COMPLY.** No such structure or use may be expanded or enlarged unless the expansion or enlargement complies with the requirements of this Section. When a structure, including a manufactured home, has been damaged so that the market value of repair or replacement does not exceed 50 percent of the market value before the damage occurred, the structure may be restored to its size before the damage occurred. Such reconstruction shall be constructed pursuant to this Section, and shall not be deemed to be a substantial expansion or enlargement. Any restoration or replacement of a structure, including a manufactured home, damaged to an extent exceeding 50 percent of its market value before the damage occurred shall be deemed a substantial expansion or enlargement, and the entire structure shall be protected pursuant to this Section.

   b. **REPLACEMENT MANUFACTURED HOME SHALL COMPLY.** Whenever an existing manufactured home, that is nonconforming or is located in a nonconforming manufactured home park or subdivision, in the 100-year floodplain, is replaced by a new manufactured home, regardless of the reason for the replacement, the new manufactured home shall comply with the requirements of this Section.

   c. **SUBSTANTIAL IMPROVEMENTS SHALL COMPLY**. If any person makes substantial improvement to any nonconforming structure or use, that person shall permanently change the structure or use to conform to the requirements of this Section.

D. ADOPTED FLOOD INSURANCE STUDY. ADOPTED FLOOD INSURANCE STUDY. The ~~Board~~BOCC hereby affirms Gunnison County's adoption of the Flood Insurance Study of Gunnison County, Colorado, and Incorporated Areas, May 16, 2013, published by FEMA for purposes of designating flood hazard areas within the unincorporated areas of Gunnison County and implementing floodplain regulations. This adoption includes all Flood Insurance Rate Maps (FIRM) and flood profiles included or referenced in the Flood Insurance Study.

E. OFFICIAL MAPS.

1. **DESIGNATION OF OFFICIAL MAPS.** The Flood Insurance Rate Maps and Flood Insurance Study prepared and published by FEMA for the unincorporated areas of Gunnison County are hereby designated as official flood maps, with the following qualifications:

   a. **LETTERS OF MAP AMENDMENT OR MAP REVISION.** Property owners who believe that their land is not located within a flood hazard area or that their land or structures will not be affected by a flood hazard, as shown of the National Flood Insurance Program Maps, may submit a request to the Federal Emergency Management Agency for a Letter of Map Amendment or a Letter of Map Revision. Specific technical requirements regarding the flood hazard are required for the application, which is available in the Community Development Department.

   b. REVISIONS AND AMENDMENTS SHALL BE NOTED. If FEMA issues a Letter of Map Amendment or a Letter of Map Revision, and this amendment or revision has not yet been depicted on the most recent edition of the Flood Insurance Rate Maps or Flood Insurance Study, approval of those changes shall be noted on the official map at the approximate map locations where the affected sites are located.

   c. NEW EDITION OF FLOOD INSURANCE RATE MAPS SUPERSEDES EXISTING MAPS. Whenever FEMA issues a new edition of the Flood Insurance Rate Maps or a Flood Insurance Study, the maps in the new edition shall constitute the official maps. No additional adoption of those maps shall be required by the ~~Board~~BOCC.

   d. AVAILABILITY OF OFFICIAL MAPS AND APPROVED CHANGES. The Community Development Department shall keep the Flood Insurance Rate Maps on file in the Community Development Department, and shall make them available for public inspection. In addition, the Community Development Department shall make available copies of any Letters of Map Amendment or Letters of Map Revision issued by FEMA but not yet depicted on the Flood Insurance Rate Maps. When a Flood Insurance Rate Map has been modified by a Letter of Map Amendment or a Letter of Map Revision, and this amendment or revision is not yet depicted on the map, no copy of the map shall be distributed by the Community Development Department to the public without a copy of the Letter of Map Amendment or of the Letter of Map Revision.

   e. RESPONSIBILITY FOR INTERPRETATION OF OFFICIAL MAPS. When interpretation of floodplain boundaries is needed to determine whether an applicant is required to comply with the requirements of this Section, the Community Development Director shall be responsible for making those interpretations.

   f. AREAS NOT MAPPED. Lands located in areas subject to flood hazards, but not identified on the FEMA Flood Insurance Rate Maps, may be subject to the requirements of this Section.

F. WARNING AND DISCLAIMER. The degree of flood protection intended to be provided by this Section has been determined to be reasonable for regulatory purposes and is based on engineering and scientific methods of study. Floods of greater magnitude may occur and flood heights may be increased by man-made or natural causes, including ice jams and bridge or culvert openings restricted by debris. This Section does not imply that areas outside the floodplain area boundaries or land uses permitted within such areas will be free from flooding or flood damages or that compliance with this Section will prevent any or all damages from flooding.

1. **DEVELOPMENT IN FLOODPLAIN REQUIRES LANDOWNER ACKNOWLEDGEMENT.** As a condition of approval of a proposed land use change in the floodplain, the landowner shall sign the following warning and disclaimer, which shall be included on the Final Plat for a subdivision, and/or within the applicable recorded document that approves the Land Use Change Permit:

WARNING AND DISCLAIMER OF FLOODPLAIN HAZARDS AFFECTING USE AND OCCUPANCY OF THIS PROPERTY

"I/We, _____ (owner(s) of property) on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of floodplain hazard areas that may affect the use and occupancy of this property, and any improvements thereto. I/We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense."

2. **OWNERS SHALL BE RESPONSIBLE.** Property owners who develop in, or have access through, flood hazard areas shall be required to construct, implement, maintain, improve and bear the cost of their development's proportionate share of all reasonable measures necessary to mitigate any flood-related hazard created by such development.

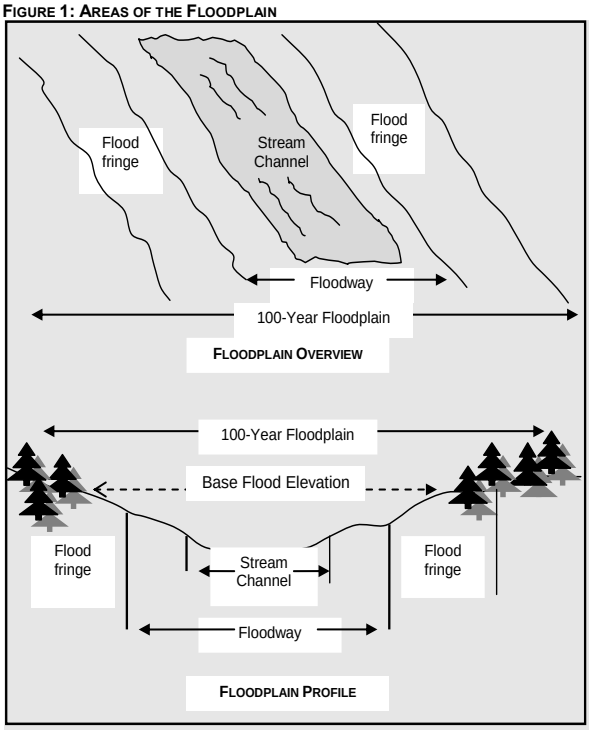
G. APPLICABILITY. The requirements and regulations of this Section shall apply to all lands within the unincorporated area of Gunnison County that are located:

1. **WITHIN AREAS MAPPED AS 100-YEAR FLOODPLAIN.** Within the 100-year floodplain, Zone A (Area of Special Flood Hazard) on the most recent Flood Insurance Rate Maps or Flood Insurance Study prepared and published by FEMA.

2. **WITHIN AREAS SHOWN BY AMENDMENT OR REVISION TO BE WITHIN THE 100-YEAR FLOODPLAIN.** Within the 100-year floodplain as a result of a Letter of Map Revision or Letter of Map Amendment approved by FEMA, but not yet depicted on the Flood Insurance Rate Maps or Flood Insurance Study published by FEMA.

3. **WITHIN AREAS THAT ARE DETERMINED TO BE "FLOOD PRONE".** Within areas that are determined to be "flood prone" on the basis of reliable historical information, topography, vegetation, or other naturally occurring indicators. Flood prone areas may require a detailed hydrologic engineering study in order to define and map the actual 100-year floodplain, to determine site-specific flood elevations and ground elevations, and to distinguish between the floodway and the floodplain. Such maps shall include at a minimum the requirements of Section 11-103: L.1. e: *Maps and Plans.*

FIGURE 1: AREAS OF THE FLOODPLAIN



4. **WITHIN AREAS THAT HAVE BEEN ISSUED A LETTER OF MAP REVISION BASED UPON FILL (LOMR-F).** Areas that have been removed from the floodplain by the issuance of a FEMA Letter of Map Revision.

H. PLAN REQUIRED TO BE SUBMITTED SHOWING DESIGNATED FLOODPLAIN AND IDENTIFYING AVOIDANCE OR MITIGATION MEASURES. When a Land Use Change Permit is sought in areas that have been identified on the Flood Insurance Rate Maps or Flood Insurance Study prepared and published by FEMA for the unincorporated areas of Gunnison County as being in a designated floodplain, a copy of the mapped area, and a narrative indicating how the hazard will be avoided or mitigated pursuant to the general and specific standards of this Section is required to be included as part of the submittal.

I. USES WITHIN THE 100-YEAR FLOODPLAIN. The floodplain is divided into three areas: the stream channel, the floodway and the floodplain (Figure 1: *Areas of the Floodplain*). A site-specific engineering analysis considering flood elevations and ground elevations may be necessary to establish the location of these distinct areas.

1. **USES PERMITTED IN THE FLOODPLAIN**. The following uses shall be permitted in the floodplain, subject to compliance with the applicable requirements this *Resolution*:

a. **AGRICULTURAL USES.** Agricultural uses, including grazing of livestock and production of hay;

b. **RESIDENTIAL ACCESSORY USES**. Residential accessory uses, not involving structures, including lawns, gardens, play areas, open yard areas and driveways;

c. **RECREATIONAL USES**. Recreational uses not requiring permanent or temporary structures designed for human habitation, including parks, public trails, golf courses, driving ranges, wildlife and natural preserves, and areas for fishing and hiking;

d. **UTILITIES**. Utility facilities, including dams, spillways, power plants, transmission lines, and pipelines;

e. **ROADWAYS**. Roads, highways and bridges;

f. **CONSTRUCTION MATERIALS PROCESSING**. Sand and construction materials processing operations;

g. **FLOOD MITIGATION STRUCTURES**. Flood mitigation structures and stream bank stabilization;

h. **RESIDENTIAL STRUCTURES**. Residential structures, provided that the lowest floor of the structure, including the basement, is one foot above the base flood elevation;

i. **NON-RESIDENTIAL STRUCTURES**. Non-residential structures, provided that the lowest floor of the structure is one foot above the base flood elevation; or together with attendant utility and sanitary facilities, complies with requirements of Section 11-103: J. 2: *Construction Materials and Methods.*

2. **USES PROHIBITED WITHIN THE FLOODPLAIN**. The following uses shall be prohibited within the floodplain, even if the use would otherwise be permitted by this *Resolution*:

a. **LOWEST FLOOR**. Any residential structure in which the lowest floor, including the basement, is lower than one foot above the base elevation of the 100-year flood.

b. **SANITARY LANDFILL**. A sanitary landfill or other site used for the storage or disposal of garbage, trash, debris, or similar materials, regardless of whether such storage or disposal is for commercial, governmental, or private purposes.

c. **LUMBER STORAGE**. Any use involving the storage of lumber, trees, logs, or similar materials that, if flooded, could result in substantial solid debris being carried downstream by floodwaters.

d. **STORAGE OF MATERIALS THAT MAY CREATE A HAZARD DURING A FLOOD**. The commercial or private storage or processing of materials that are flammable, explosive, or otherwise potentially injurious to human, animal, or plant life during floods. However, this limitation shall not prohibit private storage of motor fuel in containers that are anchored to protect and prevent flotation during flooding, nor shall motor fuel or heating fuel be prohibited from being stored underground, provided the storage tank is constructed to prevent floodwater contamination by the fuel, regardless of the damage done to above-ground structures.

e. **STORAGE OR STOCKPILING OF MANURE.** Storage or stockpiling of manure that could result in the inundation of manure piles or manure piles being carried downstream by floodwaters.

J. **GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION**. In all areas of flood hazards, the following standards apply:

1. **GENERAL.** For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

2. **ANCHORING.**

a. **NEW CONSTRUCTION**. All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

b. **MANUFACTURED HOMES AND MOBILE HOMES**. All manufactured and mobile homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. In addition to applicable State and County anchoring requirements for resisting wind forces, anchoring must be accomplished as follows:

1. **OVER-THE-TOP TIES**. Over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side; or
2. **FRAME TIES**. Frame ties at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
3. **MINIMUM FORCE CAPACITY**. All components of the anchoring system capable of carrying a force of 4,800 pounds; and shall ensure 15 psi lateral immobility of the home.
4. **ADDITIONS MUST BE ANCHORED**. Similar anchoring of any additions to the manufactured home.

3. **CONSTRUCTION MATERIALS AND METHODS**.
   a. **FLOOD RESISTANT MATERIALS**. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
   b. **FLOOD DAMAGE REDUCING METHODS**. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
   c. **FLOOD-RESISTANT ELEMENTS**. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
4. **UTILITIES.**
   a. **WATER SUPPLY SYSTEMS**. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
   b. **WASTEWATER TREATMENT SYSTEMS**. New and replacement wastewater treatment systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
   c. **ON-SITE WASTEWATER TREATMENT SYSTEM**. On-Site Wastewater Treatment Systems shall be located to avoid impairment to them or contamination from them during flooding.
5. **SUBDIVISION DESIGN**. Designs for land use change applications that propose the subdivision of land shall include the following:
   a. **MINIMIZING FLOOD DAMAGE**. All subdivision proposals shall be designed to minimize flood damage;
   b. **UTILITIES LOCATIONS**. All subdivision proposals that have public utilities and facilities including sewer, gas, electrical, and water systems shall locate and construct such systems to minimize flood damage;
   c. **DRAINAGE FACILITIES**. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
   d. **BASE FLOOD ELEVATION DATA**. Base flood elevation data shall be provided for subdivision proposals and other proposed developments that contain at least 50 lots or five acres (whichever is less).

K. SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION. In all areas of flood hazards where base flood elevation data has been provided, and areas removed from the flooplain by issuance of a LOMR-F, the following shall apply:

1. **RESIDENTIAL CONSTRUCTION**. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to one foot above the base flood elevation.
2. **COMMERCIAL, INDUSTRIAL OR OTHER NONRESIDENTIAL CONSTRUCTION**. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
   a. **IS FLOOD PROOFED.** Be flood proofed so that one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

b. HAVE RESISTIVE STRUCTURAL COMPONENTS. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. HAVE ENGINEER'S CERTIFICATION. Be certified by a qualified professional engineer licensed in the State of Colorado that the design and methods of construction are in accordance with accepted standards of practice for meeting the requirements of this paragraph. Such certifications shall be provided to the Community Development Department as set forth in this Section.

3. OPENINGS IN ENCLOSURES BELOW THE LOWEST FLOOR. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a qualified professional engineer licensed in the State of Colorado or architect or must meet or exceed the following minimum criteria:

a. MINIMUM NUMBER. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. MINIMUM ELEVATION ABOVE GRADE. The bottom of all openings shall be no higher than one foot above grade;

c. FLOODWATER ENTRY AND EXIT. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. RECREATIONAL VEHICLES. All recreational vehicles shall be fully licensed and ready for highway use; or meet the floodplain development permit requirements and elevation and anchoring requirements for manufactured/ mobile homes and be on a site fewer than 180 days.

5. BRIDGES. All bridges shall include a minimum one foot clearance, between the lowest horizontal member and the base flood elevation.

6. NO INCREASED RISK. No structures shall be erected and no activity take place in a manner or location that would increase the risk of flood damage to the property or personal safety of others, or would shift the hazard onto another owner's property.

7. CRITICAL FACILITY. All new and substantially improved critical facilities and additions to critical facilities shall have the lowest floor elevated to two feet above the base flood elevation; or be flood proofed to two feet above the base flood elevation.

L. FLOODPLAIN DEVELOPMENT PERMIT REQUIRED. A Floodplain Development Permit shall be obtained from the Community Development Department before any development begins within the 100-year floodplain.

1. FLOODPLAIN DEVELOPMENT PERMIT APPLICATION. The Community Development Department shall provide and the applicant shall complete an application form for floodplain development that at a minimum shall include:

a. **ELEVATION CERTIFICATE.** A copy of an Elevation Certificate, in a form prescribed by FEMA, with applicable sections completed, including certification by a qualified professional engineer licensed in the State of Colorado, is required for any proposed structure. Colorado Professional Engineers should use methodology acceptable to the Federal Emergency Management Agency, including methods noted in *Managing Development in Floodplains in Approximate A Zone Areas - A Guide For Obtaining and Determining Base (100-year) Flood Elevations,* FEMA publication 265, April 1995.

b. BUFFER AREA COMPLIANCE. Evidence of compliance with Section 11-107: *Protection of Water Quality*, if applicable;

c. WETLANDS PROTECTION COMPLIANCE. Evidence of compliance with Section 404 of the *Federal Clean Water Act* concerning protection of wetlands, if applicable;

d. ISDS COMPLIANCE. Evidence of compliance with the *Gunnison County On-Site Wastewater Treatment System Regulations*, if applicable;

e. MAPS AND PLANS. Maps and plans stamped by a qualified professional engineer licensed in the State of Colorado showing:

1. SITE LOCATION;

2. LEGAL DESCRIPTION. Legal description of parcel;

3. BOUNDARIES. Boundaries of 100-year floodplain;

4. **WATERCOURSES.** Names and locations of all watercourses, ponds, lakes, and other bodies of water;
5. **ELEVATION**. Elevation in relation to mean sea level of the lowest floor (including basement) of all new or substantially improved structures, and a statement whether or not they structures contain basements;
6. **PROPOSED FLOOD PROOFING.** Proposed elevations in relation to mean sea level that structures will be, or have been flood proofed, if applicable;
7. **ROADWAYS.** Location of existing roads and utilities;
8. **WATER SUPPLY.** Existing water supply ditches, irrigation ditches and laterals;
9. **CROSS-SECTIONS**. Typical valley cross-section (where required) showing:
   a. **WATERCOURSE CHANNELS**. Channels of any watercourses;
   b. **FLOODPLAIN LIMITS**. Limits of floodplain adjoining each side of channel;
   c. **FLOODWAY DELINEATION**. Delineation of floodway, if applicable;
   d. **DEVELOPMENT SITE.** Area to be occupied by the proposed development;
10. **ALTERATION OF WATERCOURSE**. A description of the extent to that any watercourse is proposed to be altered or relocated as a result of the proposed development;
11. **DRAINAGE FACILITIES.** A description of proposed drainage system including, if appropriate, design drawings and construction specifications showing typical sections and noting standards to be applied;
12. **CONSTRUCTION SPECIFICATIONS.** Design and construction specifications for structures, flood proofing, bridges, filling, dredging, grading, channel improvements, storage of materials and utilities, as applicable;
13. **ON-SITE WASTEWATER TREATMENT SYSTEM LOCATIONS.** Location of On-Site Wastewater Treatment System, if applicable;
14. **ADDITIONAL APPLICABLE INFORMATION.** Such additional information as may be required by the Community Development Department, to determine if the requirements of this Section have been or will be fulfilled.

2. **ACTION ON FLOODPLAIN DEVELOPMENT PERMIT APPLICATIONS.**
   a. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW.** The Community Development Department shall review all submitted information, shall evaluate the suitability of the proposed use in relation to the flood hazard, and may forward any application to the appropriate Colorado agency, or to an engineering firm of the County's choice, to review the application and provide technical expertise in evaluating the flood potential of a given site.
   b. **COMMUNITY DEVELOPMENT DEPARTMENT APPROVAL OR DENIAL.** If the Community Development Director determines that the application for a Floodplain Development Permit meets the requirements of this Section, ~~he~~ they shall sign and issue the permit and may attach any conditions as deemed necessary to ensure compliance with this Section. If the Director determines that the requirements cannot reasonably be met, the application shall be denied.
3. **APPEAL OF ACTION ON FLOODPLAIN DEVELOPMENT PERMITS.** The applicant, or any affected person aggrieved by a decision on an application for a Floodplain Development Permit, may appeal such decision by filing a written appeal. The appeal shall follow the process outlined in Section 8-103: *Appeals,* and shall be limited solely to the question of the action taken on the Floodplain Development Permit application. The ~~Board~~BOA's decision on such appeal shall be final ~~and~~ but may be subject ~~only~~ to judicial review.
4. **EXPIRATION OF FLOODPLAIN DEVELOPMENT PERMIT**. A Floodplain Development Permit shall expire two years after the date of issuance if the permit holder has not begun construction pursuant to the permit.

M. **REQUIREMENT FOR BASE FLOOD ELEVATION CERTIFICATE.** A Base Flood Elevation Certificate shall be provided to the Community Development Department before any Building Permit is issued for construction within the 100-year floodplain.

1. **PRE-CONSTRUCTION**. A base flood elevation certificate, completed as required by FEMA, shall be submitted for each structure to be constructed within the 100-year floodplain, and is subject to review and approval by the Community Development Department before any grading or Building Permit is issued for the structure.
2. **POST-CONSTRUCTION**. After completion of each structure constructed within the 100-year floodplain, the remaining applicable Sections of the elevation certificate shall be completed by the applicant and is subject to review and approval by the Community Development Department before a Certificate of Occupancy is issued.

N. VARIANCES FROM THIS SECTION. Any property owner seeking relief from the requirements of this, other than Section 11-103.: ~~H~~I. 1. *Uses Permitted in the Floodway* and Section 11-103: ~~H~~I.2. *Uses Prohibited in the Floodway* may file a variance request to the ~~Board~~BOA.

1. **USES FOR WHICH VARIANCES MAY BE GRANTED**. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that the requirements for a Floodplain Development Permit and Federal 404 permit are met.
2. **APPLICATION FORM FOR VARIANCE**. The Community Development Department shall provide an application form for variance from this Section. At a minimum, the form shall include:
   a. **APPLICANT**. The applicant's name, address, telephone and fax numbers, and e-mail address, if applicable. If the applicant is to be represented by an agent, a notarized letter signed by the applicant shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, address, and telephone number.
   b. **PROPERTY OWNER**. Name of the owner of the property; if different than the applicant, submit a notarized letter from the owner consenting to the application, must be submitted.
   c. **PRIMARY CONTACT PERSON/AUTHORIZED REPRESENTATIVE**. Name of the primary person and/or authorized representative with whom the Planning Office should be communicating.
   d. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads), property address and common description of the parcel on which the land use change is proposed to be located. A copy of the recorded deed to the property, and/or a metes and bounds description should be included.
   e. **PRESENT LAND USE**. Identify present land uses and locations and sized of structures that exist on the property.
   f. **DESCRIPTION OF VARIANCE REQUESTED**. A description of the requested variance, citing this Section and the specific section from which the variance is requested and why the variance is requested. The applicant shall also address how the request meets the standards of Section 11-103: N. 6: *Criteria for Evaluating Variance Requests.*
3. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW AND REPORT**. The Community Development Department shall review the application, and prepare a report that, at a minimum, describes the proposed application for variance, its compliance with Section 11-103: N. 6.: *Criteria for Evaluating Variance Requests,* and that includes copies of, or reference to, engineering reports or similar data that address the application.
4. **MEETING WITH ~~BOARD~~BOCC**. Once a completed application is received, a meeting will be scheduled on the next available ~~Board~~BOCC agenda. No public hearing is required.
   a. **COMMUNITY DEVELOPMENT DEPARTMENT REPORT**. The Community Development Department shall present its report.
   b. **APPLICANT PRESENTATION**. The applicant shall, at his/her choice, present the application for variance, and the reasons for requesting it.
5. **~~BOARD~~ BOCC DECISION**. The ~~Board~~ BOCC shall make a decision to deny, approve, or approve with conditions, having considered Section 11-103: N. 6: *Criteria for Evaluating Variance Requests*, and having made relevant findings based on Section 11-103: N. 7: *Findings for Approval of Variance Requests.*
6. **CRITERIA FOR EVALUATING VARIANCE REQUESTS**. In reviewing variance requests, the ~~Board~~ BOCC shall consider all technical evaluations, all relevant factors, the requirements and standards in this Section, and the following:
   a. **POTENTIAL FOR DEBRIS TRANSPORT**. The danger that materials may be carried by flood waters onto other lands to the injury of others;

b. HAZARD TO LIFE AND PROPERTY. The danger to life and property due to flooding or erosion damage;

c. SUSCEPTIBILITY TO FLOOD DAMAGE. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. VALUE OF FACILITY TO THE COMMUNITY. The importance of the services provided by the proposed facility to the community;

e. IMPORTANCE OF LOCATION. The necessity of a waterfront location, where applicable;

f. COMPATIBILITY. The compatibility of the proposed use with existing development;

g. RELATIONSHIP WITH OTHER PLANS AND PROGRAMS. The relationship of the proposed use to any adopted area plan, and floodplain management program for that area;

h. ACCESS SAFETY. The safety of access to the property in times of flood for ordinary emergency vehicles;

i. CHARACTERISTICS OF FLOODING. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

j. PUBLIC COSTS. The costs of providing governmental services during and after flood conditions, including maintenance and repair of roads, bridges and utilities; and

k. AVAILABILITY OF ALTERNATIVE LOCATIONS. The availability of alternative locations not subject to flooding or erosion damage.

7. FINDINGS FOR APPROVAL OF VARIANCE REQUESTS. Variances shall be approved by the ~~Board~~BOCC, only upon the following Findings:

a. THE USE IS A REGISTERED HISTORIC PLACE. The use is the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Colorado Inventory of Historic Places; or

b. GOOD CAUSE. There is good and sufficient cause; and

c. EXCEPTIONAL HARDSHIP. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

d. NO ADDITIONAL THREATS TO PUBLIC SAFETY. A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; and

e. COMPLIANCE WITH OTHER REGULATIONS. There is no conflict with other codes or regulations adopted and administered by Gunnison County; and

f. ONLY METHOD TO AFFORD RELIEF. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and

g. REQUEST IS NOT A SELF-IMPOSED HARDSHIP. A determination that the special circumstances and conditions have not resulted from any act of the applicant, or his/her predecessor.

8. NOTICE TO APPLICANT. Any applicant to whom a variance is granted shall be given written notice that the structure will not be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.

9. EFFECTIVE DATE FOR VARIANCES. The variance shall become effective as of the approval date.

10. EXPIRATION OF VARIANCES. Variances from the requirements of this Section shall expire two years after the date of approval if the permit holder has not begun construction as permitted by the variance.

O. RECORD KEEPING REQUIREMENTS.

1. ELEVATION CERTIFICATES. The Community Development Department shall keep on file an elevation certificate for each building constructed or flood proofed, and for which a Building Permit was issued in the 100-year floodplain after the effective date of this *Resolution*.

2. REPORTING VARIANCES. The Community Development Department shall report any variances granted in an annual report to FEMA.

3. LETTERS OF MAP AMENDMENT OR MAP REVISION. The Community Development Department shall keep on file any Letters of Map Amendment or Map Revision approved by FEMA and not yet depicted on the Flood Insurance Rate Maps or Flood Insurance Study published by FEMA for Gunnison County.

4. **FLOOD STUDIES**. The Community Development Department shall keep on file flood studies for use in implementing the requirements of this Section or as the basis for issuance of a Floodplain Development Permit.

5. **APPEALS AND VARIANCES**. The Community Development Department shall keep on file a record of all actions of appeals and variances from the requirements of this Section, including technical information used as justification for their issuance.

6. **NOTIFICATION OF CHANGES TO WATERCOURSES.** The Community Development Department shall ~~notify adjacent communities, adjacent property owners who may be affected, and the Colorado Water Conservation Board~~BOCC before any alteration or relocation of a watercourse by publishing a notice once in a newspaper of general circulation in Gunnison County and shall submit evidence of such notification to FEMA.

P. ENFORCEMENT OF FLOODPLAIN REGULATIONS. It shall be illegal to erect, construct, reconstruct, alter, maintain or use any structure, or use any land in violation of this Section. Any person, firm or corporation violating any portion of these regulations may be subject to enforcement requirements pursuant to Article 16: *Enforcement*.

SECTION 11-104: DEVELOPMENT IN AREAS SUBJECT TO GEOLOGIC HAZARDS

A. PURPOSE. There are certain lands in Gunnison County that have the potential to pose hazards to human life and safety and to property due to their geologic characteristics. Geologic hazard areas include avalanche areas, landslide areas, rockfall areas, alluvial fans, talus slopes, steep or potentially unstable slopes, Mancos shale, mudflow hazard areas, and faults.

This Section is intended to ensure that development avoids geologic hazard areas whenever possible. Where it is not possible for development to avoid these areas, standards are provided to reduce or minimize the potential impacts of these hazards on the occupants of the property and the occupants of adjacent properties, and to reduce or minimize the environmental impacts of development in these areas.

B. MAPS INCORPORATED. The Gunnison County Geologic Hazard Maps, prepared by the Colorado Geologic Survey, are incorporated into this *Resolution* by Section 1-112: *Use of Maps.* Copies of the maps are available for review by the public in the Community Development Department during normal business hours.

C. APPLICABILITY. The requirements of this Section shall apply to land use changes in the following areas:

1. **AREAS DESIGNATED ON THE GEOLOGIC HAZARD MAPS**. Land use changes on lands that are designated on the Gunnison County Geologic Hazards Maps as avalanche areas, landslide areas, rockfall areas, alluvial fans, talus slopes, steep or potentially unstable slopes, Mancos shale, mudflow hazard areas, and faults.

2. **AREAS NOT INCLUDED, OR NOT DESIGNATED ON THE GEOLOGIC HAZARD MAPS**. Proposed land use changes in areas of the County not mapped on the County's Geologic Hazard Maps and proposed land use changes on lands shown on the maps, but that are not designated as being located in one of the above-listed geologic hazards, and have been identified by Community Development Department onsite observation, or by an evaluation by a qualified professional engineer licensed in the State of Colorado, or other similarly qualified source as potentially being in a geologic hazard area may be reviewed as at least an Administrative Review Project, and to mitigate any applicable geologic hazard pursuant to this Section, before receiving a Building Permit.

D. PLAN REQUIRED TO BE SUBMITTED SHOWING HAZARDS AND IDENTIFYING AVOIDANCE OR MITIGATION. When a Land Use Change Permit is sought in areas that have been identified on the Gunnison County Geologic Hazard maps as being in a geologic hazard area, a copy of the mapped area, or in areas identified in Section 11-104: C. 2: *Areas Not Included, or Not Designated on the Geologic Hazard Maps*; and a narrative indicating how the hazard will be avoided or mitigated pursuant to this Section is required to be included as part of the submittal.

E. REFERRAL TO COLORADO GEOLOGIC SURVEY. When a Land Use Change Permit is sought in areas that have been identified on the Gunnison County Geologic Hazard Maps as being in a geologic hazard area, the Community Development Department shall submit the application to the Colorado Geological Survey (CGS), for review and comment. The application will be subject to that agency's standard process and fee schedule.

1. **REVIEW BY CGS**. As statutorily required by the State, CGS will review the application and provide comments to the Community Development Department. The purpose of this review is to make use of the expertise and judgment of CGS to evaluate the potential impacts of these hazards on development, and to determine the appropriate avoidance or mitigation techniques that should apply to the proposed development.

2. **DETERMINATION BY CGS.** If CGS determines there are geologic hazards on the property that have not been adequately addressed by the applicant, or that the application is otherwise incomplete or inadequate, the County shall require the applicant to revise the application to address those hazards.

Commented [HS27]: Each hazard section includes a standard referencing this section. This section does not include all potential geologic hazards, so I revised it to be specific to hazard unavoidability and further avoidance.

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F. STANDARDS APPLICABLE TO LAND USE CHANGES IN ALL GEOLOGIC HAZARD AREAS. The following standards shall apply to land use changes in all geologic hazard areas:

1. **RESIDENTIAL BUILDING IN AVALANCHE RED ZONE IS PROHIBITED**. Residential building shall be prohibited in the Red Zone areas of avalanche.

2. **USES CAUSING UNDUE DANGER OR SUBSTANTIAL PUBLIC EXPENSE ARE PROHIBITED**. Any land use change proposed in geologic hazard areas that subject people (including emergency service personnel and residents of neighboring properties) to undue dangers, or that will possibly result in substantial public expenses required to mitigate hazardous conditions, respond to emergencies created by such conditions, or rehabilitate infrastructure or lands, or that cannot otherwise be accomplished in a manner that the applicant demonstrates will be safe, shall be prohibited.

3. ~~**DEVELOPMENT IN AVALANCHE BLUE ZONES, ROCKFALL, LANDSLIDE, ALLUVIAL FANS AND MUDFLOW HAZARD AREAS, FAULTS AND TALUS SLOPES**~~**HAZARD AVOIDANCE.** A land use change may be permitted in ~~the Blue Zone of an avalanche hazard area, or in a rockfall, or landslide hazard area, alluvial fan, mudflow hazard areas, faults or talus slope~~a geologic hazard area~~,~~ when the applicant demonstrates that:

   a. **HAZARD CANNOT BE AVOIDED.** The land use change cannot avoid the hazard area because there are no hazard-free areas on the property, or no hazard-free routes to provide access to the development; and

   b. **RESTRICTED TO LEAST HAZARDOUS AREAS**. The land use change has been restricted to those areas on the property that are subject to the least degree of potential hazard and has been located as far away as possible from ~~avalanche paths, landslide paths, rockfall paths, mudflow or alluvial fans, or faults~~the identified hazard(s).

4. **LIMITATIONS ON USES AND DENSITY**. When there are no hazard-free areas on a property or no hazard-free routes to provide access, then to prevent or minimize potential dangers, the land uses shall be subject to the following mitigation standards:

   a. **HAZARDS WILL BE MITIGATED**. Site planning and engineering techniques will substantially mitigate any potential hazards to public health, safety and welfare;

   b. **NOT INITIATE OR INTENSIFY ADVERSE NATURAL CONDITIONS**. The proposed development activities will not cause or intensify adverse natural conditions in a geologic hazard area;

   c. **COMPLY WITH GENERALLY APPLICABLE STANDARDS**. The land use change will comply with this Section; and

   d. **COMPLY WITH STANDARDS FOR PARTICULAR HAZARD**. The land use change will comply with the applicable standards for the particular type of hazard, in Section 11-104: G: *Standards Applicable to Development in Particular Geologic Hazard Areas.*

5. **WARNING AND DISCLAIMER**. As a condition of approval of the proposed land use change, the following language shall be included on the Final Plat for a subdivision, and within the applicable recorded document that approves the Land Use Change Permit, the applicant shall sign the following warning and disclaimer:

WARNING AND DISCLAIMER OF GEOLOGIC HAZARDS AFFECTING USE AND OCCUPANCY OF THIS PROPERTY

"I/We, _____ (owner(s) of property) on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of geologic hazard areas that may affect the use and occupancy of this property, and any improvements thereto. I/We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense."

6. **DESIGN BY A QUALIFIED PROFESSIONAL ENGINEER LICENSED IN THE STATE OF COLORADO OR OTHER QUALIFIED PROFESSIONAL**. When the collection and submittal of data, and design of structural or mechanical elements are required by this Section, the data and design ~~shall be~~ shall be based on site-specific geo-technical analysis and recommendations certified by a qualified professional engineer licensed in the State of Colorado, or by a qualified professional geologist.

7. MEASURES REQUIRED BEFORE OR DURING INITIAL CONSTRUCTION. When an applicant is permitted to develop in an area that is subject to geologic hazards, the applicant shall construct, install, or otherwise provide all required measures to mitigate the geologic hazards to the maximum extent feasible before or at the time of initial construction. This requirement shall also apply to the roads and utilities that serve permitted uses.

G. STANDARDS APPLICABLE TO DEVELOPMENT IN PARTICULAR GEOLOGIC HAZARD AREAS. All land use changes in areas identified as geologic hazards in 11-104: C: *Applicability*, or in areas determined to be geologic hazards, pursuant to Section 11-104: E. 2: *Determination by CGS,* shall comply with Section 11-104: F: *Standards Applicable to Land Use Changes in All Geologic Hazard Areas*, and with the following hazard-specific requirements and standards:

1. DEVELOPMENT IN AVALANCHE HAZARD AREAS. Development shall permitted to occur in avalanche hazard areas only when the applicant demonstrates that the development cannot avoid such areas, pursuant to Section 11-104:F.3: *Hazard Avoidance* and that it complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist specializing in avalanche hazard area identification and analysis, and approved by the County:

a. AVALANCHE PATH DELINEATION AND HAZARD DESIGNATION. When development is proposed in or adjacent to potential avalanche paths, as determined by Gunnison County, the magnitude and frequency of the avalanche path affecting the development shall be defined as follows:

1. **RED (HIGH HAZARD) ZONE**. The Red Zone is an area affected by avalanches with return periods of 30 years or less and/or by avalanches producing impact pressures on flat surfaces normal to the flow direction of 600 lbs./ft.^{2} or more. Residential building construction shall be prohibited in Red Zones; driveways and subdivision roads shall avoid areas where avalanches have return periods of fewer than 10 years; utilities shall be buried or otherwise designed to minimize avalanche exposure.

2. **BLUE (SPECIAL ENGINEERING) ZONE.** The Blue Zone is an area affected by avalanches with return periods of more than 30 but fewer than 300 years and by avalanches capable of producing impact pressures on flat surfaces normal to the flow direction of less than 600 lbs./ft.^{2}. Residential building construction shall be permitted in the Blue Zone only if that construction has been certified by a qualified professional engineer licensed in the State of Colorado to withstand avalanche impact and static loads and that the structure has been otherwise protected by external avalanche-defense structures that have been similarly certified by that engineer, and the following standards have been met:

a. DESIGN LOADING AND OTHER DESIGN CRITERIA. Design-loading criteria and other criteria used to design avalanche defense structures shall be developed on a site-specific basis by the engineer, who must explicitly identify the methods used to develop those criteria.

b. STRUCTURAL BARRIERS. When the proposed location of development alone will not provide adequate protection for people and structures from avalanche hazards, then structural barriers shall be placed in the avalanche starting zone, track or runout zone (including, but not limited to excavations, berms, dams, retaining structural walls, direct protection structures and similar devices), or accepted avalanche diversion or control practices shall be used.

1. DESIGN. All proposed structural barriers shall be designed to withstand snow creep and vertical forces, avalanche impact and deposition forces, and air pressures. The proposed locations, dimensions, and specifications of those structural barriers shall be included in the application. The dynamic characteristics of the design avalanche upon which the structural design is based shall be specified, including avalanche runout distance, velocity, flow depth, density and impact pressure potential.

c. DIVERTED PATH. If an application proposes to divert potential avalanches from the proposed development or in any manner alter an existing avalanche path, the plans shall clearly show the anticipated path the diverted avalanche is expected to follow.

b. RISK OF HAZARD SHALL NOT BE INCREASED. No device to be constructed as a barrier against potential avalanches or alteration of an existing avalanche path shall be designed in a manner or location that would increase the risk of avalanche damage to the property or personal safety of others, or would shift the hazard onto another owner's property.

c. **ROADS SHALL AVOID AREAS OF RETURN FEWER THAN TEN YEARS**. Roads intended for winter use shall avoid areas where avalanches with return periods of fewer than 10 years cross roads. If it is not possible

to design the road to avoid avalanche hazard areas, then the road shall be designed to limit the exposure of users to the hazard and to use avalanche control practices to reduce the danger along exposed road segments. Where the main access road (whether public or private) to a proposed land use change is crossed by an avalanche path, then a secondary access way may be required, or the road may be subject to periodic or seasonal closures in order to avoid unnecessary exposure to the danger.

d. **UTILITIES**. All utilities shall be located and constructed to minimize or eliminate the possibility of damage to them by an avalanche. This shall include burying utility lines that cross avalanche hazard areas and protecting above-ground utility facilities located in moderate or high avalanche hazard areas by the use of avalanche barriers or diversion techniques.

e. **VEGETATION REMOVAL.** Clear-cutting, or other large-scale removal of vegetation in avalanche path starting zones or in other locations that can increase the potential avalanche hazard on the property, shall be prohibited.

f. **NOTICE OF HAZARD**. In the application, the applicant shall describe the methods to be employed to give notice to the public and to prospective purchasers of the subject property that an avalanche hazard exists, including the following:

1. **WARNING SIGNS**. Placement of warning signs on any road or trail that crosses an avalanche path; and
2. **DEED RESTRICTIONS, PROTECTIVE COVENANTS AND PLAT NOTES.** Proposed deed restrictions, protective covenants, and plat notes identifying special structural requirements to be imposed upon structures built in the development or any seasonal use limitations designed to protect them and their inhabitants from avalanche damage.

g. **OWNERS SHALL BE RESPONSIBLE.** Property owners who develop in, construct, implement, maintain, improve and bear the cost of their development's proportionate share of all reasonable measures necessary to mitigate any avalanche related hazard created by such development.

h. **EXTRACTIVE OPERATIONS**. Extractive operations in avalanche hazard areas shall be prohibited when snow is on the ground in the proximity of the operation, unless a program of avalanche control and defense measures has been approved by the County to protect the operation.

2. DEVELOPMENT IN LANDSLIDE HAZARD AREAS. Development shall be permitted to occur in landslide hazard areas only if the applicant demonstrates that the development cannot avoid such areas, pursuant to ~~Section 11-104: F. 3: Development in Avalanche Blue Zones, Alluvial Fans and Mudflow Hazard Areas~~ Section 11-104:F.3: *Hazard Avoidance* and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist.

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a. **CONSTRUCTION PRACTICES**. When the proposed location of development alone will not provide adequate protection for people and structures from landslide hazards, then the applicant shall also comply with construction practices recommended by a qualified professional engineer licensed in the State of Colorado, or by a qualified professional geologist, and approved by the County to artificially stabilize, support, buttress or retain the potential slide area and to control surface and subsurface drainage that affects the slide area. The proposed locations, dimensions, and specifications of such mitigation measures shall be included in the application.

b. **PROHIBITED ACTIVITIES**. The following development activities shall be prohibited in landslide hazard areas:

1. **ADD WATER OR WEIGHT**. Activities that add water or weight to the top of the slope, or along the length of the slope, or otherwise decrease the stability of the hazard area. Measures and structural improvements to permanently control surface and subsurface drainage from the development shall be required.
2. **REMOVE SUPPORT MATERIAL**. Activities that remove vegetation or other natural support material that contributes to its stability.
3. **INCREASE STEEPNESS OF SLOPE**. Activities that increase the steepness of a potentially unstable slope.
4. **REMOVE TOE OF LANDSLIDE**. Activities that remove the toe of the landslide, unless adequate mechanical support is provided.

3. DEVELOPMENT IN ROCKFALL HAZARD AREAS. Development shall be permitted to occur in rockfall hazard areas only if the applicant demonstrates that the development cannot avoid such areas, pursuant to ~~Section 11-104: F. 3: Development in Avalanche Blue Zones, Alluvial Fans and Mudflow Hazard Areas~~ Section 11-104:F.3: *Hazard Avoidance* and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist:

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a. CONSTRUCTION PRACTICES. When the proposed location of development alone will not provide adequate protection for people and structures from rockfall hazards, then the applicant shall comply with construction practices recommended by a qualified professional engineer licensed in the State of Colorado, or by a qualified professional geologist, and approved by the County, designed to minimize the degree of hazard. The proposed locations, dimensions and specifications of such practices shall be included in the application, along with requirements for periodic maintenance of any measures that are installed. Construction practices may include:

1. **STABILIZATION**. Stabilizing rocks by bolting, gunite application (cementing), removal of unstable rocks (scaling), cribbing, or installation of retaining walls;
2. **CATCHING, SLOWING OR DIVERTING ROCKS**. Slowing or diverting moving rocks with rock fences, screening, and channeling, damming, or constructing concrete barriers or covered galleries. If an applicant proposes to divert a potential rockfall from the development or to alter an existing rockfall path in any manner, the plans shall clearly specify the dynamics of the design rockfall event upon which the proposed mitigation is based, including rock source area, mass, velocity, bounce height, and energy. When rocks are to be diverted, the plans shall clearly show the anticipated path the diverted rockfall is expected to follow; and
3. **BARRIERS**. Installation of physical barriers around vulnerable structures to prevent rock impact.

b. RISK OF HAZARD SHALL NOT BE INCREASED. No device to be constructed as a barrier against potential rockfall or alteration of an existing rockfall path shall be designed in a manner or location that would increase the risk of rockfall or other damage to the property or personal safety of others, or create an increased hazard, or would shift the hazard onto another owner's property.

c. PROHIBITED ACTIVITIES. The following development activities shall be prohibited in rockfall hazard areas:

1. **ADD WATER OR WEIGHT**. Activities that add water or weight to, or otherwise decrease the stability of, cliffs or overhanging strata.
2. **REMOVE SUPPORT MATERIAL**. Activities that remove vegetation or other natural support material, or that make excavations or cause erosion that will reduce the stability of, or remove underlying support to, a rockfall hazard.

4. DEVELOPMENT IN ALLUVIAL FAN HAZARD AREA. Development shall only be permitted to occur in an alluvial fan only if the applicant demonstrates that the development cannot avoid such areas, pursuant to ~~Section 11-104: F. 3.: Development in Avalanche Blue Zones, Alluvial Fans and Mudflow Hazard Areas~~ Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist and approved by the County:

a. PROTECTIVE MEASURES. The proposed development shall be protected, using structures or other measures on the uphill side of the proposed land use change that channelize, dam, or divert the potential mud or debris flow. The dynamics of the alluvial-fan process, including velocity, flow height, discharge, and impact-pressure potential upon which the protective measures are based shall be clearly specified.

b. DISTURBANCE ABOVE ALLUVIAL FAN. Disturbance shall be prohibited in the drainage basin above an alluvial fan, unless an evaluation of the effect on runoff and stability of the fan and on the ground water recharge area conducted by a qualified professional engineer licensed in the State of Colorado, or a qualified professional geologist shows that disturbance is not substantial or can be successfully mitigated.

5. DEVELOPMENT ON TALUS SLOPES. Development shall be permitted to occur on a talus slope only if the applicant demonstrates that the development cannot avoid such areas, pursuant to ~~Section 11-104: F.3: Development in Avalanche Blue Zones, Alluvial Fans and Mudflow Hazard Areas~~ Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist and approved by the County:

a. WITHSTAND DOWN SLOPE MOVEMENT. The development shall be designed to withstand down slope movement.

b. BURIED FOUNDATION AND UTILITIES. The design shall include buried foundations and utilities below the active talus slope surface.

c. MINIMIZE SITE DISTURBANCE. Site disturbance shall be minimized, to avoid inducing slope instability.

d. REMOVAL OF TOE OF SLOPE. The toe of a talus slope shall not be removed, unless adequate mechanical support is provided.

6. DEVELOPMENT ON SLOPES GREATER THAN 30 PERCENT. Development shall be permitted to occur on slopes greater than 30 percent only if the applicant demonstrates that the development cannot avoid such areas, pursuant to ~~Section 11-104: F. 3.: *Development in Avalanche Blue Zones, Alluvial Fans and Mudflow Hazard Areas*~~ Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist:

a. CUTTING AND FILLING. Cutting, filling, and other grading activities shall be confined to the minimum area necessary for construction and shall comply with the requirements of Section 13-116: *Grading and Erosion Control*, and Section 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff.*

b. DESIGN SHALL FIT SITE. Development shall be located and designed to follow natural grade, rather than adjusting the site to fit the structure. For example, instead of creating a single flat bench or terrace for a building platform, the structure should instead be stepped up or down the hillside. Roads and driveways built to serve the development shall follow the contours of the natural terrain and, if feasible, shall be located behind existing landforms. When applicable possible, driveways that serve more than one lot are encouraged required, to minimize necessary grading, paving and site disturbance.

c. RECLAMATION OF DISTURBED AREAS. Areas disturbed during development shall be restored as natural-appearing landforms that blend in with adjacent undisturbed slopes. Abrupt angular transitions and linear slopes shall be avoided. Areas disturbed by grading shall be contoured so they can be re-vegetated, and shall be planted and shall have vegetation established and growing within two growing seasons, using species with a diversity of native and/or desirable non-native vegetation capable of supporting the post-disturbance land use. Species planted shall include those that will provide for quick soil stabilization, provide litter and nutrients for soil building and are self-renewing. Top soil shall be stockpiled and placed on disturbed areas. Retaining walls made of wood, stone, vegetation or other materials that blend with the natural landscape should be used to reduce the steepness of cut slopes and to provide planting pockets conducive to revegetation. Where such materials cannot be used, masonry that conveys a scale and texture similar to that of traditional surrounding rock walls shall be used.

d. UTILITIES. Utilities serving the development shall be placed underground, in existing or proposed road rights-of-way, to the maximum extent feasible, unless such placement would cause significant disturbance to a sensitive natural area or feature. Underground utility easements shall have vegetation established and growing within two growing seasons.

e. DEVELOPMENT PROHIBITED. Development shall be prohibited on any slope in excess of 30 percent that is also located in an area that is determined to be a very high wildfire hazard area, pursuant to Section 11-104: C: *Applicability*.

7. **UNSTABLE OR POTENTIALLY UNSTABLE SLOPES**. If a site is designated on the Gunnison County Geologic Hazard Maps, or are otherwise identified in Section 11-104: C.2.: *Areas Not Included or Not Designated on the Geologic Hazard Maps* as having moderate or extremely unstable slopes, then development shall be permitted only if the applicant demonstrates that the development cannot avoid such areas pursuant to ~~Section 11-104: F. 3.: Development in Avalanche Blue Zones, Alluvial Fans and Mudflow Hazard Areas~~ Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with geotechnical design and construction stabilization and maintenance measures as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist and approved by the County. Practices that shall be avoided on unstable slopes include:

a. CUTTING INTO A SLOPE. Cutting into the slope without providing adequate mechanical support;

b. ADDING WATER OR WEIGHT. Decreasing slope stability by adding water or weight to the top of the slope, or along the length of the slope;

c. REMOVING VEGETATION. Removing vegetation from the slope without timely replacement and ensured viability of similar vegetation; and

d. OVER-STEEPENING. Activities that over-steepen the existing grade of an unstable slope.

8. **DEVELOPMENT ON MANCOS SHALE**. Development in a Mancos shale area shall be designed based upon an evaluation of the development's effect on slope stability and shrink-swell characteristics. Development shall be permitted only if the applicant demonstrates that the development cannot avoid such areas pursuant to ~~Section 11-104: F. 3.: Development in Avalanche Blue Zones, Alluvial Fans and Mudflow Hazard Areas~~ Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with design, construction stabilization, and maintenance measures as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist and approved by the County. At a minimum, development design shall:

- **a. DRAIN AWAY FROM FOUNDATIONS**. Provide positive surface drainage away from foundations and other such facilities; and
- **b. CONCENTRATE RUNOFF INTO NATURAL DRAINAGES**. Concentrate runoff from impervious surfaces into natural drainages, or onto another owner's property, so that no adverse impacts result, either to the development site, or to another owner's property.

9. DEVELOPMENT IN MUDFLOW HAZARD AREAS. Development shall be permitted in a mudflow hazard area only if the applicant demonstrates that the development cannot avoid such areas pursuant to ~~Section 11-104: F.3.: *Development in Avalanche Blue Zones, Alluvial Fans and Mudflow Hazard Areas*~~ Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with mitigating design, construction stabilization, and maintenance measures are used, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist and approval by the County. Such measures may include channelization, diversion dikes, special foundations, and debris catchment basins.

10. DEVELOPMENT OVER FAULTS. Development shall be permitted over faults only if the applicant demonstrates that the development cannot avoid such areas pursuant to ~~Section 11-104: F.3.: *Development in Avalanche Blue Zones, Alluvial Fans and Mudflow Hazard Areas*~~ Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with the design incorporates mitigation measures based on geotechnical analysis and recommendations conducted by a qualified professional engineer licensed in the State of Colorado, or by a qualified professional geologist and approved by Gunnison County.

SECTION 11-105: DEVELOPMENT IN AREAS SUBJECT TO WILDFIRE HAZARDS

A. PURPOSE. There are certain types of lands in Gunnison County that may be hazardous to human life and safety and to property due to their potential for wildfire. The purpose of this Section is to ensure that development avoids these hazard areas whenever possible. When avoidance is not possible, to provide standards to reduce or minimize the potential threats that wildfire may pose to the safety of occupants, their property, and emergency service personnel.

B. APPLICABILITY. The requirements of this Section shall apply to any development in areas designated as wildfire hazard areas on the Wildfire Hazard Maps, and in areas where the Colorado State Forest Service determines that there is the potential for a proposed development to be threatened by a wildfire hazard.

C. MAPS INCORPORATED. The Gunnison County Wildfire Hazard Maps, prepared by the Community Planning Assistance for Wildfire, and Gunnison County GIS, shall be used as references for determining when parcels are located within wildfire hazard areas, pursuant to Section 1-112: *Use of Maps.* Where areas have not been mapped, review and analysis by the Colorado Forest Service shall determine the status of wildfire hazards. Copies of the maps are available on www.gunnisoncounty.org.

D. REFERRAL TO AND REVIEW BY COLORADO STATE FOREST SERVICE. The Community Development Department may submit any application to the Colorado State Forest Service, West Region Wildfire Council, or local fire district for review and comment, to use the expertise and judgment of that agency to evaluate the severity of potential wildfire hazards related to the proposed land use change, and to determine the appropriate avoidance or mitigation.

E. REFERRAL TO AND REVIEW BY APPLICABLE FIRE PROTECTION DISTRICT. When a Land Use Change Permit is sought in an area located within a specific fire protection district the Community Development Department may submit the application to that District for review and comment to use the District's expertise and judgment to evaluate whether the development has included design elements compatible with adopted District standards, and to recommend how the development can best provide fire prevention and suppression.

F. STANDARDS. The following standards shall apply to land use changes in all wildfire hazard areas:

- **1. GENERAL STANDARD**. All new construction, substantial improvement, use, fill, encroachments, alteration, fuel modification or treatment, except utility lines, on or over any portion of a wildfire hazard area, shall be designed so it does not increase the potential intensity or duration of a wildfire, or adversely affect wildfire behavior or fuel

composition. Development that subjects persons (including emergency service personnel and residents of neighboring properties) to undue dangers, or that will result in substantial public expenses required to mitigate hazardous conditions, respond to emergencies created by such conditions, or rehabilitate infrastructure or lands, or that cannot otherwise be accomplished in a manner that the applicant demonstrates will be safe, shall be prohibited.

2. **PROHIBITED LOCATIONS FOR DEVELOPMENT**. Development shall not be located in any area designated as having very high wildfire hazard that also has slopes greater than 30 percent. Development shall also not be located in a fire chimney, as identified by the Colorado State Forest Service.

3. **DEMONSTRATE COMPLIANCE WITH THE *INTERNATIONAL WILDLAND URBAN INTERFACE CODE* (IWUIC), AS ADOPTED AND AMENDED BY GUNNISON COUNTY. All l**and use change applications shall comply with the standards set forth in the County-adopted version of the *International Wildland Urban Interface Code*.

   a. **NOT CAUSE ADVERSE IMPACTS**. When mitigating a wildfire hazard pursuant to this Section, applicants shall not cause soil erosion, remove existing vegetation, thin trees or create adverse impacts to wildlife to an extent beyond that which is necessary to mitigate the hazard effectively.

4. **LOCATION IN A FIRE PROTECTION DISTRICT.** All developments located in a specific fire protection district shall comply with the fire suppression requirements of that District, when those requirements are recommended by the District, and when determined by the County to be appropriate. When the District's standards conflict with County standards, the County shall only enforce the County standards.

5. **WILDFIRE PREVENTION STANDARDS TO BE ADDRESSED IN PROTECTIVE COVENANTS**. Development shall comply with the following standards. Assurances as to compliance with these standards shall be addressed in a recorded, permanent protective covenant enforceable by the County.

   a. **FUEL MODIFICATIONS**. If the proposed development includes areas that are within a wildfire hazard area as mapped on Gunnison County Wildfire Hazard Maps , that can be reduced to lower hazard ratings through thinning, clumping, reduction of "ladder" fuels (vegetation that may allow a fire to burn from ground level to lower tree branches), removal of hanging limbs near chimneys, creation of defensible space around structures, or other such modifications, then such modifications shall be accomplished and maintained by the applicant and or applicable homeowner's association.

   b. **FUEL BREAKS**. Practical fuel break systems shall be installed as needed in locations that are approved by the Colorado State Forest Service.

   c. **IGNITIION RESISTANT CONSTRUCTION MATERIALS.** If the proposed development includes areas that are within a wildfire hazard area as mapped on Gunnison County Wildfire Hazard Maps, construction materials that are ignition resistant shall be allowed and encouraged within the protective covenants.

6. **SAFETY AREAS IN RESIDENTIAL DEVELOPMENT**. Areas designated by the applicable fire protection district as temporary public evacuation areas during fires shall be indicated by permanent signs along roads in developments. These areas shall also be designated on a final subdivision plat or final development plan for any development that is classified as a Major Impact Project.

7. **CUL-DE-SACS**. Cul-de-sacs shall not cross major draws, canyons, or gullies conducive to fire spread, nor shall cul-de-sacs terminate in such draws, canyons or gullies. Cul-de-sacs shall have a turn-around pad at the end with a minimum radius of 45 feet and an all-weather gravel or paved surface of a minimum of 45 feet. Dead end roads without turn-around areas shall be prohibited.

8. **ROAD RIGHT-OF-WAY CLEARING**. All roads shall be cleared and maintained four feet from each edge of the road surface in the right-of-way, so they are free from all living or dead flammable materials.

9. **ROAD GRADE**. All dedicated roads shall meet the minimum and maximum grade standards pursuant to the *Gunnison County Standards and Specifications for Road and Bridge Construction*.

10. **CLEAN-UP OF SLASH**. To minimize wildfire hazards and to avoid insects and diseases, the following actions shall be accomplished:

    a. **ROAD SLASH**. All cut combustible materials, vegetative residues, including fallen or cut trees and shrubs, pulled stumps, or other such flammable debris shall be disposed of by either chipping or removal from development roadside strips. These strips shall be 100-foot wide areas that parallel each side of the road, measured outward from the edge of the road right-of-way.

b. SLASH AROUND HOMES. All vegetative residue, slashing, branches, limbs, stumps, roots, or other flammable debris shall be disposed of from around the home site areas by either chipping or removal before final building inspection approval. Home site areas shall include all areas of the lot in which the materials are generated or deposited.

c. FILLS. Compacting slash and debris into roadbed fill areas shall be prohibited, but such materials may be buried in the road right-of-way outside the roadbed provided that the burial is done to minimize the potential for erosion.

11. COMPLY WITH FIRE PROTECTION STANDARDS. Developments in wildfire hazard areas shall also comply with the standards of Section 12-107: *Fire Protection.*

G. **WARNING AND DISCLAIMER**. As a condition of approval of the proposed land use change, the applicant shall sign the following warning and disclaimer that shall be included on the Final Plat of a subdivision, or within the applicable recorded document that approves the Land Use Change Permit:

WARNING AND DISCLAIMER OF WILDFIRE HAZARDS
AFFECTING USE AND OCCUPANCY OF THIS PROPERTY

"I/We_____ (owner(s) of property) on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of wildfire hazard areas that may affect the use and occupancy of the property, and any improvements thereto. I/We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agrees to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense."

H. **OWNERS SHALL BE RESPONSIBLE**. Property owners who develop in, or have access through, areas subject to wildfire hazards shall be required to construct, implement, maintain, monitor, improve and bear the cost of their development's proportionate share of all reasonable measures necessary to mitigate any wildfire-related hazard created by such development.

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 to minimize the impact of listing of the Gunnison Sage-grouse as a candidate for 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~~ The Colorado Wildlife Species Map Viewer available on the Colorado Division of Parks and Wildlife website.~~.~~

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 PERMITS, 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~~sensitive wildlife habitat. 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~~SENSITIVE WILDLIFE HABITAT**. That both the preserved land provides ~~Gunnison Sage-grouse~~sensitive wildlife 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~~BOCC.

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 11-107: PROTECTION OF WATER QUALITY

A. PURPOSE. The purpose of this Section is to protect the quantity, quality and dependability of water resources in Gunnison County by avoiding development in and adjacent to water bodies and mudflow hazard areas whenever possible, by minimizing adverse impacts of development, including siltation, sedimentation, salinization, runoff, loss of decreed minimum in-stream flows, stream bank erosion and change to existing drainage patterns.

B. RELATIONSHIP TO OTHER SECTIONS. As applicable, of the standards imposed by this Section, and Section 11-103: *Development in Areas Subject to Flood Hazards*, Section 13-116: *Grading and Erosion Control*, and Section 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff*, the more restrictive shall apply.

C. APPLICABILITY. Unless otherwise exempted, this Section shall apply to all Land Use Change Permit applications that involve uses within 125 feet of water bodies and mudflow hazard areas in unincorporated areas of Gunnison County, except as exempted in Section 11-107: C. 1.: *Exempt,* and Section 11-107: C. 2.: *Partially Exempt.*

1. **EXEMPT.** The following structures, improvements, activities, or areas shall be exempt from all of the requirements of this Section:
   a. **STRUCTURES USED FOR DECREED WATER RIGHT**. Structures or improvements used for the exercise of a decreed water right, including headgates and measuring devices; and
   b. **WETLANDS RESULTING FROM AGRICULTURAL OPERATIONS**. Wetlands and riparian areas created solely by normal and customary agricultural activities; and

c. PROJECTS PRIMARILY FOR WATER PROTECTION THAT HAVE RECEIVED REQUIRED STATE OR FEDERAL PERMITS. Projects that have received all applicable permits required by state and/or federal agencies, such as those designed primarily for the enhancement, protection and/or restoration of water body banks or channels, wetlands, riparian areas and/or piscatorial wildlife habitat; and

d. WATER IMPOUNDMENTS. Water impoundments that are a component of an approved mineral exploration or extraction Project or construction materials processing Project, and comply with Section 13-118: *Water Impoundments,* and with all applicable federal codes and regulations; and

e. EMERGENCY FLOOD CONTROL MEASURES. A structure or other land use change necessary, in an emergency declared by the County Manager to eliminate or reduce potential flood hazards or damage. If it is to be removed, it shall be removed as soon as possible; and

f. ROADS AND BRIDGES. Maintenance, repair or replacement of roads, roads that approach bridges, and bridges, existing as of the effective date of this *Resolution*, or constructed thereafter pursuant to this *Resolution* and all other County, state and federal regulations.

2. PARTIALLY EXEMPT. The following Projects, classified as Administrative Review Projects pursuant to Section 3-111: *Classification of Impact*, approved pursuant to this *Resolution* are exempt from Section 11-107: D: *Submittal Requirements* but are required to comply with all other requirements of this Section:

a. A PRIMARY RESIDENCE SMALLER THAN 5,000 SQ. FT. IN AN APPROVED SUBDIVISION. The development of a primary residence smaller than 5,000 sq. ft. (which may include an attached garage in the calculation of square footage), pursuant to Section 13-105: *Residential Building Sizes and Lot Coverage*, in a subdivision approved by Gunnison County and platted as of the effective date of this *Resolution*; and

b. LIMITED MINERAL EXPLORATION. Limited mineral exploration (activities related to proving up a patented mining claim pursuant to federal law), as addressed in Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials,* and limited construction materials exploration, pursuant to Section 9-402: C: *Activities Exempted from Submittal and Review Requirements*; and

c. UNDERGROUND MINERAL EXPLORATION. Underground mineral exploration as identified in Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials*; and

d. BOUNDARY LINE ADJUSTMENTS. An application to adjust the lot line between adjacent parcels or lots that are separately owned; and

e. LOT CLUSTERS. An application to eliminate the lot lines separating adjacent lots that are commonly owned; and

f. CORRECTION OF PLAT. An application to correct a technical error in a subdivision plat that has been approved and recorded; and

g. TECHNICAL MODIFICATION. An application to allow a minor deviation of not more than ten percent from any minimum or maximum numerical standard of this *Resolution*, and that is identified as a category in Section 8-101: *Technical Modifications.*

D. SUBMITTAL REQUIREMENTS. In addition to the submittal requirements included in the applicable Land Use Change Permit application, all applications for Projects that are not exempted by Section 11-107: C. 2.: *Exempt* and Section 11-107: C. 3.: *Partially Exempt* shall include the following:

1. SITE PLAN. The site plan submitted as part of the application shall include locations of any existing structures, water bodies, hydrologic features or mudflow hazard areas on the site, and including the following items; the Community Development Department may require a field verification of the locations.

2. PLAN FOR WATER QUALITY PROTECTION. A site-specific plan for protection of water quality, including:

a. TOPOGRAPHIC FEATURES, DEVELOPMENT AND PROPERTY LINES. A map showing existing topography at no greater than 20-foot contour intervals. The map shall highlight existing and proposed slopes greater than 15 percent but less than 30 percent grade and existing and proposed slopes equal to or greater than 30 percent grade, and shall extend a minimum of 100 feet beyond the development site line and show the location of all property lines; and

b. GRADING PLAN. A grading plan, addressing the requirements of Section 13-116: *Grading and Erosion Control*. The map shall show elevations, dimensions, locations, extent and slope of all clearing, grading and fills at no greater than 20-foot contour intervals proposed for the development site, including any building sites and driveway grades; and

c. SOIL AND SOIL STOCKPILES. Proposed locations of any stockpiles of soil, gravel, snow or other materials; and

d. EQUIPMENT AND WASTE MATERIAL STORAGE. Location(s) of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill containment structures to be used on-site; and

e. DRAINAGE FACILITIES. Proposed drainage plan, pursuant to Section 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff,* including locations of existing and proposed drainage structures, and natural drainage features on land adjacent to the site and within a minimum of 300 feet from the development site line, including, as applicable, road gutters, storm sewers, drainage channels, other water conveyance structures, water bodies, highly erodible soils, unstable stream banks, and mudflow hazard areas; and

f. WATER QUALITY DATA. Water quality data, including designation, classification, and numeric standards as established by the Colorado Water Quality Control Commission, for all water bodies located on the site; and

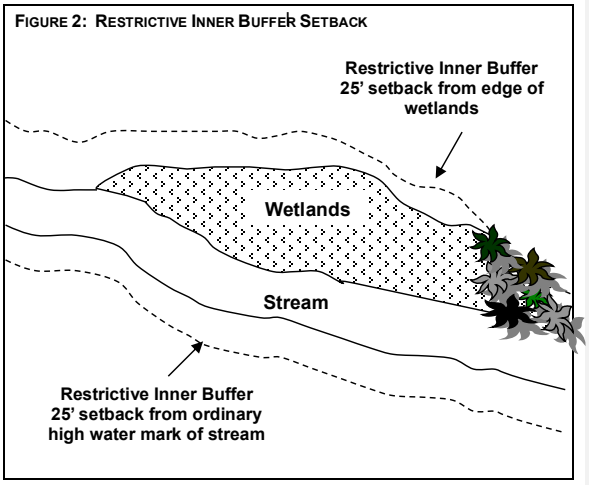
g. LOCATION OF PROPOSED PERMANENT AND TEMPORARY ROADS. The location of proposed permanent and temporary roads including roads proposed to be used only during construction.

E. BUFFER STANDARDS.

1. GENERAL. Activities within the Restrictive Inner Buffer and the outer variable buffer shall comply with Section 13-116: *Grading and Erosion Control.*

2. **RESTRICTIVE INNER BUFFER SETBACKS.** In addition to each other setback, requirement or prohibition for land use in this *Resolution*, a setback of 25 feet measured horizontally from the ordinary high water mark in average hydrologic years on each side of a water body or mudflow is required (Figure 2: *Restrictive Inner Buffer Setback)*; this setback is referred to as the "Restrictive Inner Buffer." The following activities are not allowed within the Restrictive Inner Buffer:

FIGURE 2: RESTRICTIVE INNER BUFFER SETBACK



a. OBSTRUCTION OR STRUCTURE. Construction, installation or placement of any obstruction or the erection of a structure;

b. PLACEMENT OF MATERIAL. Placement of material, including any soil, sand, gravel, mineral, aggregate, organic material or snow plowed from roadways and parking areas;

c. DREDGING. Removal, excavation or dredging of solid material, including soil, sand, gravel, mineral, aggregate, or organic material;

d. REMOVAL OF LIVE VEGETATION. Removal of any existing live vegetation or conduct of any activity that will cause any loss of vegetation, unless it involves the permitted and/or required removal of noxious weeds, non-native species, dead or diseased trees;

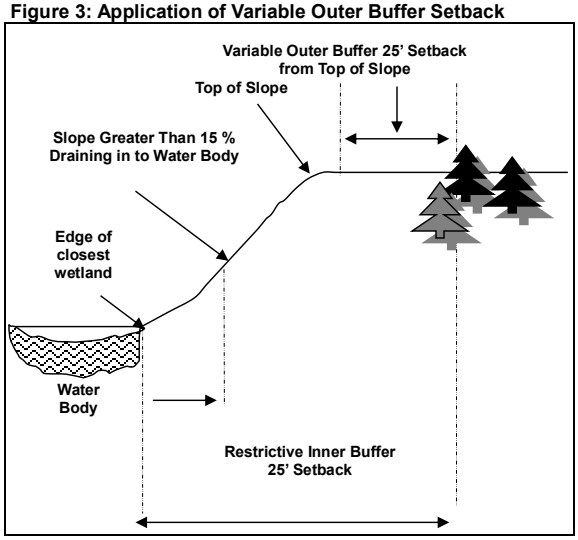
e. LOWERING OF WATER LEVEL. Lowering of the water level or water table by any means, including draining, ditching, trenching, impounding, pumping or comparable means, except as allowed by the Colorado Division of Water Resources; and

f. DISTURBANCE OF NATURAL DRAINAGE. Disturbance of existing natural surface drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics by any means including grading and alteration of existing topography. Measures taken to restore existing topography to improve drainage, flow patterns or flood control must be approved.

g. USE OF EQUIPMENT. Use of construction equipment within the buffer except as exempted by Section 11-107: C. 1. f: *Roads and Bridges.*

3. EXCEPTIONS TO PROHIBITION OF LAND USE CHANGES IN THE RESTRICTIVE INNER BUFFER.

Figure 3: Application of Variable Outer Buffer Setback



a. PRE-EXISTING CONSTRUCTION MATERIALS EXTRACTION. Construction materials extraction approved before the effective date of this *Resolution* shall be permitted no closer than five feet from the nearest ordinary high water mark in average hydrologic years on each side of a water body, but not in the stream channel.

b. SHOWING OF UNAVOIDABILITY. The following exceptions to prohibition of land use changes in the Restrictive Inner Buffer shall be permitted as a Minor Impact Project only upon a demonstration by the applicant of clear and convincing evidence that the proposed land use change in the Restrictive Inner Buffer is unavoidable, that the land use change in the Restrictive Inner Buffer shall be designed, constructed and used to minimize encroachment into the Restrictive Inner Buffer, and that after mitigation, adverse impact shall be minimized to the Restrictive Inner Buffer, to the water body, and to water quality, including but not limited to minimizing the deposit of sedimentation in the water body, the clearing of vegetation, the pollution of return water flows, and channelization.

1. **LAND USE CHANGE IS WATER DEPENDENT AND AUTHORIZED**. The proposed land use change in the Restrictive Inner Buffer is water dependent (including docks, piers, watercraft launches and ramps, flood control structures, water diversion facilities, and stream bank stabilization structures); and is authorized by each appropriate regulatory authority (including but not limited to the U.S. Army Corps of Engineers); or
2. **DENIAL WOULD DENY ALL ECONOMICALLY VIABLE USE OF THE PARCEL**. Denial of the proposed Land Use Change Permit in the Restrictive Inner Buffer would result in denying the land owner all economically viable use of the subject parcel; or
3. **CONSTRUCTION OUTSIDE RESTRICTIVE INNER BUFFER SUBSTANTIALLY CONTRIBUTES TO HAZARDOUS CONDITIONS**. Because of the physical features, other restrictions and conditions of the parcel, construction or use of the proposed land use change outside of the Restrictive Inner Buffer would substantially create or contribute to a hazardous condition; or
4. **LOCATION IS NECESSARY FOR AN ESSENTIAL SERVICE**. In the case of a road, bridge approach, public utility or essential service, the proposed land use change in the Restrictive Inner Buffer is necessary to provide access or service to the parcel; or
5. **IS A FLOOD CONTROL MEASURE**. The proposed land use change consists of a structure or other improvement to eliminate or reduce potential flood hazards or damage. If such structure or improvement is necessary because of an emergency, it may be approved by the Community Development Director after an Administrative Review, pursuant to Article 4: *Administrative Review Projects That Do Not Require Land Use Change Permits*. If a flood control measure is to be removed, it shall be removed as soon as possible.

4. VARIABLE OUTER BUFFER. In addition to a Restrictive Inner Buffer, a Variable Outer Buffer shall be defined and indicated on the plan. In addition to each other setback requirement or prohibition for land use in this *Resolution*, a proposed land use change within a Variable Outer Buffer, including disturbance of earth or

vegetation shall be prohibited, limited, or specific mitigation required on a site-specific basis, to the maximum extent feasible to protect the integrity of the water body, to minimize the deposit of sediment in the water body, the pollution of return water flows, channelization, and adverse impact on water quality.

a. **MAXIMUM WIDTH OF VARIABLE OUTER BUFFER**. In no circumstance shall a Variable Outer Buffer be required to extend more than 100 feet beyond the outer boundary of the Restrictive Inner Buffer.

b. **NON-UNIFORMITY OF VARIABLE OUTER BUFFER.** The width of the Variable Outer Buffer need not be uniform across a parcel. Specific features within 100 feet of the outer boundary of the Restrictive Inner Buffer shall define the width of the Variable Outer Buffer on a site-specific basis and shall be defined, as is reasonable, by the presence of these characteristics:

1. **SLOPES STEEPER THAN 15 PERCENT**. Slopes steeper than 15 percent draining into the water body or mudflow hazard area; in such a case, the setback shall be 25 feet back from the edge of the slope above the closest border of the delineated wetland (Figure 3: *Application of Variable Outer Buffer Setback*); or
2. **PRESENCE OF HIGHLY ERODIBLE SOILS**. The presence of highly erodible soils; in such a case, the setback shall be 25 feet from the edge of the highly erodible soils farthest from the closest border of the delineated wetland; or
3. **PRESENCE OF FEATURES THAT PROVIDE BANK STABILITY OR RIPARIAN AREA PROTECTION**. The presence of trees, shrubs, vegetation or other natural features that provide for bank stability or riparian area protection; in such a case, the setback shall be 25 feet from the edge of such features farthest back from the closest border of the delineated wetland.
4. **AREAS OF RECORDED OR KNOWN FLOOD OR MUDFLOW**. An area of recorded or known flood or mudflow; in such a case, the setback shall be the full 100-foot Variable Outer Buffer.

5. **MANAGEMENT OF HAZARDOUS MATERIALS AND POLLUTANTS**. All land use changes shall meet the following requirements for management of hazardous materials and pollutants:

a. **COMPLIANCE WITH STATE AND FEDERAL REGULATIONS**. At a minimum, all hazardous materials shall be stored and used pursuant to applicable state and federal hazardous materials regulations.

b. **STORAGE NEAR WATER BODIES RESTRICTED**. Hazardous materials, pollutants, sand and salt for road traction shall not be stored within 100 horizontal feet of any water body or mudflow. When no practical alternative exists, site-specific best management practices must be used.

c. **SPILL PREVENTION**. Measures shall be designed and implemented to prevent spilled fuels, lubricants or other hazardous materials from entering a water body, including ground water, during construction or operation of equipment and/or a facility. If a spill occurs, it shall be cleaned up immediately and disposed of properly.

d. **MACHINE MAINTENANCE.** Routine field maintenance of vehicles or mobile machinery shall not be performed within 100 feet of any water body or mudflow. Emergency maintenance can only be conducted until the vehicle or machinery can be moved. Routine equipment maintenance should be performed in a designated area and measures such as drip pans used to contain petroleum-based hazardous products.

e. **FUEL STORAGE AREAS**. Containment measures shall be provided for all fuel storage areas to prevent release to any water body. Inventory management or leak detection may be required.

SECTION 11-108: STANDARDS FOR DEVELOPMENT ON RIDGELINES

A. **PURPOSE**. The purpose of this Section is to establish regulations to preserve and maintain the scenic resources in Gunnison County as viewed from specifically identified vantages including municipalities and certain public road corridors that are particularly important to the character and economy of Gunnison County. This shall be accomplished by the establishment of ridgeline vantages from which the siting and construction of buildings will be reviewed to maintain the natural appearance of the mountain skyline and to avoid penetration or interruption of the natural skyline by buildings.

B. **APPLICABILITY**. This Section is applicable to all buildings that would be visible from any municipality in Gunnison County or from any of the following State, County or public roads that are individually and collectively referred to as a "ridgeline vantage":

- U.S. Highway 50;
- State Highway 133;
- Road 813 (Jack's Cabin Cutoff);

- Road 3 (Marble);
- Road 4 (Peanut Lake);
- Road 10 (Cranor Hill Road);
- Road 12 (Kebler Pass);
- Road 17 (Antelope Creek Road);
- Road 20 (Steuben Creek);
- Road 25 (Pine Creek)
- Road 26 (Sapinero Mesa Lake City Cutoff);
- Road 27 (Powderhorn);
- Road 38 (Gold Basin Road);
- Road 76 (Quartz Creek Road);
- State Highway 114;
- State Highway 135;
- State Highway 149;
- Road 209 (Cottonwood Pass);
- Road 265 (Buzzard Divide);
- Road 314 (Marble to Schofield);
- Road 317 (Gothic Road);
- Road 727 (Mill Creek);
- Road 730 (Ohio Creek Road);
- Road 734 (Slate River);
- Road 737 (Carbon Creek);
- Road 738 (Brush Creek);
- Road 740 (Cement Creek);
- Road 742 (Taylor River Road);
- Road 811 (Washington Gulch);
- Road 858 (Big Cimarron);
- Road 860 (Big Cimarron);
- Road 861 (Big Cimarron);
- Road 864 (Little Cimarron);
- Road 864.99 (High Mesa);
- Road 867 (Alpine Plateau);
- Road 887 (Waunita Road);
- Road 888 (Whitepine).

C. **RIDGELINE VISIBILITY**. When viewed from any ridgeline vantage, no building shall be visible on a ridgeline that is more than 150 feet vertically higher from the closest point on a ridgeline vantage from which such building would be visible.

D. INITIAL ANALYSIS OF VISIBILITY OF PROPOSED SITE. If the Community Development Director determines that a building is proposed to be sited on a ridgeline that potentially is visible from a ridgeline vantage as described in Section 11-108: E: *Detailed Analysis Required If Location Is Determined To Be Visible*, the applicant shall submit an initial visual analysis of potential ridgeline visibility that shall contain:

1. MAP. A map of the proposed site that depicts the proposed location of the building footprint including distances and elevations from the two closest ridgeline vantages.

2. WRITTEN STATEMENT. A brief written statement describing, in a general manner, the location, size, height and potential visibility of the proposed building from any ridgeline vantage.

E. DETAILED ANALYSIS REQUIRED IF LOCATION IS DETERMINED TO BE VISIBLE. If the Community Development Director determines, after a review of the initial submittal pursuant to Section 11-108: D: *Initial Analysis of Visibility of Proposed Site*, and any other relevant material that the building is proposed to be so sited on a ridgeline that it would be visible from a ridgeline vantage, the applicant shall submit a detailed visual analysis illustrating the existing features of the site, depicting the location, mass and form of the proposed buildings and illustrating all potential visibility that would be prohibited by this Section. This analysis may be provided as photographs of the property on which the development is proposed to be sited, a computer simulation, an architectural site section or other similar display technique. The applicant will provide such further information as the Community Development Director reasonably requires.

F. IMPACT CLASSIFICATION. Each building for which the Community Development Director has required a detailed analysis shall be reviewed at least as a Minor Impact Project, pursuant to Article 6: *Minor Impact Projects* unless a higher impact classification is otherwise required by this *Resolution*.

G. SCREENING IS NOT ACCEPTABLE MITIGATION UNLESS NO OTHER FEASIBLE SITE EXISTS. Screening, including earth berming, of a structure otherwise in violation of this Section is not acceptable mitigation, unless allowed per Section 11-108: I. 1. b: *No Feasible Alternative Site Exists on the Parcel.*

H. NO MODIFICATIONS, ADDITIONS OR ALTERATIONS. No building shall be modified, added to or altered so as to be in violation of this Section.

I. EXCEPTIONS. A building on a ridgeline that is sited, designed, shaped, oriented, screened, lighted and constructed to avoid visibility from ridgeline vantages to the maximum extent feasible otherwise prohibited by this Section shall be permitted only if:

1. PLANNING COMMISSION FINDINGS. The Planning Commission finds by clear and convincing evidence that the building meets or exceeds the following standards:

a. PUBLIC UTILITY FACILITY. It is a public utility and no other feasible and prudent alternative site exists for the facility; or

b. NO FEASIBLE ALTERNATIVE SITE EXISTS ON THE PARCEL. No feasible non-ridgeline site for the building exists on the parcel which, considering existing natural vegetation, would be less visibly obtrusive than the ridgeline site; or

c. **FULL SCREENING EXISTS AND IS PROTECTED**. Any building on the ridgeline shall be fully screened by existing (as opposed to new) natural vegetation on the applicant's property, of such volume, density and species of tree cover, after provision of defensible space for wildfire hazard, so that no part of the building shall be visible from any ridgeline vantage, at any time of the year. A recorded mechanism (e.g. protective covenant, conservation easement, bonding agreement) acceptable to the County must be provided to ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening; or

d. **IF SIGNIFICANT SCREENING EXISTS AND IS PROTECTED, DECISION SHALL BE MADE BY THE ~~BOARD~~BOCC.** If the Planning Commission finds that the Project does meet the first three requirements of this section, but that any building on the ridgeline shall be significantly screened by existing (as opposed to new) natural vegetation on the applicant's property, of such volume, density and species of tree cover, after provision of defensible space for wildfire hazard, so that no part of the building that is partially visible shall be visibly obtrusive from any ridgeline vantage, at any time of the year, the Commission shall so note in a recommendation to the ~~Board~~BOCC, and the ~~Board~~BOCC shall be the decision-making body. If approved, the approval shall include:

1. **RECORDED COVENANT, EASEMENT OR AGREEMENT.** A recorded mechanism (e.g. protective covenant, conservation easement, bonding agreement) acceptable to the County must be provided to ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening; and

2. **MINIMAL VISUAL IMPACT.** When significant screening exists and is protected, the building on the ridgeline shall have minimal visual impact and:

   a. **IS NOT OBTRUSIVE OR VISIBLE FROM A MUNICIPAL RIDGELINE VANTAGE.** Must comply with both of the following standards:

      1. **OBTRUSIVENESS**. The building will blend in with its surroundings and will not stand out in the context of its surroundings nor draw attention to itself; and

      2. **MUNICIPAL RIDGELINE VANTAGE**. The building will not be visible with the naked eye from a municipal ridgeline vantage; and

   b. **MUST NOT BE VISIBLE FROM RIDGELINE VANTAGE OR VISIBILITY IS ONLY MOMENTARY.** Must comply with and with one of the following standards:

      1. **DISTANCE FROM RIDGELINE VANTAGE(S).** The building will not be visible with the naked eye from near or distant ridgeline vantages; or

      2. **NUMBER AND LENGTH OR DURATION OF RIDGELINE VANTAGES**. The number and length or duration of public road ridgeline vantages from which the building will be visible are so small that the building will be visible only momentarily to passersby.

e. **DESTRUCTION OF BUILDING AND/OR NATURAL VEGETATION**. In the event the building and/or the natural vegetation providing screening is substantially damaged or destroyed the owner shall, prior to construction of the building and within two years, plant and maintain new vegetation and ensure its survival to provide screening for the building in the least amount of time so that the building complies with the standards of this Section, and the recorded protective covenant, conservation easement, or bonding agreement).

SECTION 11-109: DEVELOPMENT THAT AFFECTS AGRICULTURAL LANDS

A. PURPOSE. The agricultural resources of Gunnison County are essential to the County's economic base and are the primary element of the County's rural heritage. Both year-round residents and visitors enjoy the expanses of irrigated green meadows and the sense of history and community that ranching operations offer to the overall quality of life in Gunnison County. The standards in this Section are intended to ensure that new development impacts existing ranching operations as little as possible, and that development and ranching can exist together compatibly.

B. APPLICABILITY. This Section shall apply to all land use changes on land adjacent to or directly affecting agricultural operations. The County shall assure that adequate requirements are included in the approval of a Land Use Change Permit that minimize or eliminate impact of any land use change on agricultural lands. Those land use changes shall comply with this Section and all other applicable requirements of this *Resolution*.

C. GENERAL STANDARD. Land use changes are encouraged that will retain the agricultural use and productivity of the land. Land use changes should not adversely affect, or have the potential for limiting the viability of existing agricultural operations, including the use of irrigation ditches, irrigated hay meadows, and historic stock drives. However, it is not the County's policy to prevent land use change on land because such land is now was once used for agricultural purposes.

D. DOMESTIC ANIMAL CONTROLS. Dogs and other domestic animals that are not being used to assist with the herding or the care of livestock shall not be permitted to interfere with livestock or the care of livestock that occurs as part of an agricultural operation. Enforceable protective covenants or deed restrictions shall be provided for land use changes that are required to confine pets by kenneling, leashing, fencing or other physical constraint, and allow enforcement by the County at the expense of a responsible homeowners or property owners' association.

E. ROADS. Development roads shall be located a sufficient distance back from the property boundaries so that normal maintenance of such roads, including snow removal, will not damage boundary fences. Dust control shall be required both during and after construction pursuant to Section 13-119: *Standards to Ensure Compatible Uses* to minimize adverse impacts to livestock and crops.

F. FENCES. Construction and maintenance of fencing are subject to the rights and obligations defined by C.R.S. 35-46-101 *et seq*. Language shall be included in protective covenants or in the approval of a Final Plan and on the recorded plat of a subdivision, putting lot owners on notice that maintenance of any applicable fence for the purposes of fencing out livestock is the responsibility of the lot owner or the homeowners' association. Fences shall be constructed that separate the development from adjoining agricultural lands or stock drives. Those newly constructed fences, and existing fences serving the same purpose shall be maintained and any breaks in such fences shall be at properly maintained metal or wood gates or cattle guards.

G. IRRIGATION DITCHES. Land use changes shall not interfere with ditch rights-of-way. Where irrigation ditches cross or adjoin the land proposed to be developed, a condition of a Land Use Change Permit shall include requirements to insure that the use of those ditches, including their maintenance, can continue uninterrupted.

1. **EMERGENCY CONTACT PERSON.** If the land will not be occupied full-time by the applicant, provision shall be made for a person or institution (who shall be identified by name, address, and telephone number) to represent the owner and act on behalf of that owner in case of a ditch washout or similar emergency.

2. **IRRIGATION DITCH EASEMENTS.** A maintenance easement of at least 25 feet from the edges of the ditch banks shall be preserved and indicated on any Final Plat for subdivision, or in the Final Plan for any non-subdivision use. For parcels that are the subject of Land Use Change Permits, Building Permits or On-Site Wastewater Treatment System Permits, access for maintenance of an irrigation ditch is required to be 25 feet from each ditch bank. When approved in notarized written form by the ditch owner(s), that distance may be decreased and existing historical easements used to gain access to ditches, headgates, and fences for maintenance or operational purposes shall be preserved or replaced with reasonable alternate easements suitable for continuation of the historic use.

H. PROTECTIVE COVENANTS OR DEED RESTRICTIONS AND PLAT LANGUAGE. Suitable and enforceable protective covenants or deed restrictions shall be required as a condition of approval of new Land Use Change Permits that include the following language that shall also be required to be included on the Final Plat of a subdivision.

1. **CONFINEMENT OF DOMESTIC ANIMALS.** Language directing that domestic animals must be controlled by kenneling, leash, fencing or other physical constraint. Language shall be also be included within those protective covenants or restrictions stating that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or the individual.

2. **AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS**. Language referencing C.R.S. 35-46-101 *et seq*: and clearly stating that a property owner is required to construct and maintain fencing in order to keep livestock off his/her property.

3. **IRRIGATION DITCH MAINTENANCE**. Language notifying individual lot owners within a subdivision, or future owners of a parcel on which a development that is not a subdivision has been granted a Land Use Change Permit, that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and leave natural debris on the bank.

SECTION 11-110: DEVELOPMENT OF LAND BEYOND SNOWPLOWED ACCESS

A. PURPOSE. The purpose of this Section is to establish regulations to limit the impacts of development on land beyond snowplowed road access in Gunnison County. Development of land beyond snowplowed road access, or expansion

or extension of snowplowed road access, poses issues that land use by non-snowplowed over-the-snow road access do not pose, including road damage, creation or expectation about the availability of public and emergency services, creation or increased risk(s) to emergency services personnel who may be called upon to respond to the land, disruption of significant, existing land uses of modes or travel, and creation or increased detrimental, environmental impact to road(s) and/or land(s).

B. **NO COUNTY OBLIGATION TO MAINTAIN OR SNOWPLOW**. Nothing in this *Resolution* or in any permit granted pursuant to it, or in any permit granted before the effective date of this *Resolution*, creates or shall be construed to create, any obligation of Gunnison County to maintain, snowplow, open or improve any road or to allow private maintenance or snowplowing of any section of federal, state, County or public road.

1. EXCEPTIONS. Exceptions shall be limited to:

a. AT PRIVATE COST, CONTINUED PLOWING AS PREVIOUSLY PROVIDED BY COUNTY. Upon request to Gunnison County at the time that Gunnison County ceases to snowplow all or a section of road it then plows throughout the winter, the owner of real property directly accessed by the road shall be granted permission by Gunnison County to privately snowplow the same section of the road, to the same extent and for the same time period it had previously been plowed, at private cost and subject to any conditions that Gunnison County and other applicable government entities may impose.

b. AT PRIVATE COST, CONTINUED PLOWING BY PRIVATE PARTY. Upon request to Gunnison County at the time that a private party ceases to snowplow throughout the winter with the permission of Gunnison County all or a section of a road accessing a property, the owner of real property directly accessed by the road shall be granted permission by Gunnison County to privately snowplow the same section of the road to the same extent and for the same time period it had previously been plowed, at private cost and subject to any conditions that Gunnison County and other relevant government entities may impose.

C. NO RESTRICTION ON CLOSURES. Nothing in this *Resolution* or in any permit granted pursuant to it, or granted before the effective date of this *Resolution*, limits or shall be construed to limit the authority of Gunnison County to close or regulate roads or use of roads.

D. CONDITIONS OF APPROVAL. Approval of any Land Use Change Permit for a parcel of land beyond snowplowed road access shall require the following:

1. WRITTEN ACKNOWLEDGEMENT. The landowner shall execute the following written statement acknowledging the following; the statement shall be recorded as an exhibit to the County's approval document:

LAND OWNER'S ACKNOWLEDGEMENT OF NO SNOWPLOWING,
NO COUNTY LIABILITY AND NO RESTRICTION ON ROAD CLOSURES

I/We _____ (Owner(s) of Property) _____, on behalf of myself/ ourselves and all successors, heirs and assigns, do hereby acknowledge that _____ (name, number of access road) _____ is not snowplowed throughout the winter, and might never have that service. Year-round, over-the-road access by emergency services (including fire, ambulance, law enforcement, etc.) does not exist for _____ (legal description of subject property) _____.

I acknowledge that nothing in the Gunnison County Land Use Resolution, or in any permit granted pursuant to it, or granted before the effective date of the Resolution, limits or shall be construed to limit the authority of Gunnison County to temporarily, periodically, seasonally or otherwise close or further regulate this road, or its use.

I further acknowledge that nothing in the Gunnison County Land Use Resolution, or in any permit granted pursuant to it, or granted before the effective date of the Resolution, creates or shall be construed to create, any obligation of Gunnison County to maintain, snowplow, open or improve any road or to allow private maintenance or snowplowing of any section of federal, state, County or public road.

/s/ _____
(Owner of Property)
Date: _____

Attest:
_____
Gunnison County Clerk and Recorder

E. TEMPORARY PRIVATE PLOWING PERMIT.

1. **COSTS AND CONDITIONS**. Upon formal, written request to Gunnison County, a temporary permit not to exceed one year may be issued by Gunnison County pursuant to the *Gunnison County Standards and Specifications for Road and Bridge Construction*, to privately plow a County or public road under the jurisdiction of Gunnison County on an annual basis, at private cost, and subject to any conditions that Gunnison County and any other applicable government entities may impose.
2. **REQUIRED FINDINGS**. No temporary plowing permit shall be issued unless, after a public hearing, the ~~Board~~BOCC determines by clear and convincing evidence, that private plowing of the requested section of federal, state, County or public road:
   a. **NO SUBSTANTIAL CONFLICT WITH ARTICLE 1.** Does not substantially conflict with the requirements of Article 1: *General Requirements.*
   b. **MEETS ROAD AND BRIDGE CONSTRUCTION SPECIFICATIONS**. Meets or exceeds the requirements of the *Gunnison County Standards and Specifications for Road and Bridge Construction.*
   c. **NO INCREASED RISK TO EMERGENCY SERVICES PERSONNEL**. Does not create or substantially increase the risk to emergency services personnel who may be called upon to travel over the subject section of road;
   d. **NOT DISRUPTIVE TO EXISTING TRAVEL MODES**. Does not disrupt significant, existing modes of travel;
   e. **DOES NOT CREATE OR SIGNIFICANTLY INCREASE ENVIRONMENTAL DETRIMENT.** Does not create or significantly increase detrimental environmental impact to road(s) and/or land(s); and
   f. **BENEFITS OUTWEIGH DETRIMENTS.** Considering the existing use, and the proposed use, of the areas accessed by the proposed expansion or extension of snowplowing, presents benefits that clearly outweigh its detriments.

F. EXPANSION OR EXTENSION OF SNOWPLOWING. Except for an emergency declared by the ~~Board~~BOCC or County Manager, which emergency shall not exceed one month, each proposal for expansion or extension of snowplowing of a County or public road to be performed either by Gunnison County or a different public entity, or privately, shall be considered a land use change classified as a Minor Impact Project, and shall be reviewed pursuant to Article 6: *Minor Impact Projects.* The application shall not be approved unless, in addition to compliance with all other standards and requirements of this *Resolution*, the ~~Board~~BOCC determines by clear and convincing evidence that:

1. **NO CONFLICT WITH ARTICLE 1.** Such expansion or extension does not substantially conflict with the requirements of Article 1: *General Requirements;*
2. **MEETS ROAD AND BRIDGE CONSTRUCTION SPECIFICATIONS**. Meets or exceeds the requirements of the *Gunnison County Standards and Specifications for Road and Bridge Construction*;
3. **NO INCREASED RISK TO EMERGENCY SERVICES PERSONNEL**. Does not create or substantially increase the risk to emergency services personnel who may be called upon to travel over the subject section of road;
4. **NOT DISRUPTIVE TO EXISTING TRAVEL MODES**. Does not disrupt significant, existing modes of travel;
5. **NO INCREASED ENVIRONMENTAL DETRIMENT.** Does not create or significantly increase detrimental environmental impact to road(s) and/or land(s); and
6. **BENEFITS OUTWEIGH DETRIMENTS**. Considering the existing use and the proposed use of the areas accessed by the proposed expansion or extension of snowplowing, presents benefits that clearly outweigh its detriments.
7. **CLEAR PUBLIC BENEFIT**. In case of a proposed expansion or extension of snowplowing to be performed or paid for by Gunnison County, that there is a clear public benefit of such expansion or extension.

G. SNOWPLOWING REQUIREMENTS. Any snowplowing permit approved and issued pursuant to this *Resolution* shall comply with the following:

1. **CLEARING OF TRAVELED WAY**. Removal of snow from all of the traveled way, including turnouts sufficient for the safe and efficient use by all users;
2. **MAINTENANCE OF DRAINAGE FACILITIES**. Leaving culvert inlets in a natural condition, without snow or other material plowed into them, so that the drainage system will function normally; and
3. **ADDITIONAL CONDITIONS**. The ~~Board~~BOCC shall impose additional conditions based on the section of road to be snowplowed, including:

a. **RANGE OF PLOWING**. The frequency, duration and extent of snowplowing; and

b. **EQUIPMENT.** Identification of the type of equipment to be used; and

c. **PLOWER'S QUALIFICATIONS.** Identification of the qualifications of the people who will perform the snowplowing; and,

d. **ROAD MAINTENANCE AND IMPROVEMENTS.** Preparation, improvements and maintenance of the section of road to ensure public safety, to protect and preserve the road section, and to ensure that the road section is suitable for snowplowing.

H. FEDERAL ACTION. Nothing in this Section supersedes or shall be construed to supersede a requirement by the federal government to abandon, close, or reclaim a federal road.

SECTION 11-111: DEVELOPMENT ON INHOLDINGS IN THE NATIONAL WILDERNESS

A. PURPOSE. Gunnison County includes a number of individual parcels that are effectively surrounded by lands designated as part of the National Wilderness Preservation System, in some cases including subsurface rights underlying those lands. This Section establishes regulations to limit the impacts of development on inholdings in the National Wilderness Preservation System.

B. DIMENSIONAL RESTRICTIONS. The following dimensional requirements shall apply to permitted uses on inholdings in the National Wilderness Preservation System, and supersede general standards of Section 13-105: *Residential Building Sizes and Lot Coverages:*

1. **MAXIMUM INDIVIDUAL STRUCTURE SIZE.** The maximum size for an individual structure shall not exceed 800 sq. ft., measured pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*

2. **MAXIMUM AGGREGATE SIZE OF ALL STRUCTURES.** The maximum size for the aggregate measurement of all structures shall not exceed 1,200 sq. ft. measured pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*

3. **MAXIMUM STRUCTURE HEIGHT.** The maximum height of any structure on an inholding shall not exceed 20 feet to the highest roof or parapet surface of a flat roof as measured pursuant to Section 13-103: *General Site Plan Standards and Lot Measurements.*

4. NO HELICOPTER OR AIRCRAFT ACCESS. Except for bona fide emergency medical purposes, there shall be no helicopter or aircraft access to, or use on, any private inholding in the National Wilderness Preservation System.

SECTION 11-112: DEVELOPMENT ON PROPERTY ABOVE TIMBERLINE

A. PURPOSE. Gunnison County includes a number of individual parcels that are located above timberline. This Section establishes regulations to limit the impacts of development on land and the environment above timberline.

B. DIMENSIONAL RESTRICTIONS. The following dimensional requirements shall apply to each permitted use above timberline and supersede general standards of Section 13-105: *Residential Building Sizes and Lot Coverages:*

1. **MAXIMUM AGGREGATE SIZE OF ALL STRUCTURES.** The maximum size for the aggregate measurement of all structures shall not exceed 1000 sq. ft. as measured pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages* and may be further restricted to a smaller square footage by *Section 11-111: Development on Inholdings in the National Wilderness*.

2. **MAXIMUM STRUCTURE HEIGHT.** The maximum height of any structure above timberline shall not exceed 20 feet to the highest roof or parapet surface of a flat roof as measured pursuant to Section 13-103: *General Site Plan Standards and Lot Measurements.*

C. NO HELICOPTER OR AIRCRAFT ACCESS. Except for bona fide emergency medical purposes, there shall be no helicopter or aircraft access to, or use on, any property above timberline.

1. EXCEPTION ALLOWED AFTER ADMINISTRATIVE REVIEW. Helicopter or aircraft access may be allowed by the Community Development Director after an application has been submitted and reviewed pursuant to Article 5: *Projects Classified as Administrative Review Projects That Require Land Use Change Permit* and the Community Development Director has determined by clear and convincing evidence that the benefits of such access outweigh the detriments.

ARTICLE 12:
DEVELOPMENT INFRASTRUCTURE STANDARDS

SECTION 12-101: PURPOSE

This Article establishes the minimum standards for the design of infrastructure and similar improvements necessary to serve developments that are classified as Minor or Major Impact Projects in unincorporated Gunnison County. These standards are intended to further the orderly layout and use of land and to protect and promote the public health, safety and welfare of residents and visitors in Gunnison County. Additional information or analysis beyond the minimums set forth in this Section may reasonably be required by the Community Development Director or the Planning Commission, if issues are raised during the review process that so warrant.

SECTION 12-102: APPLICABILITY AND OVERVIEW

A. APPLICABILITY TO LAND USE CHANGE PERMITS. These improvement standards shall apply to all applications submitted for Land Use Change Permit that are classified as Minor or Major Impact Projects, except as exempted by Section 1-106: *Partially Exempted Land Use Changes*, or as otherwise exempted by specific sections of this Article.

B. STANDARDS ARE MINIMUM. These improvements standards are intended to ensure a minimum level of performance. If an alternate design, process, or material can be shown to provide performance equal to or better than that established by these standards, or where it can be shown that strict compliance with these standards would cause unacceptable environmental impacts, or would result in adverse conditions on- or off-site because of unusual topography, size or shape of the property, existing vegetation, or other exceptional situation or condition, then the Community Development Director may recommend that the decision-making body accept the alternative. The evaluation shall consider whether the alternative will provide for an equivalent level of public safety and whether the alternative will be equally durable, so that normally anticipated maintenance costs will not be increased.

C. PLANS SHALL BE PREPARED BY A QUALIFIED PROFESSIONAL ENGINEER LICENSED IN THE STATE OF COLORADO. All plans, reports, and specifications for development of improvements required in this Article shall be prepared by, or under the direct supervision of, a qualified professional engineer licensed in the State of Colorado. Final public improvement plans, reports and specifications shall bear the seal and signature of the qualified professional engineer licensed in the State of Colorado responsible for their preparation.

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.

2. **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~~BOCC 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~~BOCC.

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 12-104: TRAILS

A. MITIGATION OF IMPACT TO PUBLIC TRAILS. Except when an application is for an Administrative Review Project, an applicant for a Land Use Change Permit shall mitigate the proportionate share of the impact caused by the proposed development on public trails.

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

C. **INCLUSION OF PUBLIC TRAILS**. Applicants are encouraged to include public trails and other amenities for non-motorized travel in an application for a Land Use Change Permit to link existing adjacent public trails or trails easements and to provide an alternative routing of pedestrian and generally non motorized vehicles (use of trails by golf carts, or motorized vehicles for the disabled may be appropriate to specific developments).

D. REVIEW OF CONTESTED, OR NEWLY PROPOSED, PUBLIC TRAIL ACCESS. When there is an issue of a contested, or newly proposed, public trail, the applicant and County shall review the issue, including the history of use, impact on the proposal, public concerns, existing and proposed public trails in the *Gunnison County Trails Master Plan*, and whether access over the subject land is advisable. This review does not preclude any other legal proceeding available to the applicant or County.

E. DEDICATION WITHOUT COMPENSATION IS LIMITED. Dedication of new public trail access without compensation shall be required only:

1. **RATIONAL NEXUS.** If there is a rational connection between impacts caused by the proposed Project and the need for a new public trail; and

2. **MITIGATION OF PROPORTIONATE SHARE OF IMPACT**. To the degree necessary to mitigate the proportionate share of the impact caused by the proposed development on public trails; and

3. **PUBLIC INTEREST**. When such a new trail is in the public interest.

4. **COUNTY AND APPLICANT TO EXPLORE ALTERNATIVES**. When dedication without compensation is required, the County and the applicant shall explore recreation easements and irrevocable license agreements in addition to any other lawful way to establish a public trail.

F. **EXEMPTION FOR AGRICULTURAL LANDS**. The County shall not require a new trail easement to be granted through that portion of a development that is proposed to continue to be used for agricultural purposes.

G. **TRAIL DESIGN STANDARDS**. The *Gunnison County Trails Master Plan* contains recommendations to guide the planning, design, alignment and implementation of trail construction and use. Proposed trail easements shall be of sufficient dimension and appropriate alignment to accommodate the type of trail use that is depicted on the Plan, and to accommodate any other proposed trail planned to cross the property.

H. **CONSTRUCTION AND MAINTENANCE**. The costs of trail maintenance, construction and signage shall be performed as stated provided for in the Development Improvement Agreement.

I. **RECORDATION**. Location of the approved route for public trails and any restrictions on their uses shall be set forth as elements identified on recorded plats, and referenced in recorded declarations of protective covenants. Any significant change to the approved route or approved use shall require approval by the ~~Board~~BOCC. A supplemental plat shall be provided by the applicant if the route of the trail as it is built is significantly different than the approved route.

SECTION 12-105: WATER SUPPLY

A. **GENERAL STANDARD.** All land use changes for Minor or Major Impact Projects, for which water is a required and necessary element of the development, shall provide a water supply that is legally and physically adequate in terms of quality, quantity, dependability, and pressure for the proposed development. In making its determination as to whether the proposed water supply will be adequate for the proposed use, the decision-making body shall consider the recommendations of the Colorado Division of Water Resources, the Gunnison County Environmental Health Official and other County staff, or consultants engaged by the County and the applicant.

B. **CONNECTION TO EXISTING SYSTEMS.** It is the policy of Gunnison County to encourage land use changes to use existing water supply systems, especially those paid for in whole or in part by the sale of municipal, county, special district, or other political subdivision bonds. When an existing water supply system can provide a documented legal and physically sufficient source of water for a proposed use pursuant to this *Resolution*, an applicant for a Land Use Change Permit shall be required to connect to the existing system and to install those water lines and other appurtenances necessary to make the water supply available at the property line of each lot in the development in the following circumstances:

1. **LOCATED WITHIN 400'.** The proposed land use change is located within 400 feet of a component of an available existing water supply system; or

2. **LOCATED WITHIN AN URBAN SERVICE AREA**. The proposed land use change is located in a designated urban service area and it is determined that it is feasible, logical, and consistent with applicable municipal, district and county plans, to connect the development to the water supply system serving the area. If it is determined that it is premature to connect the development to the system at the time of the Land Use Change Permit approval, the County may require, as a condition of approval, that assurances be given, including granting of easements, and/or commitments to pay for or construct specified improvements, to ensure that when it is timely to connect the development to the water supply system, this can feasibly occur.

C. **EXISTING SYSTEM NOT ACCESSIBLE**. Where an existing water supply system approved by the Colorado Department of Public Health and Environment is not reasonably accessible or connection to it is not feasible, the applicant shall implement one of the following options:

1. **INSTALL WATER SUPPLY SYSTEM**. Install a water supply system, with water lines to each lot, the design, construction, maintenance and operation of which complies with the County's regulations and with the standards of the Colorado Department of Public Health and Environmental Resources; or

2. **SUBMIT EVIDENCE OF ADEQUACY OF INDIVIDUAL SUPPLIES.** Submit evidence satisfactory to the County that adequate individual water supplies that comply with the standards of the Colorado Department of Public Health and Environment and Gunnison County will be available to each lot in the proposed development. The

County may refer the application to the Colorado Division of Water Resources for comments on the adequacy of the proposed supply.

D. CALCULATION OF ADEQUACY OF SUPPLY. The legal and physical adequacy of the water supply for a proposed water supply for a land use change proposed as a Major Impact shall be calculated based on the total planned development at full buildout, and for year-round use, using standard engineering practices. Fire flow requirements shall be related to the location and character of the development, and shall comply with the standards of Section 12-107: *Fire Protection*. Calculation shall be based on the following:

1. ESTIMATED AVERAGE DAILY DEMAND. Estimated average daily demand of the entire service area and the proposed development. Demand calculations are to be based on 350 gallons per day (gpd) per residence.

2. ESTIMATED MAXIMUM DAILY DEMAND. Estimated maximum daily demand based on using three times the average daily demand.

3. ESTIMATED PEAK HOUR DEMAND. Estimated peak hour demand based on using six times the average daily demand.

4. ESTIMATED AVERAGE DAILY DEMAND FOR COMMERCIAL / INDUSTRIAL USES. The estimated average daily demand for commercial and industrial uses will be reviewed based on the anticipated demand of the proposed development. Appropriate multipliers may be used in calculating the amount, based on standards as may be required for a specific use by the Colorado Department of Public Health and Environment, or other applicable agency or industry standard.

5. WATER SUFFICIENT FOR LANDSCAPING. As may be required by Section 13-111: *Landscaping and Buffering* each use shall have adequate water to supply required landscaping. Amounts shall be calculated using the irrigation water criteria in Section 12-105: D. 5. a. 1: *Estimated Demand*.

a. IRRIGATION WATER CRITERIA. The following shall be considered in calculating requirements for the use of irrigation in new development, and shall not apply to agricultural operations in existence as of the effective date of this *Resolution*.

1. ESTIMATED DEMAND. Estimated irrigation demand based on information supplied by the Natural Resources Conservation Service. The information shall take into account the type of vegetation to be maintained, the soil characteristics, the historic yield, and the available water rights.

2. ESTIMATED ACREAGE. Estimated acreage to be irrigated.

6. ADEQUATE AND RELIABLE WATER SUPPLY. A water supply that is sufficient and accessible year-round to control and extinguish anticipated fires in the development. This standard shall identify minimum requirements for water supplies for structural and wildland fire-fighting purposes in rural and suburban areas of the county.

a. COMPLIANCE WITH INTERNATIONAL WILDLAND URBAN INTERFACE CODE (IWUIC) WATER SUPPLY REQUIREMENTS. The applicant shall provide evidence that the proposed water supply complies with the applicable standards of the IWUIC.

b. **NFPA CLASSIFICATIONS MAY BE REFERENCED**. To determine the requirements for an adequate and reliable water supply specific to the development, the County may refer to current standards as published by the National Fire Protection Association including the *Occupancy Hazard Classification and Construction Classification Tables* within the *Standard on Water Supplies for Suburban and Rural Fire Fighting*.

c. COMPLIANCE WITH FIRE PROTECTION DISTRICT REQUIREMENTS. The applicant shall provide evidence that the distribution system and storage system are capable of meeting the requirements of the applicable fire protection district, and shall be located on the same site for which development is proposed. When the District's standards conflict with County standards, the County shall only enforce the County standards.

d. MINIMUM REQUIREMENTS MAY BE INCREASED IF CONDITIONS ARE UNIQUE. The County may determine during the permit application review that additional water supplies are required for fire suppression purposes, considering particular conditions such as the following:

1. LIMITED FIRE DEPARTMENT RESOURCES. Available equipment is not sufficient to provide suppression for proposed heights of buildings, or there are similar limitations.

2. EXTENDED FIRE DEPARTMENT RESPONSE TIME. The time reasonably expected for response from the closest fire protection district facility will likely exceed the amount of time in which a structure may be saved.

3. **LIMITED ACCESS**. Existing roadways are narrow, of particularly steep grade, existing bridges are not constructed to accommodate emergency vehicles, or no traversable roadways exist from collector roads.
4. **HAZARDOUS VEGETATION**. Vegetation that because of its physical characteristics is likely to contribute to the intensity or quick travel of fire.
5. **UNUSUAL TERRAIN**. Slope, aspect and elevation create chimneys or similar configurations such that fire is likely to travel quickly.
6. **SPECIAL USES**. Uses proposed within the Land Use Change Permit application involve hazardous products, or processes.

e. **IDENTIFYING WATER SOURCES**. An indicator, reasonably visible in winter and approved by the applicable fire protection district, shall be installed at each location where water may be extracted, and identifying the site for fire protection district emergency use.

f. **SECONDARY WATER SUPPLY**. Determination that a secondary water supply is necessary for purposes of fire suppression may be requested from the applicable fire protection district; the County will decide whether that secondary supply shall be required.

E. **COMPLIANCE WITH COLORADO DRINKING WATER STANDARDS**. Representative samples of the water source shall be analyzed by a reputable, qualified laboratory to determine compliance with Colorado drinking water standards. When the proposed land use will require potable water for human consumption, the quality of the water shall meet the Primary Drinking Water Standards of the Colorado Department of Public Health and Environment.

F. **WATER RIGHTS**. The applicant shall demonstrate ownership, or the right of acquisition, of sufficient water rights to serve the proposed land use change.

G. **WELL TESTING**. When a central well or wells are proposed for the water supply, a well shall be constructed on the proposed development site and tested for its capability to provide a consistent and dependable water source in quantity and quality sufficient to serve the proposed use(s). The well shall be installed, tested and monitored as follows:

1. **CONTINUOUS PUMPING REQUIRED FOR 24 HOURS**. The well shall be continuously pumped using an electric submersible or top-drive turbine pump for a minimum of 24 hours. The discharge rate shall be measured using a calibrated in-line flow meter or frequent bucket-and-stopwatch measurements. The discharge rate shall be controlled using a control valve on the pump discharge pipe.
2. **MONITORING OF RECOVERY**. The well shall be monitored for a minimum of 24 hours following the cessation of pumping to affirm the ability of the aquifer to recover. The monitoring report shall include data concerning the rate and volume of the recovery process.
3. **CRITERIA FOR FIRST HOUR OF TESTING**. During the first hour of testing, the flow rate can be adjusted so that the water level drawdown inside the well is about 50 percent of the available drawdown. After the first hour, all attempts should be made to hold the discharge flow rate constant for the remainder of the test. If, during the test, the pumping water level reaches the pump intake, it is permissible to decrease the discharge rate. However, decreasing the discharge rate should occur as a discrete step, rather then a series of small flow rate adjustments.
4. **REQUIRED MONITORING DEVICES**. During testing, water levels in the well shall be monitored using an electric water level probe or pressure transducer.
5. **FREQUENCY OF LEVEL MEASUREMENTS**. The frequency of water level measurements should be commensurate with the rate at which water levels are changing inside the well. As a rule, water levels should be measured once every two minutes during the start of the test, and the time between measurements can be increased as the water level stabilizes or establishes a long-term trend.
6. **WATER SAMPLE TO BE TESTED FOR COMPLIANCE WITH DRINKING WATER STANDARDS**. After a minimum of 24 hours of pumping, a water sample shall be obtained from the pump discharge pipe using appropriate sampling protocol. The water sample shall be analyzed by a State-certified laboratory to evaluate whether or not the well water complies with the Primary Drinking Water Regulations of the Colorado Department of Public Health and Environment.
7. **TESTING REQUIRES QUALIFIED PROFESSIONAL**. Well testing and sampling shall be performed by a Colorado-licensed water well contractor, a certified professional geologist, or a qualified professional engineer licensed in the State of Colorado or a person who has a current State of Colorado certification granting a license for well-testing and installation of pumping equipment.

8. **UNIQUE SEASONAL REQUIREMENTS.** Because natural water bodies in Gunnison County are affected by cyclical seasonal conditions, the County may require that tests be conducted during the winter months of January and February to ensure testing that most realistically can ensure that a year-round consistent supply will be available to new development. If that requirement is imposed, the applicant may elect also to conduct additional tests during other months of the year.

9. **CONSTRUCTION STANDARDS**. The water supply system shall be built to conform to the standards of the Colorado Department of Public Health and Environment and the well drilling standards of the Colorado Division of Water Resources. The system, to the maximum extent feasible, shall be built also to be consistent with the standards of the nearest public entity that supplies water, to facilitate the possibility of future connection to the system.

10. ADMINISTRATION. Where a water supply system is to be installed, an organization shall be set up to administer the operation of the system. Administration shall be by a municipality, water district, or an approved corporation.

SECTION 12-106: SEWAGE DISPOSAL/WASTEWATER TREATMENT

A. SANITARY SEWAGE DISPOSAL SYSTEM REQUIRED. No land use change shall be permitted unless a method of sewage disposal is available to that lot or development that complies with all applicable standards of this *Resolution*, the *Gunnison County On-Site Wastewater Treatment System Regulations*, and of the Colorado Department of Public Health and Environment.

B. CONNECTION TO EXISTING SYSTEMS. An applicant for a Land Use Change Permit shall be required to connect to an existing wastewater treatment system approved by the Colorado Department of Public Health and Environment and to install those connection lines and other appurtenances necessary to make the system available at the property line of each lot in the development in the following circumstances:

1. **LOCATED WITHIN 400 FEET.** The proposed land use change is located in 400 feet of an existing available wastewater treatment system approved by the Colorado Department of Public Health and Environment; or

2. **LOCATED IN URBAN SERVICE AREA.** The proposed land use change is located in a designated urban service area and it is determined that it is feasible, logical, and consistent with municipal, district and County plans, to connect the development to the wastewater treatment system serving the area and approved by the Colorado Department of Public Health and Environment. If it is determined that it is premature to connect the development to the wastewater treatment system at the time of the Land Use Change Permit approval, the County may require, as a condition of approval, that assurances are given, including granting of easements, or commitments to pay for or construct specified improvements, to ensure that when it is timely to connect the development to the system, that this can feasibly occur.

C. DEVELOPMENTS SHALL COMPLY WITH SPECIFIC STUDIES, PLANS OR AGREEMENTS. New development shall comply with requirements of any applicable "201" *Wastewater Treatment Facilities Studies* (pursuant to the federal *Clean Water Act*) and agreements adopted by Gunnison County.

D. EXISTING SYSTEM NOT ACCESSIBLE. Where an existing wastewater treatment system approved by the Colorado Department of Public Health and Environment is not reasonably accessible or connection to it is not feasible, the applicant shall, at the discretion of the decision-making body, implement either of the following options:

1. **INSTALL WASTEWATER TREATMENT SYSTEM**. Install a wastewater treatment system, with sewage collection lines to each lot, the design, construction, maintenance and operation of which complies with the County's regulations and with the standards of the Colorado Department of Public Health and Environment; or

2. **SUBMIT EVIDENCE OF ADEQUACY OF ON-SITE WASTEWATER TREATMENT SYSTEMS**. Submit evidence satisfactory to Gunnison County that it will be feasible to install an on-site wastewater treatment system on each lot in the proposed development that will comply with the requirements of the *Gunnison County On-Site Wastewater Treatment System Regulations*. The area in the lot where the system is to be located shall be identified.

   a. **REFERRAL TO COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.** The County may refer the development plans to the Colorado Department of Public Health and Environment for comment and approval, if necessary to make use of the expertise and judgment of that agency to evaluate the potential impacts of individual systems, and determine if a permit from that agency will be required.

E. EVALUATION REQUIRED. Any application for a Land Use Change Permit for a Major Impact Project that is proposed for development at a density of more than one unit per acre, or as a cluster type of development, or where soil conditions indicate potential problems with On-Site Wastewater Treatment Systems, shall include as part of the Preliminary Plan application an engineering and economic evaluation of the feasibility of providing a central

wastewater treatment system for that development or tying onto an existing central wastewater treatment system. The evaluation shall include, at a minimum, the following:

1. **ASSESSMENT OF CUMULATIVE IMPACTS**. An assessment of the cumulative environmental impacts of On-Site Wastewater Treatment Systems versus a wastewater treatment system and an assessment of the economic feasibility of implementing a wastewater treatment system.
2. **TOTAL CONSTRUCTION COST.** Total construction cost of the system, including the collection system necessary to serve each lot. Cost to serve each lot, based on estimated tap fees, service fees and operation, replacement and maintenance costs, shall be provided.
3. **IMPACTS ON LOT COSTS**. The estimated impacts on the costs of each lot from the total construction costs of the proposed system.
4. **OPERATING COSTS**. The estimated annual operating and maintenance costs of the system.
5. **SOILS TYPES**. The types of soils and water resources, and hydrologic characteristics present in the area and an evaluation of soil suitability for on-site wastewater treatment systems, and projected impacts on soils and aquifers.
6. **SURROUNDING USES**. Location of property in relation to other developments in a one-mile radius, including a reasonable calculation of the density of development in the foreseeable future in that area, if known by the applicant. Location of any other existing or proposed wastewater treatment systems, On-Site Wastewater Treatment Systems, domestic water wells, streams, creeks, flat bodies of water, irrigation ditches, and wetlands in this area. Information may also be required on the history of any On-Site Wastewater Treatment System failures in this area, as may be available from the Gunnison County Environmental Health Office, or as may otherwise be provided by the applicant.

F. COUNTY REVIEW. The ~~Board~~BOCC ~~of Commissioners~~, as part of its review of the Preliminary Plan application for a Major Impact Project, will make a determination as to the viability of a wastewater treatment system, considering the information provided in the evaluation, and the recommendation of the Planning Commission.

1. **DELAY OF DECISION.** The County shall not approve any application for site approval of a new wastewater treatment plant until it has given approval to the Preliminary Plan for the development to be served by such plant.

G. DEVELOPER RESPONSIBILITIES. If a determination is made by the ~~Board~~BOCC that there is sufficient evidence that the proposed density, intensity of use, or characteristics of soils and hydrology of an area of a proposed land use change are such that a wastewater treatment system should be installed in the development, then the applicant, in addition to any other obligations imposed by this or other County regulations, shall:

1. **SUBMIT DESIGN**. Submit the proposed design to the Colorado Department of Public Health and Environment for review and approval of the proposed treatment plant and collection system.
2. **CHOOSE INSPECTOR**. Allow the ~~Board~~BOCC to choose an inspector of its choice who will work with the developer during construction and represent the County on-site to ensure construction and installation complies with the approved design plans. All change orders or modifications to the approved design shall only be allowed if they are approved by the County's inspector.
3. **PAY COSTS**. Pay all reasonable costs associated with the design and construction of the system and with the employment of the inspector.

H. STANDARDS FOR WASTEWATER TREATMENT SYSTEM. Whenever a wastewater treatment system is to be constructed, it shall meet the following standards:

1. **TREATMENT FACILITIES.** Wastewater treatment facilities shall be designed, constructed, maintained an operated pursuant to the requirements of the Colorado Department of Public Health and Environment.
2. **COLLECTION LINES.** Collection lines shall be designed, installed, and maintained to service each lot.
3. **CONSTRUCTION STANDARDS.** The wastewater treatment system shall be built and arrangements made to provide ongoing operation and maintenance to conform to the standards of the Colorado Department of Public Health and Environment. The system shall, to the maximum extent feasible, be built also to be consistent with the standards of the nearest public entity that treats wastewater, to facilitate the possibility of future connection to the system. The construction of the system shall also take into account any recommendations in the applicable "201" Wastewater Treatment Facilities Study with regard to that connection.
4. **DEVELOPER RESPONSIBILITIES FOLLOWING CONSTRUCTION**. Upon completion of system construction, the developer shall provide the County with the following:

a. AS-BUILT DRAWINGS. As-built drawings of the system.

a. OPERATIONS MANUAL. An operations and maintenance manual of the system.

b. DEEDING OF FACILITIES TO HOMEOWNERS' ASSOCIATION OR COUNTY. The developer shall deed the facility, collection system, and all easements and rights-of-way associated with the system to the homeowners' association or the County, if approved by the County upon conditions, including sufficient guaranties of maintenance, performance, operation, and replacement, acceptable to the County, and shall warrant the system for a period of two years, or until at least 50 percent buildout of the development occurs, whichever is greater. Depending upon the Projected build out rate, the County may require the developer to provide operating funds (including labor, materials, utilities, and contracted services) for the system, until sufficient users have connected to the system to cover its operating costs.

c. SECURITY AGAINST LIENS. The developer shall verify for the County that no liens exist against the system, or shall provide the County a labor and materials bond.

d. MONITORING. The plan for monitoring, and provision of monitoring records, acceptable to Gunnison County.

5. COUNTY TO PROVIDE CERTIFIED OPERATOR. The ~~Board~~BOCC ~~of Commissioners~~ will provide a certified operator who will manage the system. The ~~Board~~BOCC will determine the rate structure and tap fees associated with operation of the system. The rate structure will reflect all reasonable operating costs (including labor, materials, utilities and contracted services) and a capital reserve for repairs and replacement. All costs associated with the rate structure shall be paid by the system users.

SECTION 12-107: FIRE PROTECTION

A. APPLICANT SHALL CONTACT FIRE PROTECTION DISTRICT. It is required that an applicant for a land use change permit that is located in a specific fire protection district contact the district before submitting the application, for the purpose of being informed of the District's design and construction standards that will apply to the application.

1. PROTECTIVE COVENANTS. When a land use change that is a subdivision is proposed within a specific fire protection district, subdivision protective covenants shall include language ensuring compliance with the requirements of the applicable fire protection district and giving the applicable district the authority to enforce those provisions.

2. COUNTY STANDARDS APPLY. When the District's standards conflict with County standards, the County shall only enforce the County standards.

3. PROPOSED LAND USE CHANGE OUTSIDE OF ANY DISTRICT. When a proposed land use change lies outside of any District boundaries, then the applicant shall contact the nearest such District.

a. MAJOR IMPACT PROJECT. As a condition of approval of a proposed Major Impact Project outside of District boundaries, the County may require the applicant to provide evidence that the property will be annexed to the applicable District, or that a service agreement has been entered into between the applicant and the District.

b. MINOR IMPACT PROJECT. As a condition of approval of a proposed Minor Impact Project outside of District boundaries, the County may require the applicant to provide evidence that the property will be annexed to the applicable District, or that a service agreement has been entered into between the applicant and the District, or the applicant shall meet one of the following requirements:

1. INSTALL SPRINKLER SYSTEM. The applicant shall install a sprinkler system in any structure proposed for habitation, subject to standards of and approval by the applicable fire protection district; or

2. SUBMIT WAIVER OF LIABILITY. The applicant shall submit a signed Warning and Waiver of Liability releasing the County and the applicable fire protection district as part of the application.

B. STANDARDS FOR VEHICLE ACCESS. All sites proposed for land use changes shall provide access that is sufficient for emergency vehicles, and for service and other vehicles that need access to the property, except when the site is a patented mining claim, is an inholding within state or federal lands, or it was created before the effective date of this *Resolution*;

1. SEPARATED TWO POINTS OF ACCESS ON PRIMARY ROADS. All subdivision filings shall provide two or more points of dedicated access on primary roads that permit adequately separated ingress/egress, unless an alternative design for a single access point can afford similarly safe access.

2. **CULVERTS AND BRIDGES**. Any culverts or bridges that are installed or built as part of a development shall be capable of supporting the maximum legal load allowed by Colorado Department of Transportation load factor ratings.

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

C. SIGNAGE AND ADDRESSING. All sites for proposed land use changes shall be signed and marked with address markers in accordance with the standards of the IWUIC.

D. FIRE SUPPRESSION. All development shall comply with the standards of the International Wildland Urban Interface Code including NFPA 1141 and 1142**.**

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

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

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

ARTICLE 13:
PROJECT DESIGN STANDARDS

SECTION 13-101: PURPOSE

This Article establishes the standards by which proposals will be reviewed and approved to regulate development and improvements. Overall, these standards address site details, including structures, roads, utilities, and plantings in order to promote high quality design. These standards are intended to be uniformly applied, to be flexible based on the function of each development, to be sensitive to the unique character of a specific development site, and to local needs and objectives as listed in this Article.

SECTION 13-102: APPLICABILITY

A. GENERAL. Unless otherwise exempted, these standards apply to all applications for Land Use Change Permits and to Building Permit applications on legal lots in Gunnison County for which no Land Use Change Permit has been issued, regardless of impact classification. These standards are to be used by the applicant and the County in designing, reviewing, evaluating, constructing, and operating uses and development activities in Gunnison County. In designated planning areas, more specific guidelines and specifications may apply. Unless specifically exempted within this *Resolution*, all applications for Land Use Change Permits shall also comply with all other applicable standards and requirements of this *Resolution*.

B. DEVELOPMENT SHALL CONSIDER MUNICIPAL THREE MILE PLANS. 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. **MUNICIPAL THREE MILE PLAN AREAS MAY HAVE DIFFERENT OR ADDITIONAL REVIEW STANDARDS**. Parcels that are located within an area designated within a three-mile area of a municipality, for which an intergovernmental agreement has been adopted between the County and the municipality, may be subject to different or additional review standards, based upon the specific requirements of that agreement and plan.
2. **COUNTY 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. STANDARDS ARE MINIMUM. These improvements standards are intended to ensure a minimum level of performance. If an alternate design, process, or material can be shown to provide performance equal to or better than that established by these standards, or where it can be shown that strict compliance with these standards would cause unacceptable environmental impacts, or would result in adverse conditions on- or off-site because of unusual topography, size or shape of the property, existing vegetation, or other exceptional situations or condition, then the Community Development Director may recommend that the decision-making body accept the alternative. The evaluation shall consider whether the alternative will provide for an equivalent level of public safety and whether the alternative will be equally durable, so that normally anticipated maintenance costs will not be increased.

SECTION 13-103: GENERAL SITE PLAN STANDARDS AND LOT MEASUREMENTS

A. PURPOSE. This Section establishes standards for site design.

B. GENERAL SITE PLAN STANDARDS. Development of any site requires a comprehensive analysis of the site. A proposed site plan shall design and locate roads, driveways, lot lines, building sites and utility corridors to preserve, to the maximum extent feasible the natural features of the site, avoid areas of environmental sensitivity, minimize visual impacts and eliminate adverse impacts to and alteration of, natural features.

1. **DESIGN OF BUILDING LOTS.** To carry out the general site plan standards, individual lot lines shall be designed to follow existing features of the site, such as tree lines and natural contours. Location and orientation of lots should complement the natural topography, and maximize the use of existing vegetation and solar exposure.
2. **STRUCTURAL LOCATION STANDARDS**. The location of structures shall complement the natural topography and use existing vegetation.

C. SITE-SPECIFIC BUILDING ENVELOPES. To assure compliance with the standards of Article 11: *Resource Protection Standards* and this Article, designation of site-specific building envelopes on site plans shall be required for all Land Use Change Permit applications, including those for Building Permits.

1. **EXCEPTION**. Site-specific building envelopes shall not be required if the subdivision lots were approved by the County before the effective date of this *Resolution*.
2. **ALTERATIONS ALLOWED FOR FLEXIBILITY**. The designation of a building envelope is not intended to be inflexible; alterations may be allowed for the following:
   - **a**. **ENVELOPES ON LEGAL LOTS NOT IN PLATTED, RECORDED SUBDIVISIONS**. A building envelope location approved as part of a Building Permit, or other Land Use Change Permit may be altered by review and approval pursuant to Article 4: *Administrative Review Projects That Do Not Require Land Use Change Permits.*
   - **b. ENVELOPES IN PLATTED, RECORDED SUBDIVISIONS**. Except as otherwise regulated pursuant to the requirements of Section 1-106: *Partially Exempted Land Use Changes*, building envelope locations on subdivision lots approved by the County and recorded in the Office of the Gunnison County Clerk and Recorder may be altered as an Administrative Review Project, pursuant to Article 5: *Administrative Review Projects That Require Land Use Change Permits.* The relocation shall not substantively conflict with the siting criteria used as part of the original subdivision approval.
3. **SETBACK REQUIREMENTS NOT RELAXED.** A designated building envelope does not alter setback requirements pursuant to Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way* except when permitted by a variance.

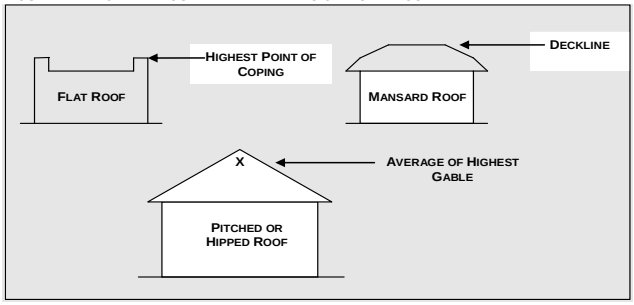
D. GENERAL LOT SIZE. Except as otherwise required by Section 13-105: *Residential Building Sizes and Lot Coverages* the following shall apply:

1. **MEASUREMENT.** Lot size refers to the amount of horizontal land area contained inside the lot lines of a lot or site. Public rights-of-way shall not be included in calculating lot size.
2. **MINIMUM LOT SIZE.** The minimum permitted lot size is 35 acres, unless a smaller lot size has been authorized pursuant to:
   - **a. CONDITIONS OF A LAND USE CHANGE PERMIT**. Conditions of an approved Land Use Change Permit, or a subdivision plat approved and recorded in the Office of the Gunnison County Clerk and Recorder before the effective date of this *Resolution*.
   - **b. COMPLIANCE WITH MUNICIPAL THREE MILE PLAN.** 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.
   - **c. PERMIT ISSUED BEFORE MAY 6, 1977.** Is a parcel created by a Gunnison County zoning permit issued before May 6, 1977; or
   - **d. EXEMPT PARCEL.** Is an "exempt" parcel created pursuant to C.R.S. 30-28-101.
3. **LOT SIZE IN NEW SUBDIVISIONS.** In residential subdivisions created after the effective date of this *Resolution*, the minimum lot size shall be no smaller than one acre unless served by a public waste-water treatment system. Determination of lot size for a proposed development in a certain location shall be evaluated by its compliance with Article 10: *Locational Standards.*

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

F. MINIMUM RESIDENCE FLOOR AREA. The minimum floor area of residences shall be as allowed by the applicable building code, adopted and amended by Gunnison County.

FIGURE 4: HEIGHT MEASUREMENT BY TYPES OF BUILDINGS



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

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

1. **RESIDENTIAL STRUCTURES.**

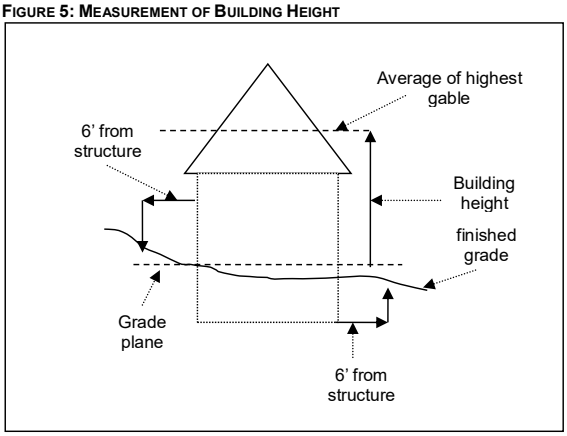
   a. **FLAT ROOFS.** Structures with flat roofs shall not exceed 30 feet in height.

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

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

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

FIGURE 5: MEASUREMENT OF BUILDING HEIGHT



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

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

   c. **USE AND ENJOYMENT OF ADJACENT LAND USE NOT DIMINISHED.** Use and enjoyment of adjacent lands shall not be diminished.

   d. **NO INTERFERENCE WITH AIRPORT PATHS OR ZONES.** There shall be no interference with established airport flight paths or structural height restrictions within airport influence zones.

4. **HEIGHTS OF ACCESSORY STRUCTURES.** Unless otherwise exempted or regulated by this *Resolution*, no accessory structure that has a flat or pitched roof shall exceed 30 feet in height, except that agricultural structures constructed as part of an agricultural operation may exceed the height of the residence.

SECTION 13-104: SETBACKS FROM PROPERTY LINES AND ROAD RIGHTS-OF-WAY

A. APPLICABILITY. Unless otherwise exempted by this *Resolution*, the following shall apply, all land use changes and approved Building Permit site plans shall meet property line setback requirements indicated in Table 7: *Setbacks from Property Lines and Road Rights-of-Way.* Other setback requirements, not directly related to property lines or road rights-of-way, are addressed in Table 3: *Recreational Vehicle Park Property Line Setbacks,* Table 4: *Setbacks for Construction Materials Operations,* and Table 5: *Setbacks for Mining That Is Not a Construction Materials Operation.*

B. MEASUREMENT. Front, rear and side setbacks shall be measured as the distance between the nearest lot line and the foundation of a structure, along a line at right angles to the lot line. Where no minimum front, side or rear yards are specified for large parcels, a setback line shall parallel the corresponding lot line.

C. ZERO LOT LINE DEVELOPMENTS. To allow an alternative to standard single-family home development, and encourage an efficient use of land and maximization of centralized wastewater treatment systems, zero lot line developments are allowed. They are considered compatible with other residential uses and may be used to create a transition from lower or medium to higher density residential development.

1. **GENERAL SITING REQUIREMENTS**. Zero lot line houses may be sited on one side lot line, and sometimes also on the rear or front lot line to maximize the available yard space, or on a common lot line so that they resemble duplexes. They may also be sited on alternating lot lines, to give the appearance of housing in a more conventional subdivision. (Figure 6: *Zero Lot Line Siting*)

   a. **NO ZERO LOT LINE ON BOUNDARY OF UNRELATED PARCEL**. No zero lot line construction shall be allowed on the exterior boundary line of a parcel or lot that is adjacent to an unrelated parcel; all structures proposed to be located along that line shall be required to meet the standard setbacks required by this Section.

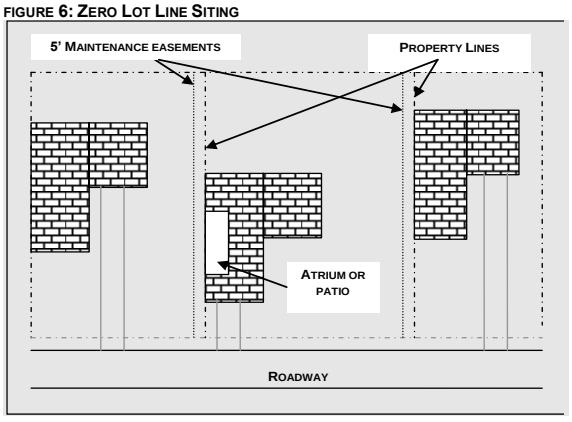
2. **REQUIRED TO TIE ON TO EXISTING WASTEWATER TREATMENT SYSTEMS**. Zero lot line developments shall be permitted only if served by wastewater treatment systems that have the capacity to provide service, and the providers are willing to provide service.

3. **MINIMUM LOT WIDTHS**. Minimum lot width shall be 40 feet. Lot widths may be alternated, combining narrow and wide lots to provide visual variety.

4. **MINIMUM SEPARATION BETWEEN RESIDENCES**. There shall be a minimum of 16 feet between residences, unless a greater distance is required by the applicable fire protection district.

5. **USES LIMITED ON LOT LINE WALL.** The wall of the residence located on the zero lot line shall have no windows, doors, air conditioning units or any other type of opening except that the following alternatives may be used:

FIGURE 6: ZERO LOT LINE SITING



   a. **AMENITIES ON THE ZERO LOT LINE**. Enclosed atriums, patios or similar amenities are permitted on the zero lot line side when they are enclosed by three walls of the residence and a solid wall on the zero lot line at least eight feet in height and constructed of material that complements the color and texture of the residence exterior.

   b. **ALTERNATE ORIENTATION OF LOTS**. When lots are angled at a 45 degree angle to the roadway, windows may be added on the zero lot line wall.

TABLE 7: SETBACKS FROM PROPERTY LINES AND ROAD RIGHTS-OF-WAY

SETBACK TYPE	MINIMUM PROPERTY LINE SETBACK
RESIDENTIAL SETBACKS	
Single family	Front: 25 Side/Rear: 15
Townhomes, condominiums and other multiple family buildings	Front: 25 feet Side/Rear: 15 feet Separate multiple-family buildings within a single Project may be constructed a minimum of ten feet from other buildings within the single Project.
Zero Lot Line developments	Residences may be constructed on the property line, pursuant to Section 13-104: C: *Zero Lot Line Developments*
BUSINESS AND COMMERCIAL SETBACKS	
Adjoining all other non-residential	15 feet
Adjoining residential	50 feet
Outdoor Vending Operation	35 feet from a residential property boundary
INDUSTRIAL SETBACKS	
Adjoining other industrial	15 feet
Adjoining business or commercial	100 feet
Adjoining residential areas, agricultural areas or public lands	300 feet
LIGHT INDUSTRIAL SETBACKS	
Adjoining residential	50 feet
Adjoining business and commercial	15 feet
Adjoining other light industrial	15 feet
Adjoining industrial	15 feet
SETBACKS FROM ROADS:	
When width of right-of-way is known, measurement shall be from edge of right-of-way; when unknown, measurement shall be from the road center line, and an additional 40 feet added to the requirements for setbacks from roads.	
Federal highways	40 feet
State highways	40 feet• Land uses that access onto either federal or state highways shall comply with the Colorado Highway Access Code
County and other public roads	40 feet
Platted subdivision development roads	25 feet

- Unless adjoining uses enter into party-wall or similar agreements permitting the construction of adjoining buildings to the common lot line and construction meets requirements of applicable building code.
- If compliance with setbacks from roads results in an inability to build, the applicant may request a variance, pursuant to Section 13-104: E: *Variance from This Section.*
- Other setback requirements, not directly related to property lines or road rights-of-way, are addressed in Section 11-109: G. 2: *Irrigation Ditch Easements*; Section 15-103: A. 6. a: *Irrigation Ditch Easements*; Section 11-107: *Protection of Water Quality* relative to the Restrictive Inner Buffer and Outer Variable Buffer; Table 3: *Recreational Vehicle Park Property Line Setbacks;* Table 4: *Setbacks for Construction Materials Operations;* and Table 5: *Setbacks for Mining That Is Not a Construction Materials Operation.*

6. **EASEMENT REQUIRED**. A minimum five foot easement shall be required on a zero lot line development plat, and referenced within protective covenants for the development, providing access to the zero lot line wall from the adjoining lot for purposes of maintenance of the zero lot line wall.

7. **DRAINAGE SHALL BE CONTAINED ON-SITE**. In addition to meeting the requirements of Section 13-117: *Drainage, Construction and Post Construction Storm Water Runoff,* runoff from the residence located on the zero lot line shall be contained within the zero lot line easement of the adjacent lot. Roofs pitched in the direction of the zero lot line shall be guttered.

D. LAND USE PERMIT APPLICATION DESIGN PLAN THAT DOES NOT COMPLY WITH THIS SECTION. When a Land Use Change Permit application is being reviewed by the Planning Commission in which the plans propose a design layout that includes setbacks that do not comply with the standards of this Section, the applicant shall submit

the information required by Section 13-104: E: *Variance From This Section.* The Community Development Department shall review of the application, pursuant to Section 3-110: *Community Development Department Application Review*, and shall submit copies of the application and the Department report to members of both the Planning Commission and ~~Board of Adjustments~~the BOA.

1. JOINT PUBLIC HEARING. The Board of ~~Adjustments~~Adjustment and Planning Commission shall jointly conduct the public hearing, and the notice shall so indicate. The chairperson of the Planning Commission shall preside ~~by~~ and the ~~board~~ ~~Board of Adjustments~~Adjustment shall be the body that determines the variance.

2. SCHEDULING OF VARIANCE REVIEW DURING LAND USE CHANGE PERMIT APPLICATION REVIEW.

a. MINOR IMPACT. When the proposed land use change is classified as a Minor Impact Project, the joint hearing shall be conducted during, and shall meet the requirements of the Minor Impact Project review process, pursuant to Article 6: *Minor Impact Projects*.

b. MAJOR IMPACT. When the proposed land use change is classified as a Major Impact Project, the joint hearing shall be conducted during, and shall meet the requirements of the Preliminary Plan review process, pursuant to Section 7-302: *Preliminary Plan Review Process for Major Impact Projects.*

E. VARIANCE FROM THIS SECTION. A variance from the requirements of this Section may be requested. An applicant for variance from property line setback requirements shall submit:

1. APPLICATION FORM. The Community Development Department shall provide an application form, which shall be completed by the applicant and returned to the Community Development Department. The form shall, at a minimum, include the following:

a. APPLICANT. The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and stating the same information for the agent.

b. PROPERTY OWNER. Name of the owner of the property; if different than the applicant, a notarized letter from the owner consenting to the application, must be submitted.

c. PROPERTY LOCATION. The legal description (referencing lot and block or tract numbers, homesteads), property address and common description of the parcel on which the land use change is proposed to be located. A copy of the recorded deed to the property, and/or a metes and bounds description should be included.

2. ACTION ON VARIANCE APPLICATION. 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 15 days following the closure of the public hearing, the Board of ~~Adjustments~~Adjustment shall complete its review of the application, approve or deny the application, and forward that decision to the Planning Commission.

a. DENIAL REQUIRES REDESIGN OF SITE PLAN. If the Board of ~~adjustments~~ Adjustment denies the application for variance from setback, the applicant shall be required to submit a new design to the Planning Commission that complies with this Section. No additional public hearing on the redesign shall be required, unless the change significantly alters the numbers of units or types or intensity of uses.

b. VARIANCE REVIEW EXTENDS LAND USE CHANGE PERMIT APPLICATION REVIEW TIMELINE. The Planning Commission period of review shall be extended by the length of time necessary for the Board of ~~Adjustments~~Adjustment to complete its action, but shall otherwise meet the time restrictions imposed by the respective impact classification review process.

3. BOARD OF ADJUSTMENT~~S~~ REVIEW, HEARING AND ACTION. A complete copy of the application shall be forwarded to the Board of ~~adjustments~~Adjustment, together with a copy of any comments by the Building Inspector.

4. PUBLIC NOTICE. Public notice that the Board of ~~Adjustments~~Adjustment will consider the application shall be given by publication, posting, and mailing of notice, pursuant to Section 3-112: *Notice of Public Hearing*.

a. COST FOR PUBLIC HEARING NOTICE(S). 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*.

5. HEARING. The Board of ~~Adjustments~~Adjustment shall conduct a public hearing to consider the application, that shall be conducted pursuant to Section 3-113: *Conduct of Public Hearing*, and shall include the following:

a. **COMMUNITY DEVELOPMENT DEPARTMENT REPORT**. The Community Development Department shall present its report.

b. **APPLICANT PRESENTATION**. The applicant shall, at his/her choice, present the application for variance, and the reasons for requesting it.

6. **ACTION BASED ON FINDINGS**. The Board of ~~Adjustments~~Adjustment shall consider all relevant materials and testimony and the standards of this Section and shall approve, approve with conditions, or deny the application, and shall, as part of that action, include specific findings that the application does or does not comply with Section 13-104: F: *Standards for Approval of Variance from Property Line Setbacks.*

F. **STANDARDS FOR APPROVAL OF VARIANCE FROM PROPERTY LINE SETBACKS**. An application for a variance for setback from property line requirements shall comply with all of the following standards:

1. **SPECIAL CIRCUMSTANCES EXIST**. There are special circumstances or conditions, including exceptional topography, or the narrowness, shallowness, or shape of the property, that are peculiar to the land or structure for which the variance is sought, and do not apply generally to land or structures in the neighborhood; and

2. **SITUATION DOES NOT RESULT FROM ACTION BY APPLICANT.** The special circumstances and conditions have not resulted from any act by the applicant or land owner; and

3. **STRICT APPLICATION CAUSES PRACTICAL DIFFICULTIES**. The special circumstances and conditions are such that the strict application of the requirements of this *Resolution* would result in peculiar and exceptional practical difficulties for, or an exceptional and undue hardship on, the owner of the land if the requirements of this *Resolution* were to be strictly applied; and

4. **NECESSARY TO RELIEVE PRACTICAL DIFFICULTIES**. The granting of the variance is necessary to relieve the applicant of the peculiar and exceptional practical difficulties or the exceptional and undue hardship, and is the minimum variance that could be granted to achieve that relief; and

5. **DOES NOT ADVERSELY AFFECT NEIGHBORHOOD**. The granting of the variance will not change the character or otherwise adversely affect the neighborhood surrounding the land where the Variance is proposed, will not have a substantially adverse impact on the enjoyment of land abutting on or across the road from the property in question, will not impair an adequate supply of light or air to adjacent property, and will not increase the danger of fire, or otherwise endanger public safety or the public interest.

G. APPROVAL SHALL BE RECORDED. An approval action by the Board of Adjustment shall be memorialized by a Certificate of Variance Approval, with which shall be included a copy of the site plan that illustrates the variance from property line setback requirement. The Certificate shall be recorded, at the cost of the applicant, by the Community Development Department in the Office of the Gunnison County Clerk and Recorder. An action of denial shall be filed in the records of the Community Development Department.

SECTION 13-105: RESIDENTIAL BUILDING SIZES AND LOT COVERAGES

A. PURPOSES. This Section establishes standards for structure sizes and building envelopes to achieve the purposes stated in Section 1-103: *Purposes* and in addition, to preserve the historic and architectural scale of structures and building envelopes in the county, to provide for innovation and flexibility in the use of individual parcels, and to recognize that a variety of appropriately sized, sited and scaled buildings are an amenity to Gunnison County.

B. APPLICABILITY.

1. **RESIDENTIAL AND RESIDENTIAL/MIXED USES**. The requirements of this Section shall apply to all residential and residential/mixed land uses, including multiple-family residences and housing developments.

2. **RESIDENCES ASSOCIATED WITH AGRICULTURAL, COMMERCIAL OR INDUSTRIAL OPERATIONS.** Residences associated with agricultural, commercial or industrial operations shall be subject to maximum structure size requirements of this Section. However, the size of accessory structures, the aggregate size of residences and accessory structures, the constraints on coverage and on building envelopes shall not apply to agricultural, commercial or industrial operations.

C. PARCELS SMALLER THAN 6,500 SQ. FT. The aggregate square footage of all structures on a parcel that is smaller than 6,500 sq. ft. shall not exceed 45 percent of the square footage of the parcel unless approved pursuant to Section 13-105: G: *Impact Classification And Required Findings For Coverage Exceeding Standard.*

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

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

2. MAXIMUM BUILDING SIZE AND MAXIMUM AGGREGATE OF ALL STRUCTURES. No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 5,000 sq. ft. and the aggregate of all structures shall not exceed 7,000 sq. ft. unless:

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

3. MAXIMUM BUILDING SIZE AND MAXIMUM AGGREGATE OF ALL STRUCTURES FOR MULTIPLE-FAMILY RESIDENCE(S). No building(s) on a parcel equal to or larger than 6,500 sq. ft. shall equal or exceed 10,000 sq. ft. and the aggregate of all structure shall not equal or exceed 12,500 sq. ft. unless:

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

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

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

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

a. SHARE SEWAGE DISPOSAL. Share the same On-Site Wastewater Treatment System;

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

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

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

G. IMPACT CLASSIFICATION AND REQUIRED FINDINGS FOR COVERAGE EXCEEDING STANDARD. An application for a primary residence larger than 5,000 sq. ft. or for an aggregate of structures larger than 7,000 sq. ft. or for a multi-family residence on parcels 6, 500 sq. ft. or larger where a multiple family residence is larger than 10,000 sq. ft., or the aggregate of all multi-family residence(s) and accessory use structures and secondary structures is larger than 12,500 sq. ft. shall be classified and reviewed as a Minor Impact Project. No approval shall be given to a Project that exceeds the maximum coverage, building size, or the aggregate size of buildings allowed by this Section unless, in addition to the proposal's having complied with Article 10: *Locational Standards*, Article 11: *Resource Protection Standards*, Article 12: *Development Infrastructure Standards*, and Article 13: *Project Design Standards*, the Planning Commission finds by clear and convincing evidence that the Project shall meet or exceed the following standards:

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

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

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

c. LOCATION OF UTILITIES UNDERGROUND. Utilities shall be located and installed, to the maximum extent feasible, to not be visible. If installed underground, the natural environment disturbed by installation shall be restored to the maximum extent feasible to its condition before the utilities were installed.

2. **OBTRUSIVE VISIBILITY SHALL CAUSE DENIAL.** If, after such siting and screening, any portion of a structure is obtrusively visible from outside of the parcel on which it is to be built, that portion of the Project shall be denied. In order to meet this standard, the entire structure need not be invisible from outside of the parcel on which it is to be built.

H. FURTHER SUBDIVISION. Nothing in this Section forbids, or shall be construed to forbid, subdivision of a parcel on which there exists a residential structure larger than 5,000 sq. ft. or an aggregate of structures larger than 7,000 sq. ft., except that no subdivision shall be permitted unless the resulting parcel that contains the structure that exceeds 5,000 sq. ft., and/or all of the buildings that total an aggregate of 7,000 sq. ft. is at least 35 acres in size.

SECTION 13-106: RESERVED

SECTION 13-107: INSTALLATION OF SOLID-FUEL-BURNING DEVICES

A. PURPOSE. The purpose of this Section is to minimize air pollution caused by solid-fuel-burning devices emissions by regulating their use, and to encourage the use of other heating alternatives that achieve better emission performance and heating efficiency and that comply with the emissions performance standards as adopted by the Colorado Department of Public Health and Environment Air Quality Control Commission. It is further the policy of the ~~Board~~BOCC to encourage the replacement of non-approved devices with cleaner sources of heat.

B. APPLICABILITY.

1. **NEW STRUCTURES REQUIRING BUILDING PERMITS**. Any structure for which a Building Permit is requested or required after the effective date of this *Resolution* shall be required to comply with this Section. When a new portion of a structure requires a Building Permit, and a solid-fuel-burning device is to be located in that new portion, that solid-fuel-burning device shall comply with this Section.

2. **NEW STRUCTURES THAT DO NOT REQUIRE BUILDING PERMITS**. Any new structure for which no Building Permit is required pursuant to this *Resolution*, the applicable building code, adopted and amended by Gunnison County, or by any other code or regulation adopted by Gunnison County, shall be required to comply with this Section.

3. **EXISTING DEVICES IN EXISTING STRUCTURES**. Any solid fuel-burning device, including coal-fired furnaces, existing in an existing structure as of the effective date of this *Resolution* is not required to be replaced, except that any non-approved solid-fuel-burning device, when replaced or relocated, shall comply with Section 13-107: J: *Replacement or Modification of Solid Fuel- Burning Devices.*

4. **DEVICES DESIGNED FOR HEATING A STRUCTURE, LOCATED OUTSIDE OF THE STRUCTURE**. Any solid fuel-burning device designed for heating a structure, including but not limited to solid fuel-burning furnaces or boilers located outside of the structure, shall be required to be an approved solid fuel-burning device.

C. LIMITATION ON NUMBER OF DEVICES.

1. **SINGLE FAMILY RESIDENCES**. Any single-family residential structure, manufactured home, or a mobile home located outside of a mobile home community, for which a Building, Manufactured Home or Mobile Home Permit is issued after the effective date of this *Resolution* shall be allowed to install two approved solid-fuel-burning devices per single family residence. A mobile home located within a mobile home community shall be limited to the installation of one approved solid fuel-burning device per mobile home.

2. **MULTIPLE-FAMILY RESIDENCES, HOTELS, COMMERCIAL AND INDUSTRIAL BUILDINGS.** No solid-fuel-burning device shall be allowed in individual units of multiple-family buildings, hotel/motel units, commercial or industrial buildings, except that two approved solid-fuel-burning devices may be installed per building.

D. LIMITATION ON NUMBER OF DEVICES IN AREAS AROUND THE TOWNS OF CRESTED BUTTE AND MT. CRESTED BUTTE. When the land is located within the boundaries of a municipal three mile plan area defined within a Three-Mile Plan of the Towns of Crested Butte or Mt. Crested Butte the installation of solid-fuel devices shall comply with the following standards, or if an adopted intergovernmental agreement identifies specific standards regarding the installation of solid fuel-burning devices, the standards identified within the intergovernmental agreement shall prevail:

1. **SINGLE FAMILY RESIDENCES**. Any single-family residence, manufactured or mobile home for which a Building, Manufactured Home or Mobile Home Permit is issued after the effective date of this *Resolution* shall be allowed to install one approved solid-fuel-burning device per single family residence.

2. **MULTIPLE-FAMILY RESIDENCES, HOTELS, COMMERCIAL AND INDUSTRIAL BUILDINGS.** No solid-fuel-burning device shall be allowed in individual units of multiple-family buildings, hotel/motel units, commercial or industrial buildings, except that one approved solid-fuel-burning device may be installed per building.

E. LIMITATION ON NUMBER OF DEVICES IN AREAS AROUND THE CITY OF GUNNISON. When the land is located within the boundaries of the municipal three mile plan area defined within the Three-Mile Plan of the City of Gunnison the installation of solid-fuel devices shall comply with the following standards or if an adopted intergovernmental agreement between the City and the County identifies specific standards regarding the installation of solid fuel-burning devices, the standards identified within the intergovernmental agreement shall prevail:

1. **SINGLE FAMILY RESIDENCES**. Any single-family residence, manufactured home, or mobile home outside of a mobile home community, for which a Building, Manufactured Home or Mobile Home Permit is issued after the effective date of this *Resolution* shall be allowed to install two approved solid-fuel-burning devices per single family residence. A mobile home located within a mobile home community shall be limited to the installation of one approved solid fuel-burning device per mobile home.

2. **MULTIPLE-FAMILY RESIDENCES, HOTELS, COMMERCIAL AND INDUSTRIAL BUILDINGS.** No solid-fuel-burning device shall be allowed in individual units of multiple-family buildings, hotel/motel units, commercial or industrial buildings, except that two approved solid-fuel-burning devices may be installed per building.

F. COMPLIANCE IN SPECIAL GEOGRAPHIC AREAS. When the County has adopted requirements governing development review, permitting or inspections of solid fuel-burning devices in designated special geographic areas, the more restrictive requirements shall apply to solid fuel-burning devices in that particular area.

G. NO ADDITIONAL DEVICES. In existing structures that have two or more solid-fuel-burning devices as of the effective date of this *Resolution*, an additional one shall not be installed.

H. ACCESSORY STRUCTURES. One approved solid-fuel-burning device is allowed per non-residential structure that is accessory to a residence, for temporary or sporadic use, whether the structure is attached or detached.

I. NO LIMIT TO NUMBER OF NON-SOLID-FUEL-BURNING DEVICES. There is no limitation on the number of approved non-solid-fuel-burning devices that may be installed in any structure, so long as they all comply with all applicable federal, state and County codes and regulations.

J. REPLACEMENT OR MODIFICATION OF SOLID FUEL-BURNING DEVICES. Any non-approved solid fuel-burning device that requires replacement or relocation shall be required to be removed and replaced with an approved solid fuel-burning device, or approved non-solid fuel burning device. Replacement of a non-approved device in one condominium or townhouse unit shall not affect devices in other units.

K. INSTALLATION. Devices shall be installed as follows:

1. **SOLID-FUEL-BURNING DEVICE.** Any solid-fuel-burning device shall be installed pursuant to the standards and specifications defined by the manufacturer of that device, or shall meet the clearances specified in the *International Mechanical Code*.

2. **NON-SOLID-FUEL-BURNING DEVICE.** Any non-solid-fuel-burning device shall be installed pursuant to the standards and specifications of its manufacturer and the *International Fuel-Gas Code*.

L. INSPECTION. The installation of any solid-fuel-burning device or non-solid-fuel-burning device shall be subject to inspection and approval by the Gunnison County Building Inspector and, as applicable, by the applicable fire protection district in which the device is located. Only the affected unit will be inspected.

M. FEES. Inspection fees shall be as delineated in a schedule of fees charged for permits issued by the Community Development Department, adopted and amended from time to time by the Board of Commissioners.

N. SPARK ARRESTORS. Spark arrestors shall be required in al solid-fuel-burning device systems to which this Section applies pursuant to Section 13-107: B.1.: *New Structures Requiring Building Permits*, Section 13-107: B. 2.: *New Structures That Do Not Require Building Permits*, and Section 13-107: B. 3.: *Existing Devices in Existing Structures.*

SECTION 13-108: OPEN SPACE AND RECREATION AREAS

A. GENERAL. This Section intends to insure that new development provides for or contributes to park and recreation facilities for the community and residents of new developments, to provide passive and active recreation opportunities, and to preserve open space for the purpose to protect sensitive natural areas, agricultural forage areas and view corridors.

B. EXEMPTIONS. This Section shall not apply to agricultural operations. Unless specifically required by this Section, Projects that are classified as Administrative Review Projects and Minor Impact Projects are exempt.

C. PROPOSED DEVELOPMENT LOCATED WITHIN MUNICIPAL THREE MILE PLAN AREA. When a development is proposed within a municipal Three-Mile Plan area, the development design shall address the objectives and policies of the applicable Three Mile Plan, as follows:

1. **STANDARDS WITHIN INTERGOVERNMENTAL AGREEMENT**. When an adopted intergovernmental agreement exists between the County and a municipality, proposed open spaces, including parks and other recreational amenities for any land use change located within the applicable municipal Three-Mile Plan area 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, or there are no open space standards within the intergovernmental agreement, the County shall consider, but not necessarily be bound by, comments submitted by the municipality.

D. MOBILE HOME COMMUNITIES. Whether classified as a Minor or Major Impact Project, a mobile home community shall include open space pursuant to Section 9-203: *Mobile Home Communities*.

E. MINOR IMPACT PROJECTS. Except as exempted by Section 13-108: B: *Exemptions*, the requirements of this Section shall apply to specific Minor Impact Projects as follows:

1. **CHILD CARE CENTER.** A child care center shall provide an outdoor play area, as required within Section 9-506: *Child Care Center.*
2. **GROUP HOME.** A group home shall comply with the standards required by Section 9-507: *Group Home.*
3. **MINOR IMPACT COMMERCIAL AND INDUSTRIAL USES**. Unless otherwise required by this *Resolution* or other adopted policy or regulation of Gunnison County to contribute a prorated share to the purchase and maintenance of open space, and/or developed recreation areas, commercial and industrial uses that are classified as Minor Impact Projects pursuant to Section 6-102: *Projects Classified as Minor Impact* shall provide open space by including landscaping elements pursuant to Section 13-111: *Landscaping and Buffering*, and setbacks from property lines pursuant to Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*

F. MAJOR IMPACT COMMERCIAL AND INDUSTRIAL USES. Unless otherwise required by this *Resolution* or other adopted policy or regulation of Gunnison County to contribute a prorated share to the purchase and maintenance of open space, and/or developed recreation areas, commercial and industrial uses that are classified as Major Impact Projects pursuant to Section 7-101: *Projects Classified as Major Impact* shall provide open space by including landscaping elements pursuant to Section 13-111: *Landscaping and Buffering*, and setbacks from property lines pursuant to Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*

G. RESIDENTIAL USES. A minimum of 30 percent of any proposed residential subdivision, or multiple-family development consisting of five or more lots or residences shall be permanently set aside for public, private, or common developed and/or undeveloped open space, except that the amount of open space shall be reduced to 15 percent when the proposed Project conforms to the requirements of *Division 14-200: Residential Density Transfer Program.*

H. CALCULATION OF OPEN SPACE. Calculation of open space shall not include the footprints of buildings or structures, roadbeds or parking areas, except when those buildings, structures, roadbeds or parking areas are required by the County as part of a recreational area to serve a residential development, or when such buildings or structures are designated on federal, state or local lists of historically significant buildings or sites; and shall not include land within the building envelopes of residential lots, except that that the land between designated building envelopes may comprise up to ten percent of the total amount of building space.

I. USES ALLOWED AND AREAS TO BE PROTECTED. The following are areas that should be protected to the maximum extent feasible within designated open space, listed in no particular order of priority:

1. **HABITAT AND ENVIRONMENTALLY SENSITIVE AREAS**. Areas of environmental sensitivity and those that are sensitive wildlife habitat shall be included in the undeveloped open space to the maximum extent feasible.
2. **UNIQUE AND/OR FRAGILE AREAS.** Unique or fragile areas, including geological formations, forested areas, critical view sheds or water bodies.
3. **FLOODPLAINS.** Lands in the floodplain, as identified by mapping, pursuant to Section 11-103: *Development in Areas Subject to Flood Hazards*.
4. **HISTORIC SITES.** Historically significant structures and sites, as listed on federal, state, or local lists of historic places.

5. **PUBLIC LANDS ACCESS.** Areas that have historically provided, or are identified as desirable for public access to public lands.

6. **AGRICULTURAL LANDS.** Irrigated agricultural lands, including valley bottoms, hay meadows, and pasturelands.

7. **NATURAL CONDITION**. Land designated as undeveloped open space shall be left in its natural condition, except as may be recommended by the Colorado Forest Service for maintenance to discourage fire. A developer or owner may make certain improvements, including constructing walking and bicycle trails, providing picnic areas, or similar amenities, as approved by the County.

8. **PASSIVE OR ACTIVE RECREATIONAL AREAS MAY BE REQUIRED**. Gunnison County may require or allow the designation of a passive or active recreational area within the designated open space of a development, and the installation of recreational facilities for use by its residents and/or the general public, based upon the following criteria. Standards of the National Recreation and Park Association and the American Academy for Park and Recreation Administration's *Park, Recreation, Open Space and Greenway Guidelines*, or standards obtained from another credible source shall be used to determine the exact spatial and dimensional requirements needed for a specific type of recreation area or facility.

   a. **CHARACTERISTICS**. The characteristics of the open space land;

   b. **POPULATION NEEDS.** The estimated age and the Projected recreational needs of persons likely to live in the development;

   c. **EXISTING FACILITIES.** The proximity, nature, availability and capacity of existing public or private facilities, and/or the close proximity of public lands.

   d. **COST.** The estimated cost of the recreational facilities; and

   e. **COMPATIBILITY.** Compatibility with adjacent land uses.

J. DESIGN REQUIREMENTS. Design of open space areas shall address the following:

1. **CONTIGUOUS BLOCKS.** Open space for non-recreational or passive recreational uses shall be in relatively large contiguous blocks and shall not be fragmented into small, unconnected areas, to the maximum extent feasible. This shall not preclude open space that protects wetlands or sensitive wildlife habitat area.

2. **LINKAGE.** To the maximum extent feasible, sites shall be designed so that designated open space areas and conservation easements are linked to other open spaces, particularly stream corridors and contiguous wetlands, including such open lands or spaces that are located on adjacent properties.

K. PRESERVATION AND MAINTENANCE OF OPEN SPACE. Open space areas shall be physically maintained so that the historic natural condition or use and enjoyment as open space is not diminished or destroyed. Open space areas shall be owned, preserved, and maintained pursuant to this Section, by any of the following methods, alone or in combination:

1. **CONSERVATION EASEMENTS**. The dedication of perpetual conservation easements or their equivalent is encouraged, particularly when uses of those easements shall be restricted to ranching or undeveloped recreation, or when those easements are to be dedicated for public use and enjoyment, and where appropriate, incorporate public trails.

2. **DEDICATION.** Open space areas shall be designated to a municipality or any other appropriate public or private non-profit entity acceptable to the County that is also willing to accept the obligation for monitoring and preservation.

3. **COMMERCIAL USE ON COMMONLY-OWNED OPEN SPACE**. In the case of private open space in a subdivision, ownership in common and held by a homeowners' or property owners' association that assumes full responsibility for its maintenance, common undeveloped open space may not be used as a commercial enterprise that charges the general public a fee for its use, unless approved by the County.

L. DEED RESTRICTIONS. Any lands deeded in private, public, or common ownership and dedicated for open space purposes shall have protective covenants and deed restrictions ensuring perpetual compliance with the following requirements:

1. **FUTURE SUBDIVISION OR NON-OPEN SPACE USES**. The open space shall not be subdivided or used for non-open space purposes in the future.

2. **PERPETUITY**. The use of the open space shall continue in perpetuity, subject to state statutory limitations for the purposes specified;

3. **MAINTENANCE**. Appropriate requirements, including funding, shall be made for the maintenance of the open space. Such requirements shall include requirements for removal of litter, dead and diseased trees, noxious weeds and other vegetation, pursuant to Section 13-115: *Reclamation and Noxious Weed Control,* when appropriate. Removal of plant material may not be required where the vegetation provides important wildlife habitat or assists in the maintenance of free-flowing natural or artificial watercourses or stream channels so that floodplain levels are not altered. Maintenance of open spaces used for recreational activities may be limited to insuring that there are no hazards, nuisances, or unhealthy conditions; and

M. DESIGNATION ON PLAN. The Preliminary and Final Plans/Plat of a Major Impact Project and the Final Plan/Plat of a Minor Impact Project shall show the dedications of any open space lands and recreation areas.

SECTION 13-109: SIGNS

A. GENERAL. This Section is designed to permit signs that facilitate communication, promote the safety of motorists and pedestrians, and encourage economic development by identifying businesses and other lands uses in ways that complement and enhance the environment. This provides a permitting system to govern the placement of outdoor advertising and other informational signs in the unincorporated areas of Gunnison County.

B. REPEAL OF GUNNISON COUNTY SIGN CODE. This Section repeals and replaces the requirements in the *Gunnison County Sign Code*.

C. RELATIONSHIP TO OTHER REGULATIONS. Nothing in this Section shall be construed as exempting an applicant from any other applicable county, state, or federal regulations, including but not limited to those in Gunnison County Resolution Series 1989 No. 42: *Concerning Placement of Tourist-Oriented Directional Signs*, pursuant to C.R.S. 43-1-420 (3).

D. PERMIT REQUIRED. Before any sign is erected, constructed, structurally altered or moved, it shall comply with the requirements in this Section and shall have received a permit from the Community Development Department, unless the sign is expressly exempted from the provisions of this *Resolution*.

1. **APPLICATION FORM.** The Community Development Department shall provide the appropriate application form, which, at a minimum, shall include the following:

   a. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and stating the same information for the agent.

   b. **PROPERTY OWNER**. Name of the owner of the property; if other than the applicant, notarized letter from the owner consenting to the application, must be submitted.

   c. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the sign is proposed to be located. A copy of the recorded deed to the property should be included.

   d. **ILLUSTRATION OF SIGN.** A rendering, to scale and dated by the person who prepared it, of the dimensions and appearance of the proposed sign.

E. SIGNS ALLOWED WITHOUT PERMITS. The following signs do not require a Sign Permit:

1. **PUBLIC DIRECTIONAL SIGNS.** Signs required or authorized for a public purpose by law or statute, including traffic control signs, and excluding those defined by Gunnison County Resolution Series 1989 No. 42: *Concerning Placement of Tourist-Oriented Directional Signs*, pursuant to C.R.S. 43-1-420 (3).

2. **PUBLIC UTILITY LOCATION SIGNS**. Signs placed by a public utility showing the location of underground facilities.

3. **SIGNS LOCATED WITHIN A BUILDING,** so long as such signs are not oriented to and are not viewed from a public right-of-way, private road, parking area or public space outside the building

4. **TEMPORARY SIGNS.** Pennants or banners erected for no more than thirty (30) days in a calendar year. ~~advertising an special event. Notice of such signs shall be required to be filed by the sponsoring organization with the Community Development Department before display. Such signs may be erected no sooner than two weeks before the event, and shall be removed in one week after the event; but in no event shall a banner be erected more than 30 days.~~

5. **LIVESTOCK DRIVES.** Signs necessary for the safe movement of livestock on public roads.

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6. **OCCUPANT AND HOME OCCUPATION SIGNS.** One residential identification sign per residence, containing the name(s) of occupant(s), address of the premises, and/or identifying any home occupation as defined and regulated in this *Resolution*. These signs shall be limited to wall and ground signs that are no more than six sq. ft. in area, and may be illuminated by a concealed, non-flashing light source. Wall signs may be attached to any structure and/or fence.
7. **REAL ESTATE SIGN**. A temporary wall or ground sign not more than six sq. ft. advertising the sale, rental, or lease of a designated structure or land area for a permitted use on which the sign is located. One sign shall be allowed per lot, shall not be illuminated, except that when the subject property abuts two public roadways, there may be one sign facing each roadway. The sign(s) shall be removed immediately after the property is sold, rented or leased.
8. **CONSTRUCTION SIGN.** A temporary wall or ground sign not more than 32 sq. ft. advertising the construction, remodeling or rebuilding of a certain structure for a permitted use on which the signs are located. One sign shall be allowed per Project, shall not be illuminated and shall be removed immediately on completion of construction.
9. **MEMORIAL AND HISTORICAL SIGNS**. Cornerstones, monuments, commemorative tablets and historical signs of not more than ten sq. ft.
10. **HOLIDAY AND SEASONAL DECORATIONS**. Decorative, customary signs commonly associated with designated national, local or religious holidays or season.
11. **ADVISORY SIGNS**. Signs warning of prohibited activities including trespassing, hunting, fishing, or swimming may be posted without limitation as to numbers, but are limited to two sq. ft. or less per sign.
12. **BUSINESS HOURS SIGNS**. "Open/closed" and related hours-of-operation signs that do not exceed two sq. ft.
13. **POLITICAL ~~CAMPAIGN~~ SIGNS.** Political signs~~ that do not exceed 32 sq. ft. in area are permitted. The signs shall be removed no later than one week following the date of the subject election.~~

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F. SIGNS INTEGRAL TO LAND USE CHANGE PERMITS. A sign to be located in, or as an integral part of a development shall conform to the requirements of this Section except when differing sign requirements are incorporated into, and approved as a part of the Land Use Change Permit by the applicable decision-making body.

G. **COMMERCIAL, INDUSTRIAL AND BUSINESS CLUSTER SIGNS**. Multiple businesses, commercial, or industrial establishments that are part of an industrial or business park may construct one cluster sign at each approved access to the development that includes the name of the development and/or listings of individual businesses in the development. Within the development, one sign per establishment is allowed, and each shall comply with the requirements of this Section.

H. **NONCONFORMING SIGNS**. All signs that existed as of the effective date of the *Gunnison County Sign Code,* or were permitted pursuant to its requirements, may be retained so long as they are kept in a state of good repair as specified in Section 13-109: J.3. *Repair or Removal,* and so long as they are not relocated, replaced, structurally altered, or damaged by wind, fire or other cause to the extent that 50 percent or more of their replacement value has been destroyed.

I. GENERAL STANDARDS.

a. ON-SITE LOCATION. All signs shall identify or advertise only the business or establishment upon which the sign is located.

b. ONE SIGN PER USE. There shall be one sign per primary use, except that when the subject property abuts two public roadways, there may be one sign facing each roadway.

c. NO SIGN IN ROAD RIGHT-OF-WAY. No signs shall be allowed on any County or development road right-of-way, and existing signs in either of these rights-of-way shall be removed immediately upon request of the governing body.

d. **EXTERNAL LIGHT SHALL BE MINIMIZED**. Externally lit signs shall be designed, installed and maintained to eliminate or minimize upward directed light and glare and so that lights illuminate only the sign and not property
e. that adjoins or is nearby. Such light shall not interfere with the vision of motorists.

e. INTERNALLY LIT SIGNS PROHIBITED. There shall be no internally lit signs.

f. ~~NO MISLEADING INFORMATION~~~~. Information presented on a sign shall not be misleading, erroneous or patently untrue.~~

g. **NO SETBACK LIMITATION SPECIFIC TO SIGNAGE**. There shall be no setback limitation except that sign placement shall not interfere with snow removal, or vision of motorists, and shall not significantly detract from the environmental or aesthetic character of the County.

J. CONSTRUCTION AND MAINTENANCE.

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

K. SIGN AREA MEASUREMENT.

1. **MAXIMUM INDIVIDUAL SIGN AREA.** The maximum permitted area of individual signs shall be 50 sq. ft.
2. **MAXIMUM AGGREGATE SIGN AREA.** The maximum permitted aggregate area for cluster signs shall be 70 sq. ft.
3. **MAXIMUM HEIGHT.** The maximum height of a sign shall be no greater than 16 feet above the natural grade of the ground on which it is placed, except that a sign located over a property's entranceway or exit way may be 20 feet above the road over which it is placed.
4. **MEASUREMENT OF SINGLE SURFACE.** To determine the surface area of a sign, the County Building Inspector shall measure the perimeter enclosing the extreme limits of the display surface(s) of the sign, including all graphic elements, borders and riders, but excluding the sign's structure or bracing unless those elements are part of the message or face of the sign. Where there are two faces back to back, the total area of the largest face shall determine the area of the sign.
5. **MEASUREMENT OF MULTI-FACETED SIGN.** Where two faces are placed at greater than 45-degree angles to one another, the sign area shall mean the total area of both faces.

L. SIGNS ALLOWED ONLY BY VARIANCE BY THE ~~BOARD~~BOARD OF ADJUSTMENTS. The following signs are not permitted, except by variance issued by the ~~Board~~BOA, pursuant to Section 13-109: M: *Variances from the Requirements of this Section*:

1. **NON-COMPLIANT SIGNS**. Any sign not in compliance with the provision of these regulations.
2. **OFF-PREMISE SIGNS.** Off-premise signs except public directional signs, and those signs permitted pursuant to Gunnison County Resolution Series 1989 No. 42: *Concerning Placement of Tourist-Oriented Directional Signs*, which are allowed without a variance.
3. **PROJECTING ROOF-MOUNTED SIGNS**. Roof-mounted signs that Project above the highest point of a roofline or fascia of a building.
4. **SIGNS ADVERTISING LOTS IN PROPOSED DEVELOPMENTS.** Signs promoting lots or units for sale in a proposed development after approval of Preliminary Plan, but before approval of the Final Plan. A variance for this type of sign may be granted for up to one year. The sign shall include language that the development is pending approval.
5. **SIGNS ADVERTISING CONDOMINIUM AND TOWNHOMES.** Signs advertising condominium and townhouse construction may be posted after approval of Preliminary Plan, but before approval of the Final Plan. A variance for this type of sign may be granted for up to one year.
6. **OVERSIZE HOME OCCUPATION SIGN ~~SIGNS~~**. Signs of more than six sq. ft. identifying a home occupation.

M. VARIANCES FROM THE REQUIREMENTS OF THIS SECTION. The ~~Board~~BOA may authorize a variance from this Section, in accordance with the following process:

1. **SUBMITTAL OF REQUEST BY APPLICANT.** The Community Development Department shall provide the appropriate application form that shall, at a minimum, include the following:

a. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and stating the same information for the agent.

b. **PROPERTY OWNER**. Name of the owner of the property; if other than the applicant, notarized letter from the owner consenting to the application, must be submitted.

c. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the sign is proposed to be located. A copy of the recorded deed to the property should be included.

d. **COMPLIANCE WITH CRITERIA OF DECISION**. An explanation of how the variance meets the requirements of Section 13-109: M. 4: *Criteria for ~~Board~~BOA Decision*.

2. **BUILDING INSPECTOR REVIEW.** The Building Inspector shall prepare a written report that includes:

a. **SIGN PERMIT APPLICATION.** A copy of the Sign Permit application as submitted by the applicant.

b. **DETERMINATION OF NON-COMPLIANCE**. Reference to the specific subsections of this Section with which the application does not comply.

3. **~~BOARD~~BOARD OF ADJUSTMENT~~S~~ MEETING**. The request for variance shall be scheduled on the next available agenda of the ~~Board~~BOA.

a. **~~BUILDING INSPECTOR'S~~COMMUNITY DEVELOPMENT DEPARTMENT REPORT.** The ~~Building Inspector~~Community Development Department shall explain the sign application's noncompliance with the applicable standards of this Section.

b. **APPLICANT'S PRESENTATION.** The applicant may present his request, including the reasons that the request complies with Section 13-109: M.4: *Criteria for ~~Board~~BOA Decision.*

4. **CRITERIA FOR ~~BOARD~~BOA DECISION**. The ~~Board~~BOA shall consider the ~~Building Inspector's~~Community Development Department's report, the information included in the request for variance, and the presentation of the applicant. A variance shall be granted only upon a demonstration by the applicant by a preponderance of the evidence that the literal enforcement of this Section would cause unnecessary or undue hardship to the applicant, and that there will be no adverse impact to adjacent land uses or the general public; and upon written finding by the ~~Board~~BOA that all of the following criteria have been met:

a. **HARDSHIP NOT SELF-IMPOSED.** That the hardship has not been created by the applicant, or his/her predecessor;

b. **NO HARM TO PUBLIC SAFETY.** That there is no detriment to the public health, safety and welfare;

c. **DEMONSTRATION OF NEED.** That there exists a clear and reasonable need for the sign at the proposed location;

d. **CONSISTENCY WITH NEIGHBORHOOD**. That the type, style, size and other characteristics of the proposed sign are consistent with the character of the proposed location;

e. **COMPLIANCE WITH ALL OTHER STANDARDS**. That the location, character and format of the proposed sign are not in conflict with the purposes of this Section, or of this *Resolution*.

f. **PUBLIC BENEFIT OUTWEIGHS IMPACTS**. That the benefits that the sign would provide to the public and county visitors would outweigh any adverse aesthetic or other impacts caused by the proposed sign.

N. RECORD OF DECISION. The record of the ~~Board's~~BOA's~~S~~ decision shall be included within the ~~Board's~~BOA's meeting minutes.

O. VIOLATIONS AND ENFORCEMENT OF THIS SECTION.

1. **TYPES OF VIOLATIONS**. Any sign or sign structure erected, constructed, reconstructed, altered, maintained or used in a manner not in compliance with this Section shall be considered in violation.

2. **ENFORCEMENT**. Enforcement of this Section shall comply with the requirements of Article 16: *Enforcement.* To initiate enforcement, the Building Inspector shall notify the sign owner of the violation by certified mail at their last known address, citing portions of this Section that the sign specifically violates.

P. FEES. The cost of Sign Permits shall be as delineated in a schedule of fees charged for permits available in the Community Development Department, and adopted and amended by the ~~Board~~BOCC.

SECTION 13-110: OFF-ROAD PARKING AND LOADING

A. PARKING FACILITIES REQUIRED. There shall be provided for any structure that is constructed, expanded, or structurally altered, or for which the use is proposed to be changed, permanent off-road parking facilities sufficient to minimize traffic congestion and provide safe vehicular access, pursuant to all of the requirements of this Section and with snow storage requirements in Section 13-112: *Snow Storage*.

B. CONTINUING OBLIGATION. The provision and maintenance of off-road parking and loading spaces that comply with the standards of this Section shall be a continuing year-round obligation of the property owner.

C. **BUILDING PERMIT SITE PLANS**. The site plan for a Building Permit application shall indicate the number and location of parking loading spaces to be provided for the proposed structure (s). Location of the parking shall comply with Section 13-112: *Snow Storage*. As applicable, the number of spaces shall comply with requirements of the protective covenants for individual subdivisions, or shall otherwise meet the requirements of this Section, whichever number is larger.

D. CHANGE OF USE. Should the use to which a lot or building is put, so that the need for off-road parking and loading requirements is increased, the required Land Use Change Permit application shall include the additional required spaces or loading facilities.

E. STANDARDS FOR OFF-ROAD PARKING. Unless otherwise required by this *Resolution*, off-road parking facilities shall meet the minimum ~~distances~~ number of spaces listed in Appendix Table ~~23~~*: Off-Road Parking Requirements*. Staff shall determine the appropriate classification for any use or facility not listed based on the impacts and traffic generation characteristics of the proposed use or facility.

FIGURE 7: SIGHT DISTANCE TRIANGLE

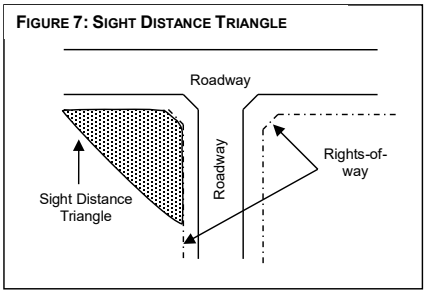


TABLE 8: OFF-ROAD LOADING SPACES FOR NON-RESIDENTIAL USES

GROSS FLOOR AREA	NUMBER OF SPACES REQUIRED
• 1-15,000 sq. ft.	1
• 15,001-50,000 sq. ft.	2
• 50,001-001 sq. ft.	3

1. MULTIPLE USES. Unless otherwise permitted, a land use change that includes more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.

2. OCCUPANCY- OR CAPACITY-BASED STANDARDS. For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment, or the maximum fire-rated capacity of a structure, whichever is applicable and whichever results in the greater number of spaces.

F. OFF-ROAD LOADING. Non-residential uses shall, at a minimum, provide the number of off-road loading spaces as listed in Table 8: *Off-Road Loading Spaces for Non-Residential Uses*.

G. LOCATION OF OFF-ROAD PARKING SPACES. Required off-road parking spaces shall be located on the same lot as the primary use, unless otherwise provided in this Section. In all cases, the nearest parking shall be provided within 100 feet of, and to the maximum extent feasible, the farthest parking shall be no more than 300 feet from the primary use for which parking is required, unless adequate ground transportation is provided.

1. LOCATION IN NON-RESIDENTIAL AREAS. Required off-road parking spaces may occupy any part of the property, except in required landscape areas, or sight distance triangles (Figure 7: *Sight Distance Triangle*), or in locations disconnected from the primary use.

2. PROHIBITED USES OF REQUIRED PARKING SPACES. Required parking spaces shall be available only for the parking of operable passenger vehicles of residents, guests, customers, patrons, and employees of the use for which the parking spaces are required. Prohibited uses of the required parking spaces shall be as follows:

a. MATERIALS OR INOPERABLE VEHICLES. Materials or inoperable vehicles shall not be stored in required parking spaces.

b. DELIVERY VEHICLES. Delivery vehicles or trucks used in conducting the business or use shall not be parked in required parking spaces during business hours, but may be parked in those spaces for overnight storage.

c. COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY. Commercial vehicles or heavy equipment used in a business operation shall not be parked in the parking spaces that are required for a residential use, unless the commercial vehicle is used for a permitted home occupation or is a company vehicle used for commuting.

H. ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS. A portion of the total number of required parking spaces in each off-road parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities.

1. Number of Spaces. The minimum number of accessible spaces shall be a portion of the total number of off-road parking spaces required, as determined from Table 9: *Minimum Number of Accessible Parking Spaces Required for Disabled Persons.* Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-road parking requirements.

2. MINIMUM DIMENSIONS. All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this Section. Access aisles shall immediately abut the spaces, and:

a. CAR-ACCESSIBLE SPACES. Car-accessible spaces shall have at least a five foot wide access aisle located next to the designated parking space.

b. VAN-ACCESSIBLE SPACES. Van-accessible spaces shall have at least an eight foot wide access aisle located next to the designated parking spaces.

3. LOCATION OF SPACES. Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance along an unobstructed path.

4. SIGNS AND MARKING. Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level.

I. PARKING AREA DESIGN STANDARDS.

TABLE 9: MINIMUM ACCESSIBLE PARKING SPACES FOR DISABLED PERSONS

TOTAL PARKING SPACES PROVIDED PER LAND USE	NUMBER OF VAN-ACCESSIBLE SPACES REQUIRED	NUMBER OF CAR-ACCESSIBLE SPACES REQUIRED
1-25	1	0
26-50	1	1
51-75	1	2
76-100	1	3
101-150	1	4
151-200	1	5
201-300	1	6
301-400	1	7
401-500	2	7
501-1,000	1 of every 8 accessible spaces	7 of every 8 accessible spaces
1,000 or more		
• These numbers may be superseded by current regulations pursuant to the federal *American With Disabilities Act*.		

1. SURFACING AND MAINTENANCE. All permanent off-road parking areas shall be constructed with a dust-free, all-weather surface and shall be compacted and graded with a minimum grade of one-half percent to permit drainage of surface water without damage to adjacent land or improvements and will not adversely alter natural drainage patterns.

a. SPECIAL EVENTS PARKING SURFACES. Parking areas for special events and similar temporary uses may be treated with water for dust control during the time the special event is to occur.

2. MARKING FOR PAVED LOTS.

a. IDENTIFICATION. Each required off-road parking space and off-road parking facility that is paved shall be identified by surface markings and shall be maintained to be easily visible and accessible, unless infeasible due to snowfall. Markings shall provide for orderly and safe loading, unloading, parking, and movement of vehicles, and maintained in a highly visible condition include striping, directional arrows, lettering on signs, and in handicapped-designated areas.

b. ACCESS. One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a road shall be marked with a traffic separation stripe the length of the access. This requirement does not apply to drive aisles.

3. DIMENSIONS OF PARKING SPACES.

a. GENERAL. Each off-road parking space shall measure at least nine feet by 20 feet.

b. COMPACT SPACES. The applicable review body shall be authorized to approve the use of compact parking spaces for up to 30 percent of employee parking, if a parking study, prepared by the applicant, indicates that demand and use by smaller vehicles. Compact parking spaces shall have minimum dimensions of eight and one-half feet by 18 feet. Compact parking spaces shall be designated by signs or other pavement markings.

c. VERTICAL CLEARANCE. Vertical clearance for off-road parking spaces shall be a minimum of eight feet.

d. REDUCTION FOR PLANTER OVERHANGS. When a parking space abuts a landscape island or planter, the front two feet of the required parking space length may overhang the planter.

e. SPACES NEAR OBSTRUCTIONS. The width of each parking space that abuts a wall, column, or other obstruction higher than six inches shall be increased by two feet on the obstructed side.

TABLE 10: MINIMUM AISLE WIDTHS FOR PARKING SPACES

INCREASE IN PARKING SPACE WIDTH IN FEET	MINIMUM AISLE WIDTH FOR SPECIFIED PARKING ANGLE IN FEET			
	90 DEGREES	75 DEGREES	60 DEGREES	45 DEGREES OR LESS
0.00	24	22.5	18	13
0.50	23	20.5	-	-
1.00+	22	-	-	-
• Required fire lanes shall have a minimum width of 24 feet with a vertical clearance of 13.5 feet.				

4. AISLE WIDTHS. Aisle widths adjoining off-road parking spaces shall comply with the following dimensional standards (Table 10: *Minimum Aisle Widths for Parking Spaces*).

5. PARKING SPACES BACKING ONTO PUBLIC RIGHTS-OF-WAY PROHIBITED. Parking spaces shall be designed so that vehicles will not back directly into a public right-of-way.

6. ACCESS DRIVEWAYS. Access driveways into required off-road parking areas shall be designed and constructed to facilitate flow of traffic and provide the maximum safety of access and egress for vehicles and pedestrians. Driveways shall not be used to meet off-road parking requirements.

a. MINIMUM SURFACE WIDTH. The minimum width of the access driveway shall be 12 feet for a one-way drive and 24 feet for a two-way drive.

J. SCREENING, LIGHTING AND LANDSCAPING OF PARKING AREAS.

1. COMPLIANCE WITH LANDSCAPING REQUIREMENTS. The design of all parking areas shall comply with the requirements of Section 13-111: *Landscaping and Buffering.*

2. COMMERCIAL OR INDUSTRIAL USES. All off-road parking areas serving commercial or industrial uses and containing five or more spaces shall be screened from view of all adjacent residential uses by sufficient vegetation, or by a solid, decorative concrete, wood, or masonry wall, which shall comply with the requirements of Section 13-113: *Fencing.*

3. PARKING LOT LIGHTING. Lighting provided for a parking area shall be designed pursuant to Section 13-114: *Exterior Lighting.*

SECTION 13-111: LANDSCAPING AND BUFFERING

A. APPLICABILITY. This Section shall apply to all Land Use Change Permits except for mining operations.

B. GENERAL. Proposed land use changes shall integrate the elements of the site plan and design, so that the land use change preserves and enhances the unique identity of the site. Landscaping may include plant materials including trees, shrubs, ground covers, perennials and annuals, and other materials including rocks, walls, fences, planters, and paving materials.

C. NEW RESIDENTIAL LAND USE CHANGES. Plant materials or landscaping elements shall be required throughout any new residential subdivision where desirable or necessary for privacy or buffering from other land uses.

D. NON-RESIDENTIAL LAND USE CHANGES. To the maximum extent feasible, areas of the site that are not occupied by buildings and required improvements shall be landscaped by retaining, maintaining, or planting native grasses, ground cover, shrubs, and trees.

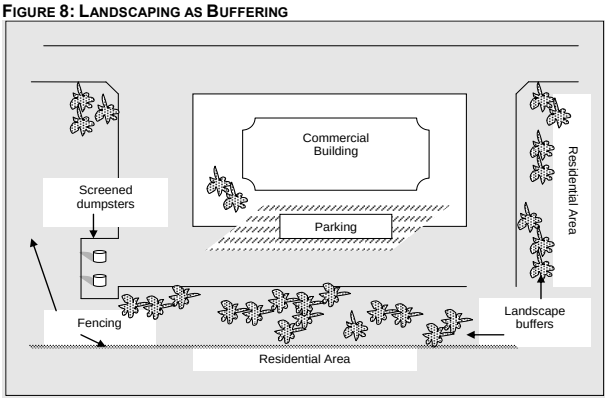
E. LANDSCAPING PLAN. Applicants for a land use change shall prepare a landscaping plan if the land use change is a residential development that is classified as a Major Impact Project, or any multiple-family residential development, mobile home community or recreational vehicle park, or commercial, industrial or other non-residential use that is classified as either a Minor or Major Impact Project, pursuant to Section 3-111: *Classification of Impact*. Information is available from the Colorado State Forest Service to assist in designing a landscaping plan that minimizes the potential for wildfire hazard. The landscaping plan shall comply with the standards of the Gunnison County adopted International Wildland Urban Interface Code. The plan shall indicate the type and location of vegetation to be included on the site. The plan shall also contain a planting schedule and a plan for maintenance of all landscaping to be installed.

1. **AMOUNT OF LANDSCAPING REQUIRED**. At least one tree and three shrubs shall be provided per each 500 sq. ft. of the area that is shown as being landscaped on the landscaping plan. All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with grass, ground cover, or other appropriate landscape treatment.

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

3. **RESTORATION WITH NATIVE PLANT MATERIAL.** The County requires native plant materials in the portion of the East River Corridor to the Gothic Townsite, as delineated within a map that can be obtained from the Public Works Department, but otherwise may require planting native trees or other native plant material where natural trees or vegetation are destroyed by grading or other construction work, or where existing vegetation is inadequate to mitigate visual impacts of a land use change. Substantial disturbances of the land created by construction of structures, roads, water, or wastewater treatment facilities, drainage control systems, installation of utilities, or other improvements shall be restored, pursuant to Section 13-115: *Reclamation and Noxious Weed Control.*

FIGURE 8: LANDSCAPING AS BUFFERING



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

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

F. SITE PROTECTION.

1. **TOPSOIL PRESERVATION.** Topsoil moved during construction shall be stockpiled and redistributed on all re-graded surfaces in order to provide an even cover to all disturbed areas of the land use change. Such surfaces shall be stabilized by seeding or planting.
2. **REMOVAL OF DEBRIS**. All stumps, other tree parts, litter, brush, weeds, excess or scrap construction materials, or other debris should be removed from the site within six months of substantial completion of construction and disposed of pursuant to requirements of the Gunnison County Landfill, or by other means pursuant to any applicable regulation.
    a. **RETAINING DEADWOOD FOR WILDLIFE HABITAT.** All dead or dying trees should be removed from the site, unless those trees are to be retained for wildlife habitat, upon the recommendation of the Colorado Division of Parks and Wildlife or the Colorado State Forest Service. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas.
3. **SLOPE PLANTINGS**. Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion. All roadway slopes steeper than one foot vertical to three feet horizontal (1': 3') shall be planted with ground cover appropriate for soil conditions, water availability, and environment, and pursuant to Section 13-115: *Reclamation and Noxious Weed Control.*

G. PLANTING SPECIFICATIONS.

1. **MINIMUM TREE/SHRUB SIZES**. When landscaping is included as an element of site design, and/or required by the County in the approval of a Land Use Change Permit, deciduous trees shall have at least a two inch caliper at planting. Sizes of evergreens and shrubs shall be allowed to vary depending upon the characteristics of the land use change and its location and the types of shrubs proposed. Trees shall be staked upon planting and provision made by the developer for regular watering and maintenance until they are established. Dead and dying plants shall be replaced by the developer no later than the following planting season.
2. **PLANT SPECIES.** A mixture of plants, evergreen, and deciduous shrubs may be planted. Evergreen trees should be located on the perimeter of the lot for screening.

H. TIMING. All landscaping shall be installed no later than one growing season after substantial completion of the development or land use change.

I. SITE-SPECIFIC SELECTION. The type and amount of landscaping shall be allowed to vary with the type, size and impact classification of land use change proposed. Plants or other landscaping material(s) that best serve the intended function of the land use should be selected, in consideration of site-specific environment, soil conditions, and the legal and physical availability of water. Appropriateness of any proposed phasing, as well as short and long-term impacts of the landscaping plan, should be considered.

J. WATER CONSERVING LANDSCAPING. Use of xeriscape plantings is recommended when suitable to the altitude and location of the proposed land use change.

K. USE OF NON-TREATED WATER. Use of water that has not been processed through a water treatment plant is encouraged.

L. LANDSCAPE ADJACENT TO BUILDINGS. Landscape elements may be located adjacent to buildings except that when sites that are designated as wildfire hazard areas, landscaping must be designed considering the need for defensible space as recommended by the Colorado Forest Service.

M. BUFFERING.

1. **APPLICABILITY.** Every land use change that is classified as Minor or Major Impact Project, pursuant to Section 3-111: *Classification of Impact* shall provide landscaped buffering between adjacent uses when topographical or other natural barriers do not provide reasonable screening and when the County finds that:
    a. **NEIGHBORING PROPERTIES**. There is a need to shield neighboring properties from any adverse external effects of a proposed land use change; or
    b. **ADVERSE IMPACTS.** There is a need to shield the land use change from negative impacts or adjacent land uses in high-density land use changes, and/or when building design and siting do not provide privacy.

2. **BUFFER MATERIALS.** Buffering may consist of fencing and plant materials pursuant to this Section, but may also include berms, rocks, boulders, mounds, or combinations of those materials, to achieve the same objective.

3. **BUFFER DIMENSIONS.**

   a. **DIFFERENT ABUTTING USES.** When more intensive land uses abut less intensive uses, a buffer strip of at least 15 feet in width shall be required, except that when industrial, or light industrial, or commercial or business uses are to be located adjacent to residential uses, then a 50 foot buffer strip is required.

   b. **DUMPSTER AND UTILITY SCREENING.** Trash dumpsters and other waste/recycling containers serving multiple-family or non-residential uses shall be completely screened from view off-site.

4. **ARTERIAL OR COLLECTOR ROADS.** Where residential subdivisions abut arterial or collector roads, a landscaped buffer area shall be provided along the property line abutting the road that shall be a minimum of 25 feet wide.

5. **DRIVEWAYS.** Required landscaped buffer areas shall not include driveways.

6. **MINIMUM PLANTING REQUIREMENTS IN LANDSCAPE BUFFERS**.

   a. **15-FOOT LANDSCAPE BUFFER.** A landscape buffer that is required to be a minimum of 15 feet wide shall be planted with a minimum of one shade tree, two understory trees, and two shrubs per 100 linear feet.

   b. **A 25-FOOT LANDSCAPE BUFFER**. A landscape buffer that is required to be a minimum of 25 feet wide shall be planted with a minimum of one shade tree, one understory tree, and one shrub per 100 linear feet.

   c. **A 50-FOOT LANDSCAPE BUFFER**. A landscape buffer that is required to be a minimum of 50 feet wide shall be planted with a minimum of two shade trees, two understory trees, and two shrubs per 100 linear feet.

7. **DESIGN OF LANDSCAPE BUFFER**. Arrangement of plantings and other landscaping elements in buffers shall, to the maximum extent feasible, provide protection to adjacent properties without obstructing views and access to solar exposure. If berms are used, the minimum top width shall be four feet, and the maximum side slope shall be two feet vertical to one foot horizontal (2':1').

8. **MAINTENANCE OF LANDSCAPING WITHIN BUFFERS.** Plantings shall be watered regularly, in a manner appropriate to the specific plant species. Dead and dying plants shall be replaced by the developer no later than the next planting season. The applicant shall make provisions to ensure that landscaped buffer areas shall be maintained and kept free of all debris, rubbish, and noxious weeds.

9. **MATERIALS USED IN BUFFERS.** Existing and supplementary native vegetation should be used to the maximum extent feasible and planted in random patterns (not rows). Plant materials of a scale capable of screening and softening structural mass shall be used to reduce visual impacts of development. A list of recommended plant materials is available from the Gunnison Office of the U.S.D.A. Natural Resources Conservation Service.

10. **SCREENING WITH VEGETATION AND EARTH BERMS.** If total screening is impractical or undesirable, partial screening should be used to break horizontal lines of structures and minimize apparent height of taller structures. Screening development with vegetation is preferable to screening with berms or other significant earth moving. If berms or recontouring of soil are used for screening, the features should complement natural land forms.

11. **REVIEW BY PUBLIC WORKS DEPARTMENT.** If landscaped buffers are proposed along roadways or parking areas within the Project, the plan may be submitted for review to the Gunnison County Public Works Department, for their compliance with snow removal and traffic-related sight-distance requirements.

N. PARKING AREAS.

1. **APPLICABILITY.** The interior parking lot landscaping standards of this Section shall apply to all off-road parking lots for land use changes classified as Major Impact Projects pursuant to Section 3-111: *Classification of Impact.* They shall not apply to vehicle or equipment storage or sales lots.

2. **PLANTING AREA.** At least ten percent of the interior area of off-road parking lots shall be devoted to landscape planting areas.

3. **DIVIDER MEDIANS.** Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces. The minimum width of divider medians shall be five feet if wheel stops or raised curbs prevent vehicle overhang of the median. If vehicle overhang is allowed, the minimum width shall be eight feet. All tree planting areas shall have a minimum width of seven feet.

4. **PERIMETER LANDSCAPE BUFFER.** Parking lots, loading, and unloading areas that are not part of a parking lot shall have perimeter screening with a buffer strip at least five feet wide. No landscaping shall be required on the side of the parking lot that is adjacent to the entry of the primary building served by the lot.

SECTION 13-112: SNOW STORAGE

A. PURPOSE. The purpose of this Section is to minimize the potential impacts of snow storage, particularly on water quality.

B. SNOW DISPOSAL INTO WATER BODIES PROHIBITED. Plowing, dumping, or storage of snow into any water body is prohibited.

C. PREFERRED SNOW STORAGE AREAS. Areas that are preferred for snow storage include gently sloping ground, existing meadows and gentle, south-facing slopes, concave surfaces, and unpaved surfaces free of trees.

D. **STORAGE EASEMENTS.** Designated snow storage easements shall be provided in perpetuity by dedication on a Final Plat or non-revocable license.

E. **SITE DESIGN.** In development that will require snow removal from roadways and/ or parking areas, site design shall incorporate the following elements:

1. **MINIMUM AREA.** In addition to the standard right-of-way width required by the *Gunnison County Standards and Specifications for Road and Bridge Construction* and as appropriate to a specific area when historic snowfalls require increased snow storage area, the Gunnison County Public Works Department may require a greater right-of-way on either side of a roadway to ensure adequate area for snow storage.
2. **MINIMUM WIDTH, ADJACENT TO PLOWED AREA.** Designated snow storage areas shall not be less than six feet wide and, to the maximum extent feasible, shall be located adjacent to the area of the Project site from which snow is to be removed. The storage area shall not be included in any parking area pursuant to Section 13-110: *Off-Road Parking and Loading*, and the minimum distances listed in Appendix Table 2*: Off-Road Parking Requirements.*
3. **SNOW STORAGE OBSTRUCTIONS.** Snow storage areas shall be free of fences, landscaping (except for ground cover), retaining walls, and other obstructions of similar nature.
4. **SNOW PLOWING OBSTRUCTIONS**. Pathways, signage, vegetation, fencing, and lighting shall be configured to cause the least obstruction to snow plowing. Locations of trash dumpsters relative to snow storage shall allow access and maintenance of the dumpsters, but shall not impede the free movement of trash removal vehicles.
5. **FORMAL APPROVAL BY PUBLIC WORKS DEPARTMENT.** All designs for snow storage shall be subject to review and approval by the Gunnison County Public Works Department.
6. **DRAINAGE AND STORM WATER FACILITIES.** Snow storage areas shall be designed, constructed and maintained to comply with the requirements of Section 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff.*
7. **SNOW ON PAVED SURFACES**. If snow must be piled on a paved surface, the surface shall be designed so that the snowmelt shall drain away from the pile and the plowed surface. Snowmelt from storage areas shall not cross pedestrian and recreational pathways.

SECTION 13-113: FENCING

Unless otherwise expressly provided in this *Resolution*, fences and walls used for screening shall comply with the following general standards:

A. GENERAL.

1. **WALLS AND FENCES.** Walls and fences may be erected as part of a buffer in a land use change when required by the applicable review body for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions specific to a particular land use.
2. **TRAFFIC HAZARDS OR PUBLIC SAFETY**. No fence or screening wall shall be a hazard to traffic or public safety.

B. **STANDARDS FOR FENCING**.

1. **FENCING MAY BE REQUIRED BETWEEN DIFFERENT TYPES OF LAND USES.** Fencing and landscaping may be required between residential and other land uses, to buffer between the two. When a residential use is proposed adjacent to an existing commercial or industrial use, and fencing is required, it shall be the responsibility of the developer, and subsequently the homeowners or property owners' association or individual lot owners, to construct, maintain and repair the fence.

   a. **FENCING REQUIRED BETWEEN A LAND USE CHANGE AND AGRICULTURAL USES.** Fences may be required between a land use change and private grazing or other agricultural uses and shall be designed on a site-specific basis to minimize impacts to agricultural operations. All fence wire on barbed wire and combination fences shall be placed on the side of the fence that faces the livestock.

      1. **EXISTING AGRICULTURAL ACCESS PROTECTED.** Fencing shall not be allowed that in any way constricts the operation or maintenance of any existing or historic agricultural access, including to historic ditches.

   b. **FENCING REQUIRED BETWEEN A LAND USE CHANGE AND PUBLIC LANDS**. Fencing may be required between a land use change and public lands on which livestock are grazed. Fences may further be required to prevent use by unauthorized motorized vehicles, according to applicable standards of the controlling public agency.

   c. **FENCING BETWEEN RESIDENTIAL AND NON-RESIDENTIAL AREAS**. The fence or screening wall in a non-residential development shall be determined on a site specific basis, depending up on the type of use proposed, and the established adjacent development, and the Projected visual impact of the proposed use.

   d. **FENCES FOR WILDLIFE HABITAT AREAS**. The design, materials, and height of fences in wildlife habitat areas shall be subject to the requirements of Section 11-106: *Protection of Wildlife Habitat Areas.*

2. **MAXIMUM HEIGHT AND MEASUREMENT**. The maximum height of a fence or screening wall in a residential development shall be six feet. Fence or screening wall height shall be measured from finished grade.

3. **AGREEMENTS TO DEFINE MAINTENANCE RESPONSIBILITY.** Maintenance agreements, protective covenants and similar documents defining maintenance responsibilities shall describe a process for notifying owners adjacent to agricultural operations that the State of Colorado has adopted statutory requirements for "fencing out" livestock. Those agreements shall place responsibility for fence maintenance on the developer, or the appropriate association or individual, so long as the agricultural operation continues.

SECTION 13-114: EXTERIOR LIGHTING

A. PURPOSE. The purpose of this Section is to provide standards for exterior lighting that assure the safety, utility and security appropriate to development and that prevent night lighting that adversely impacts adjacent properties and neighborhoods or unduly illuminates the night sky enjoyed by residents and visitors of Gunnison County. A secondary purpose is to avoid exterior night lighting that distracts and interferes with safe, quick and accurate vision of drivers and pedestrians. (Illustrations in this Section are courtesy of Dark Sky, International, and the New England Light Pollution Advisory Group (NELPAG.)

B. APPLICABILITY.

1. **GENERAL.** Except as otherwise exempted by this Section, the requirements of this Section shall apply to all land uses in Gunnison County, subject to Section 1-106: *Partially Exempted Land Use Changes*, and Section 1-108: *Nonconforming Uses*.

2. **EXEMPTIONS.** The following uses are exempted from the requirements and review standards of this Section:

   a. **AGRICULTURAL OPERATIONS.** Exterior lighting whose primary purpose is essential to the efficient functioning or security of an agricultural operation shall be exempted from the standards of this Section, though agricultural operations are encouraged to comply.

   b. **FEDERAL, STATE AND COUNTY CONSTRUCTION PROJECTS.** Federal, state and County construction Projects, during the course of construction.

   c. **SPECIAL EVENTS.** Lighting that is temporarily installed or operated as part of a special event, pursuant to Section 9-501: *Special Events*.

   d. **EMERGENCY LIGHTING.** Lighting fixtures used temporarily for emergency purposes.

   e. **SPECIALIZED LIGHTING.** Lighting necessary for public safety, such as runway lighting of airports, and traffic control signals.

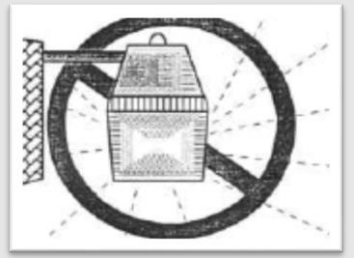
C. NONCONFORMING FIXTURES. Fixtures that were nonconforming as of July 1, 2004, shall be replaced when:

1. **LIGHT IS DAMAGED BEYOND REPAIR.** When the light fixture is damaged beyond repair and must be replaced, it shall comply with the standards of this Section.
2. **STRUCTURE IS EXPANDED OR REPLACED.** When a structure is replaced, or expanded by 50 percent or more of square footage as calculated by the applicable building code adopted by Gunnison County, all light fixtures shall be replaced and shall comply with the standards of this Section.

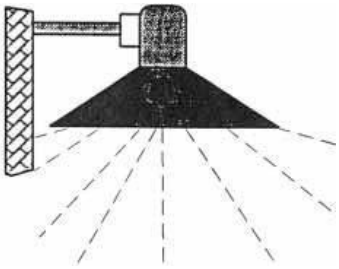
D. STANDARDS. Exterior lighting shall meet the following standards:

1. **EXTERIOR LIGHTING FIXTURES SHALL BE FULL CUTOFF/FULLY-SHIELDED, SHIELDED BY ROOF ELEMENT OR EFFECTIVELY RECESSED.** Except as otherwise restricted in this Section, all exterior lighting fixtures, including those used to illuminate roadways, parking lots, walkways and buildings, used for residential, commercial, or industrial purposes shall be of the full cutoff/fully-shielded type or be shielded by a roof element so that there is the effect of a full cutoff/ fully-shielded light fixture. All fixtures that are installed in recessed locations shall maintain this full-cutoff/fully-shielded characteristic.

SHIELDED FIXTURES
Exterior lighting fixtures that are not fully cut-off, or fully-shielded by a roof element are prohibited.



Only those exterior lighting fixtures that are fully cut-off, fully shielded, or are shielded by a roof element are allowed.



2. **EXTERIOR LIGHTING LIMITED TO FUNCTIONAL USES.** Exterior lighting shall be limited to functional applications such as illumination of doorways, garage doors, decks, terraced levels, walkways or hot tubs and recreational areas when in use.
3. **MOTION SENSOR LIGHTS ALLOWED FOR COMMERCIAL, INDUSTRIAL OR RESIDENTIAL ACCESS FOR SECURITY PURPOSES.** A maximum of two motion sensor fixtures is allowed as reasonably required to provide lighting for access security. These are permitted where the sensor will be triggered by activity only within the owner's property lines.
4. **FLOOD LIGHTING LIMITED.** Floodlighting is only permitted when it is down-directed (45 degrees or less from vertical as illustrated in Figure 10: *Examples of Floodlighting*) so that the light source is not visible from adjacent

and/or neighboring properties, and shall be full cutoff/fully shielded. Ground-mounted floodlighting of a structure is prohibited.

5. **HEIGHT LIMITATION FOR POLE-MOUNTED FIXTURES**. Pole-mounted fixtures (as measured from grade to the bottom face of a fixture) shall be no higher than 35 feet and the fixture shall be a full cutoff/fully shielded, non-adjustable and directed down.

6. **ILLUMINATION OF BUILDING FAÇADE AND LANDSCAPING PROHIBITED**. Lights that are used for the primary purpose of illuminating a building façade or landscaping are prohibited except for illuminating a building entrance, or for other purposes required by the *National Electrical Code*.

7. **BLINKING, FLASHING AND LIGHTS OF CHANGING INTENSITY PROHIBITED.** Blinking, flashing or exterior lights that change in intensity are prohibited, except for temporary holiday displays, traffic control devices authorized by a federal, state or local government, or lights required by regulations of the Federal Aviation Administration for air traffic control and warning purposes.

8. **INTERFERENCE WITH SAFE MOVEMENT OF MOTOR VEHICLES PROHIBITED.** No exterior lighting shall be installed or used in any way that interferes with the safe movement of motor vehicles. The following are prohibited:

   a. **LIGHTING NOT DESIGNED FOR ROADWAY OR PEDESTRIAN WAY.** Any exterior lighting not designed for roadway or pedestrian way illumination that produces incident or reflected light that could be disturbing to the operator of a motor vehicle; and

   b. **LIGHTING THAT MAY BE CONFUSED WITH TRAFFIC CONTROL DEVICES.** Any exterior lighting that may be confused with, or may be construed to be a traffic control device, except as authorized by a state, federal or local government.

9. **MERCURY VAPOR LIGHT FIXTURES.** Installation of new mercury vapor light fixtures is prohibited, and replacement of mercury vapor light fixtures existing as of July 1, 2004 with fixtures that comply with the standards of this Section is encouraged.

10. **TEMPORARY HOLIDAY DISPLAYS.** Winter holiday lighting shall be allowed between November 15 and March 30. All other lighting associated with any national, local or religious holiday or celebration shall be allowed two weeks before the holiday, and extinguished within two weeks after the holiday. A waiver from these time restrictions may be requested from the Board, which may elect to conduct a public hearing on the request before making its decision. 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.

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E. SUBMITTAL REQUIREMENTS. Applications for Building Permits and other Land Use Change Permits shall submit information about exterior lighting as follows:

1. **APPLICATIONS FOR BUILDING PERMITS AND OTHER ADMINISTRATIVE REVIEW PROJECTS.** Activities and uses that are classified as Administrative Review Projects pursuant to Article 4: *Administrative Review Projects That Do Not Require Land Use Change Permits,* including Projects that require only a Building Permit, and Article 5: *Administrative Review Projects That Require Land Use Change Permits*, when such Projects involve uses that reasonably would include lighting shall include:

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   a. **LOCATIONS OF LIGHTING FIXTURES.** The locations of exterior lights on the building(s) and/or other activity or use on the property for which the application is submitted.

   b. **DESCRIPTION OF TYPES OF LIGHTING FIXTURES**. Description(s) of the lighting fixtures, demonstrating how lighting fixtures will comply with this Section.

2. **MINOR AND MAJOR IMPACT PROJECTS**. Each application for a Land Use Change Permit classified as a Minor or Major Impact Project pursuant to Article 6: *Minor Impact Projects* and Article 7: *Major Impact Projects* shall submit a plan for exterior lighting as follows:

   a. **MINOR IMPACT PROJECTS**. When a proposed land use change is classified as a Minor Impact Project, its application shall include a proposed plan for exterior lighting when any of the following is proposed as part of the development:

      1. **RESIDENTIAL USES**. Residential development.

      2. **NON-RESIDENTIAL USES.** Non-residential uses intended to serve people or otherwise operate during non-daylight hours. Flat glass lens, eliminates or minimizes direct glare, has no upward throw of light.

3. **MIXED USES.** A development that mixes residential and non-residential uses.

b. **MAJOR IMPACT PROJECTS.** Any proposed Land Use Change Permit application that is classified as a Major Impact Project shall include an exterior lighting plan.

c. **ELEMENTS OF EXTERIOR LIGHTING PLAN.** The following elements shall be included within an exterior lighting plan:

1. **COMPLIANCE WITH REQUIREMENTS OF APPLICABLE ELECTRICAL PROVIDER.** The exterior lighting plan shall be designed pursuant to the requirements of the electric association or municipality that will serve the development. The standards in the IES Lighting Handbook may also be used as guidelines. The plan shall address the following:

2. **LOCATION AND TYPE.** The locations of exterior lights within the development, and the type of lighting devices, fixtures, lamps, supports, reflectors and other devices;

3. **DESCRIPTION.** A description of the lighting devices, fixtures, lamps, supports, reflectors and other devices; the description may include photographs or illustrations by manufacturers; and

4. **METHOD OF SHIELDING.** Photographs or other illustrations by manufacturers of the fixtures demonstrating how lighting fixtures will be shielded to comply with this Section.

SECTION 13-115: RECLAMATION AND NOXIOUS WEED CONTROL

A. PURPOSE. The purpose of this Section is to establish standards to control the growth and proliferation of noxious weeds in Gunnison County, in conformance with Colorado Revised Statutes 35-5.5, *et seq*: the *Colorado Noxious Weed Act*, by requiring site reclamation after earth moving and/or construction has occurred.

B. APPLICABILITY. This Section shall apply to all earth moving sites including road and driveway cutting and construction, clearing of land, and berm construction. This Section shall not conflict with the requirements of Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials* or with reclamation within the jurisdiction of the Colorado Division of Reclamation Mining and Safety and applied to mining operations. Nothing in this Section is or shall be construed to be a limit on the County's authority regarding noxious weeds.

1. **EXEMPTIONS.** The following uses are exempt from having to obtain a Reclamation Permit:

a. **AGRICULTURAL OPERATIONS.** Agricultural operations, as defined within this *Resolution*.

b. **AREAS OF DISTURBANCE SMALLER THAN 10,000 SQ. FT.** Areas of disturbance that are smaller than 10,000 sq. ft. that are located outside of mapped occupied Gunnison Sage-grouse habitat.

c. **RECORDED SUBDIVISIONS WITH APPLICABLE PROTECTIVE COVENANTS.** In platted, recorded subdivisions, that are located outside of mapped occupied Gunnison Sage-grouse habitat, approved by the County for which there are recorded protective covenants that require reclamation that meets or exceeds the standards of this Section. Determination of that compliance shall be made by the Gunnison County Public Works Department.

d. **AREAS RECOMMENDED BY WEED COORDINATOR**. Areas that are defined and recommended by the Gunnison County Weed Coordinator, as may be designated from time to time by the ~~Board~~BOCC.

C. GUNNISON SAGE-GROUSE REVIEW.

1. **GUNNISON SAGE-GROUSE PREAPPLICATION CONFERENCE.** A Gunnison Sage-grouse preapplication conference shall be required for any proposed site disturbance if the site is located within mapped occupied Gunnison Sage-grouse habitat.

2. **RECLAMATION PERMIT.** A reclamation permit shall be required for all projects involved in any level of site disturbance within Tier 1 Habitat. A reclamation permit may be required for site disturbance in Tier 2 Habitat, based upon a site-specific analysis.

D. RECLAMATION PERMIT REQUIRED FOR DEVELOPMENT THAT DISTURBS10,000 OR MORE SQ. FT. Except as otherwise exempted, a development which results in any site disturbance that involves 10,000 or more sq. ft. of disturbance, shall be required to obtain a Reclamation Permit from the Gunnison County Public Works Department.

E. SITE RECLAMATION AND NOXIOUS WEED CONTROL PLAN. Prior to obtaining a Certificate of Occupancy the applicant shall have implemented reclamation of the affected site pursuant to the requirements of Section 13-116:

Grading and Erosion and with Section 11-105: *Development in Areas Subject to Wildfire Hazards* and be required, if applicable, to address the following:

1. **NATIVE PLANTS REQUIRED IN EAST RIVER CORRIDOR**. Native plant materials are required to be used in the portion of the East River Corridor to the Gothic Townsite as delineated a map that can be obtained from the Public Works Department.
2. **SLASH AROUND HOMES**. To avoid insects, diseases, and wildfire hazards, all vegetative residue, slushiness, branches, limbs, stumps, roots, or other such flammable lot-clearing debris shall be disposed of from around homesite areas by either chipping or removal prior to final building inspection approval. Homesite areas shall include all areas of the lot in which such materials are generated or deposited; and
3. **REMOVAL OF DEBRIS.** Within six months of substantial completion of soil disturbance, all stumps, and other tree parts, and brush should be removed from the site and disposed of in compliance with requirements of any applicable municipal tree disposal site or the Gunnison County Landfill, or by other means pursuant to applicable regulation. Excess or scrap building material, weeds, or other debris should be removed from the site and disposed of pursuant to requirements of the Gunnison County Landfill, or by other means pursuant to applicable regulation.
    a. **RETAINING DEADWOOD FOR WILDLIFE HABITAT.** All dead or dying trees should be removed from the site, unless those trees are to be used for fire wood or retained for wildlife habitat, upon recommendation of the Colorado Division of Parks and Wildlife or the Colorado State Forest Service. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas.

F. SURETY.

1. **DISTURBANCE OF 10,000 OR MORE SQ. FT.** When activities of development or a land use change results in any site disturbance that disturbs 10,000 sq. ft. or more, surety in the form of a bond, letter of credit, interest-bearing account, or as may be addressed within a Development Improvement Agreement, shall be required by the County to assure satisfactory implementation of the plan. Such surety shall be subject to the approval of the Gunnison County Attorney.
2. **DISTURBANCE OF LESS THAN 10,000 SQ. FT.** When development or land use change causes disturbance of fewer than 10,000 sq. ft., no surety shall be required, but shall be subject to civil procedure if the Project is found by the County not to have complied with the requirements of this *Resolution*.

SECTION 13-116: GRADING AND EROSION CONTROL

A. PURPOSE. The purpose of this Section is to minimize the potential erosion and sedimentation impacts of development.

B. APPLICABILITY.

1. **AGRICULTURAL OPERATIONS EXEMPT.** Agricultural operations shall be exempt from the requirements of this Section.
2. **GRADING ACTIVITIES REQUIRED TO OBTAIN RECLAMATION PERMIT**. Activity which disrupts the earth, including grading conducted independent of, or before obtaining a Building Permit or an On-Site Wastewater Treatment System Permit, Access Permit, or any Land Use Change Permit shall be required to obtain a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control.*

C. NO EARTHWORK UNTIL ALL REQUIRED PERMITS ARE OBTAINED. No activity that disrupts the earth shall be allowed until all required permits are obtained.

D. GENERAL STANDARDS. All land use changes shall comply with the following standards:

1. **MINIMIZE ON-SITE EROSION.** Development shall minimize erosion on-site by:
    a. **PHASING CONSTRUCTION**. Stage and schedule timing of earth disturbing construction activities, including clearing, grading, and utilities installation to minimize soil disruption and exposure.
    b. **INSTALLATION OF EROSION AND SEDIMENTATION CONTROL MEASURES.** Erosion and sedimentation control measures shall be installed, to the maximum extent feasible.
        1. **STABILIZING SOIL.** Disturbed areas and soil stockpiles shall be stabilized or protected to control erosion effectively. Those areas shall be surface-roughened, mulched or seeded and mulched, or

otherwise protected from erosive forces if they will remain exposed and inactive for longer than 14 days, or are otherwise expected to be exposed during winter to minimize erosion from occurring during spring snowmelt. The soil surface of cut and fill slope shall not remain exposed without an approved method of soil stabilization.

2. **STABILIZATION ON STEEPER SLOPES.** On slopes steeper than 3:1, or within 100 feet of any water body, exposed soils shall be stabilized within 14 days of final disturbance, weather permitting, using appropriate techniques such as hydro mulching, erosion control blankets, bonded fiber matrices or other equally protective measures. Grass or straw mulch should be crimped, traced or tacked in place to promote surface anchoring.

c. **TEMPORARY AND PERMANENT REVEGETATION.** Disturbed areas that will not be built upon for one year shall incorporate a temporary cover crop to promote soil stability. Areas that will likely remain exposed for two or more years must be revegetated with a perennial, native grass mix (or other grass mixtures as recommended by the local Natural Resources Conservation Service Office).

d. **AVOIDANCE OF CUT AND FILL SLOPES**. Cut and fill slopes shall be avoided to the greatest extent feasible.

1. **AVOIDANCE ON STEEPER SLOPES**. Except for mining extraction activities cut and fill shall be avoided on slopes greater than 3:1, unless avoidance would result in loss of all economic benefit of the parcel; then stabilization shall be attained by using a combination of retaining walls, rock walls, up-slope runoff diversions, terracing, slope drains, soil nailing, mulch binders, erosion control blankets, vegetation or other measures appropriate for the specific situation. Revegetation, or other methods of soil stabilization, is required.

2. **PERMANENT VEGETATION ON SLOPES 3:1 OR LESS**. Where cut and fill cannot be avoided, slopes shall be designed, constructed and maintained for long-term stability. Permanent vegetation shall be used to stabilize cut and fill where slopes are less than or equal to 3:1.

e. **CONSTRUCTION IN OR DIRECTLY ADJACENT TO ANY WATER BODY, OR MUDFLOW.** Construction, including culvert or bridge installation, shall require measures to protect water quality in or directly adjacent to any water body or mudflow to protect water quality and channel stability, and shall address the following:

1. **COMPLIANCE WITH 404 PERMITTING REQUIREMENTS.** All construction shall conform to applicable U.S. Army Corps of Engineers 404 permitting requirements.

2. **CONTAINMENT AND LIMITED TIMES OF IN-STREAM WORK.** Construction shall protect water quality by measures including, but not limited to stream isolation using coffer dams, complete containment of the stream in the area of the disturbance, stream-crossing structures, and limitations on the dates when in-stream work can be performed.

f. **DRAINAGE STRUCTURES AND OTHER ELEMENTS.** All drainage structures and other elements designed to avoid or mitigate erosion or sedimentation shall comply with the requirements of Section 13-117: *Drainage, Construction and Post-construction Storm Water Runoff.*

g. **PROTECTION FROM ACCELERATED EROSION**. New or rerouted swales, receiving channels and streams shall be protected from erosion until vegetation is established and is stable during flows for which the feature was designed.

h. **PROTECTION OF CULVERT OUTLETS**. Culvert outlets shall be protected from erosive flows by installing velocity reducers.

i. **DIVERSION OF RUNOFF.** Runoff from offsite shall be diverted around the construction site to the maximum extent feasible.

2. **MINIMIZE SEDIMENT LEAVING A SITE**. Development shall minimize sediment leaving a site by:

a. **DIVERSION OF CONCENTRATED STORM WATER FLOWS**. Concentrated Storm Water runoff flows shall be diverted away from disturbed slopes. The length and steepness of the areas of disturbed slopes shall be minimal; slope drains may be used to provide control.

b. **PROTECTION OF ACCESS WITH ROAD BASE OR BY WASHING**. Disbursement of sediment and mud from a construction site shall be minimized by protecting access routes by either immediate placement of road base materials, or construction of mud pads, which shall be at least 50 feet long and comprised of angular rock and/or a wheel-washing facility.

c. **PROTECTION OF ADJACENT PROPERTIES BY FENCING OR TRAPPING.** Adjacent properties shall be protected from sediment-laden runoff by use of sediment fences, sediment or silt traps, or other appropriate controls.

d. **PROTECTION OF STORM SEWER INLETS.** Storm sewer inlets shall be protected from entry of sediment-laden water, by placement of straw bales, supported silt fence structure, dumped rock or other barriers.

3. **REQUIREMENTS FOR CONSTRUCTION DEWATERING**. All land use changes shall meet the following construction dewatering requirements:

a. **COMPLIANCE WITH STATE PERMITTING REQUIREMENTS**. Construction dewatering activities shall comply with the Colorado Water Quality Control Division Discharge Permit System for Construction Dewatering Wastewater Discharge.

b. **USE OF BEST MANAGEMENT PRACTICES**. Discharges from construction dewatering operations shall be done to minimize erosion and use best management practices, including velocity reducers, sediment basins, and straw bales.

SECTION 13-117: DRAINAGE, CONSTRUCTION AND POST-CONSTRUCTION STORM WATER RUNOFF

A. PURPOSE. The purpose of this Section is to minimize the potential adverse impacts to water quality and on- and off-site drainage, construction and post-construction storm water runoff.

B. LIMITED APPLICABILITY. The requirements of this Section shall apply only to those Projects that are either commercial or industrial uses, any subdivision classified as a Major Impact Project or any other development proposed after the effective date of this *Resolution* that is within 100 feet of a water body or a mudflow, or development that creates 10,000 sq. ft. or more of impervious surface area.

C. STORM WATER DISCHARGE. Projects that are required to do so shall obtain a Storm Water Discharge Permit from the Colorado Department of Public Health and Environment.

D. GENERAL STANDARDS. Certification that a proposed land use change Project meets the standards of this Section shall be required from a qualified professional engineer licensed in the State of Colorado. Each applicable land use change Project shall meet the following requirements for drainage, construction or post-construction storm water runoff:

1. **METHOD TO DETERMINE RATE OF RUNOFF.** Runoff from a Project site after construction shall not exceed the level of runoff that occurred before construction. The entire drainage area upstream from a Project site shall be defined. Runoff identified from stream flow records may be used in identifying historical runoff patterns. The following methods may be used for estimating peak runoff flows:

a. **TABULAR METHODS.** Tabular methods as defined by the Engineering Division of the U.S. Department of Agriculture.

b. **HEC PROGRAM.** The most current HEC-HMS computer program used by the U.S. Army Corps of Engineers.

c. **COLORADO WATER CONSERVATION BOARD MANUAL**. Technical manual for estimating flood characteristics from the Colorado Water Conservation Board.

d. **NATURAL RESOURCES CONSERVATION SERVICE**. The method used by the Natural Resources Conservation Service (Soil Conservation Service).

e. **RATIONAL METHOD**. The Rational Method, relating runoff to rainfall intensity, surface area and surface characteristics should be used only for estimating runoff from small simple watershed areas. Where the watershed area is relatively small but complicated by a mainstream fed by one or more significant tributaries, the Rational Method should be applied separately to each tributary stream and the tributary flows then routed down the main channel.

2. **DETAINING AND TREATING RUNOFF.** Permanent post-construction storm water detention facilities are required to be multipurpose to not only detain flows to historic peak discharge rates, and to avoid impact to adjacent properties, but also to protect water quality. Detention elements may be either on-site or "regional," and shall be installed concurrent with construction of development. Detention facilities shall be designed to:

a. **STORE INCREASED VOLUME AFTER DEVELOPMENT.** Storm drainage facilities shall prevent storm waters in excess of historic runoff caused by the proposed development from entering, damaging or being

carried by existing conduits, water supply ditches and appurtenant structures. Detention devices shall be designed, at a minimum, to store the difference between the historic volume and the volume after development, figuring the peak discharge rate for the two-year, and 25-year return frequency, 24-hour duration storm. Discharge from the detention system will be at 25-year historic rates. Retention systems will be designed to store the entire 25-year 24-hour event from the developed site. In areas subject to runoff from snow storage, the determination shall include a melt rate from the snow stock pile of two inches in 24 hours. In determining runoff rates, the entire area contributing runoff shall be addressed, including any contribution from offsite into the detention or retention facility. No system design shall be allowed to contribute to soil instability.

b. ALLOW PASSAGE OF 100-YEAR STORM EVENT. Minimize the threat of major property damage or loss of life, all permanent storm water detention facilities shall be designed to allow clear passage of the 100-year storm event without causing property damage on- or off-site.

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

3. REMOVAL OF POLLUTANTS. Removal of pollutants shall be accomplished by sizing dry detention basins to incorporate a 40-hour emptying time for a design precipitation event of 0.5 inches in 24 hours, with no more than 50 percent of the stored water being released during a 12-hour period. If retention ponds ("wet ponds") are used, a 24-hour emptying period is required.

a. DRAINAGE OF VEHICLE REPAIR AND STORAGE SITES. Sand and oil grease traps, extended wetlands with no initial release, or similar devices, shall be required to accommodate drainage from parking lots, vehicle maintenance facilities, or other areas with extensive vehicular use.

b. MAXIMUM EFFICIENCY OF STRUCTURES. To promote pollutant removal, detention basins length-to-width shall be not less than two, with a ratio of four recommended where site constraints allow. A sedimentation forebay is recommended to promote long-term functioning of the structure. Access to both the forebay and pond by maintenance equipment is required.

c. WASTE STORAGE. Areas used for the collection and temporary storage of solid or liquid waste shall be designed to prevent discharge of these materials in runoff from the site and shall be no closer than 100 horizontal feet from a water body and no closer at least than four feet above natural grade. Collection sites shall be located at least 100 feet from any component of a storm drainage system.

4. AVOIDANCE OF DIRECT DISCHARGE TO WATER BODIES. Storm water runoff shall be managed in a manner that provides for at least one of the following:

a. DIRECT RUNOFF TO VEGETATED AREAS. Direct runoff to stable, vegetated areas capable of maintaining sheet flow for infiltration. Vegetated receiving areas should be resistant to erosion from a design storm of 0.5 inches in 24 hours.

b. ON-SITE MANAGEMENT. On-site management of storm water by use of best management practices designed to detain or infiltrate the runoff before discharge to any natural water body.

c. DISCHARGE TO CONVEYANCE STRUCTURE. Discharge to a storm water conveyance structure, designed to accommodate the Projected additional flows from the proposed Project, with treatment by a regional or other storm water facility before discharge into any natural water body.

5. MINIMIZE DIRECTLY-CONNECTED IMPERVIOUS AREAS. Landscape features including grass buffer strips can be used to minimize directly-connected impervious areas; site design shall include such elements as necessary to minimize the extent of directly-connected impervious areas.

a. INITIAL IMPERVIOUS RUNOFF AREAS. Runoff from 50 percent of all developed impervious surfaces (including rooftops, parking lots, and sidewalks) shall drain over stable, vegetated pervious areas before reaching impervious storm water conveyance systems.

1. REDUCTION OF SURFACE COVERAGE ALLOWED. The 50 percent requirement may be reduced if the outflow from the vegetated pervious buffer strip is directed to other storm water treatment structures or elements, including infiltration devices, grass swales, constructed wetlands, sand filters or dry ponds.

2. MAXIMUM GRASS BUFFER STRIP SLOPE OF 5 PERCENT. When impervious surfaces drain onto grass buffer strips (or similar areas with equivalent ground cover), the maximum slope of the

grass buffer strips should be five percent, and the gradient should be uniform to foster evenly-distributed sheet flows. Retaining walls or check dams may be used to maintain the maximum five percent slopes.

3. **DESIGN WIDTH OF PERVIOUS VEGETATED BUFFER STRIPS**. The recommended design width of the distance along the direction of sheet flow for pervious vegetated buffer strips shall be eight feet or 0.2 times the length of the flow path of the sheet flow over upstream impervious surface, whichever is greater.

E. AGREEMENT TO MAINTAIN. Any applicable application for a Land Use Change Permit shall include a description of the method(s) by which the proposed detention and retention facilities shall be regularly inspected and maintained. Assurance of regular inspections and maintenance of those facilities shall be addressed in the Development Improvement Agreement for the land use change.

SECTION 13-118: WATER IMPOUNDMENTS

A. PURPOSES. This Section is implemented in accordance with the ~~Board~~ *Gunnison County Position Statement: Protection and Development of Water Resources in Gunnison County and the Gunnison River Basin*.

1. **SUPPORT PROTECTION AND DEVELOPMENT OF WATER RESOURCES FOR USE IN THE GUNNISON RIVER BASIN**. It is the intent of this Section to support the protection and development of water resources, particularly smaller, off-channel impoundments for multiple purposes, for use in the Gunnison River basin in Gunnison County in a manner that:

   a. **IS ENVIRONMENTALLY SOUND**. Is environmentally sound;

   b. **FOSTERS LOCAL BASIN USES**. Fosters uses in the Gunnison River basin including retaining or enhancing the productivity of agricultural lands, meeting municipal and domestic needs, and providing beneficial instream flows and levels for fisheries and recreation within the basin;

   c. **HAS NO SIGNIFICANT NET ADVERSE EFFECT**. Insures that, after mitigation, the impoundment does not create a significant adverse net effect; and

   d. **ENCOURAGES USES THAT WILL RETAIN AGRICULTURAL USE AND PRODUCTIVITY OF LAND.** Encourages uses that will retain the agricultural use and productivity of the land.

   e. **RECOGNIZES THAT COUNTY LAND USE REGULATION IS APPROPRIATE**. Recognizes that, while the right to store water of a natural stream for later application to beneficial use is a right of appropriation in order of priority under the Colorado Constitution, land use regulation of the impoundment construction, impacts of operation and the offsite impacts related to it may appropriately affect that legitimate property interest.

2. **NO COUNTY REVIEW, DETERMINATION OR REGULATION OF POTENTIAL INJURY TO DECREED WATER RIGHTS.** It is not the purpose of this Section to review, determine or regulate potential injury to decreed water rights by the construction, operation or use of a proposed impoundment.

B. APPLICABILITY. The requirements of this Section shall apply to Projects that involve the construction and operation of new reservoirs or dams, major modifications, additions or expansions to existing reservoirs or dams, and/or their attendant system of pipes, structures and facilities, that are wholly or partially in Gunnison County. Projects shall be classified pursuant to Section 3-111: *Classification of Impact,* unless it also meets the criteria of a "Special Development Project" as defined by the *Gunnison County Regulations for Special Development Projects,* in which case it shall be reviewed within the requirements of those *Regulations*.

C. APPLICATION. The Community Development Department shall provide the appropriate application form for a proposed water impoundment that complies with the criteria for Minor or Major Impact Projects as described in this Section. Proposed water impoundment Projects that are not required to secure a Land Use Change Permit pursuant to this Section shall not be required to submit a Land Use Change Permit application. The owner or developer of any proposed water impoundment shall provide the Community Development Department with a copy of any completed application required by and submitted to the Colorado Division of Water Resources for the impoundment, and documentation of the Division's classification of the proposed dam.

D. CLASSIFICATION OF IMPACT. The ~~Board~~BOCC, rather than the Community Development Department, shall make the initial impact classification for a proposed water impoundment Project.

1. **PROCESS OF DETERMINATION OF IMPACT CLASSIFICATION.** The following process of determining impact classifications for water impoundment Projects shall be accomplished as follows:

a. **RECEIPT OF APPLICATION AND SCHEDULING OF PUBLIC HEARING TO DETERMINE IMPACT CLASSIFICATION**. Upon receipt of a copy of the completed application required by and submitted to the Colorado Division of Water Resources for the impoundment and documentation of the Division's classification of the proposed dam, the Community Development Department shall schedule a public hearing on the ~~Board~~BOCC's next available meeting agenda, for the purposes of determining the Project's impact classification. The hearing shall be noticed and 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*. , Section 3-112: *Notice of Public Hearing,* and the hearing shall be conducted pursuant to Section 3-113: *Conduct of Public Hearing.*

b. **~~BOARD~~BOCC DECISION.** The ~~Board~~BOCC shall, within 15 days of the public hearing, determine the impact classification, and shall take such action by motion. The ~~Board~~BOCC shall consider the criteria of this Section and Section 3-111: B. 1: *Additional Criteria* and their determination shall be recorded in the ~~Board~~BOCC minutes.

2. **PROJECTS EXEMPT FROM LAND USE CHANGE PERMIT REQUIREMENTS.** No Land Use Change Permit is required for construction of a water impoundment that:

   a. **IS 99-ACRE FEET OR SMALLER**. Is 99 acre feet or smaller; or

   b. **IS CLASSIFIED AS A CLASS III OR CLASS IV DAM AND MEETS CERTAIN CRITERIA**. Is classified as a Class III or Class IV dam by the Colorado Division of Water Resources and meets all of the following criteria:

      1. **USE IS LIMITED TO THE GUNNISON RIVER BASIN.** The water contained in the impoundment will be used only within the Gunnison River Basin in Gunnison County; and

      2. **IS LOCATED ON PRIVATE LAND**. The impoundment will be constructed on land that is wholly privately owned; and

      3. **CONSTRUCTION IMPACT IS LIMITED**. Construction impact will be wholly contained on the parcel on which the impoundment will be located, and shall not extend to adjacent properties or public roads; and

      4. **FOSTERS SPECIFIC LOCAL BASIN USES**. The impoundment will help retain or enhance the productivity of agricultural lands or provide beneficial instream flows and levels for fisheries and recreation.

3. **PROJECTS CLASSIFIED AS CLASS II DAMS ARE MINOR IMPACT PROJECTS**. New Projects or facilities, or expansion of existing Projects or facilities, that involve the design, construction and operation of a water impoundment that includes a dam classified by the Colorado Division of Water Resources as a Class II dam shall be classified as Minor Impact Projects and be reviewed pursuant to Article 6: *Minor Impact Projects*, except that the ~~Board~~BOCC, not the Planning Commission, shall be the decision-making body.

4. **PROJECTS CLASSIFIED AS CLASS I DAMS ARE MAJOR IMPACT PROJECTS**. New Projects, or facilities, or expansion of existing Projects or facilities, that involve the design, construction and operation of a water impoundment that includes a dam classified by the Colorado Division of Water Resources as a Class I dam shall be classified as a Major Impact Projects, and be reviewed pursuant to Article 7: *Major Impact Projects*.

5. **GUNNISON COUNTY REGULATIONS FOR SPECIAL DEVELOPMENT PROJECTS**. Any proposal that meets the criteria of a Special Development Project as defined by the Gunnison County Regulations for Special Development Projects, as it may be amended, shall be reviewed and regulated pursuant to those *Regulations*.

6. **EXCEPTIONS**. The requirements of this Section expressly shall not apply to water diversion structures or ditches that are unrelated to water storage or water impoundment, or the collection of water(s) for those purposes, or that are unrelated to the construction and operation of a new, or the modification or expansion of an existing, reservoir or dam.

E. **PRIORITY REVIEW FOR GUNNISON RIVER BASIN PROJECTS**. A complete Land Use Change Permit application for water impoundment whose waters would be used exclusively in the Gunnison River basin generally shall be given priority over other applications pursuant to this *Resolution* or the Gunnison County Regulations for Special Development Projects that are being reviewed by staff, the Planning Commission or the ~~Board~~BOCC. At each phase of its review, each application shall be placed on the first scheduled Commission or ~~Board~~BOCC agenda for which it can be properly noticed.

F. **RELATIONSHIP OF THIS SECTION WITH FEDERAL AND STATE REQUIREMENTS.**

1. **DIVISION OF WATER RESOURCES AND OTHER AGENCY APPLICATION CONTENTS ACCEPTED.** To the maximum extent feasible, information supplied by the applicant within a permit application submitted to the Colorado Division of Water Resources and any other state or federal agency, shall be accepted by Gunnison County to meet submittal requirements required by this Section.

2. **CONCURRENT PROCESSING**. Gunnison County seeks to avoid duplicative regulatory controls or unnecessary delays. Therefore, processing of an application for a permit normally will proceed concurrently with the processing of other required federal, state and/or local authorizations or certifications.

   a. **IDENTIFICATION OF ISSUES OF CONCERN**. In order to facilitate the processes of each other federal, state or local entity with applicable regulatory authority, when an application for a Land Use Change Permit for an impoundment of water is received by Gunnison County, the Community Development Director shall review the application and inform each other entity with regulatory authority and the applicant of the preliminary and known primary issues of concern to Gunnison County. The applicant has the opportunity to request, or may be required to participate in, a Pre-Application conference for the purpose of discussing various processes, standards and submittal requirements of this *Resolution*, and/or any intergovernmental agreement, and for the Community Development Department to provide and explain to the applicant the required application form, pursuant to Section 3-108: *Pre-Application Conference,* and Appendix Table 2: *Summary of Review Process.*

   b. **COUNTY ACTION INDEPENDENT OF FEDERAL OR STATE AGENCIES. T**he County shall not be bound to wait until permitting and/or other federal or state review processes are complete in order to take action pursuant to this *Resolution*, nor shall the County be required to follow the determinations by applicable state or federal agencies in making decisions pursuant to this *Resolution*.

   c. **SCHEDULING WHEN PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT.** The County's schedule of review for Projects pursuant to this Section for which a state or federally Environmental Assessment or Environmental Impact State is required shall include the following:

      1. **SCHEDULING OF HEARING AFTER ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT.** Whenever reasonably feasible, the County shall conduct its required hearing(s) within 60 days after the date of issuance of a Draft Environmental Assessment of Environmental Impact Statement.

      2. **FINAL ACTION.** Final action by the County on a Land Use Change Permit application may be delayed until 30 days after the Final Environmental Assessment (EA), Environmental Impact Statement (EIS) permit by a state or federal agency are issued unless otherwise agreed upon by the applicant and the decision-making body, and only if the applicant has applied for the required Land Use Change Permit within 60 days after applying for the required state or federal permit.

   d. **RELATIONSHIP TO REGULATION BY THE U.S. ARMY CORPS OF ENGINEERS**. While the primary responsibility for determining land use matters rests with local government, Gunnison County recognizes that, the U.S. Army Corps of Engineers ("Corps") also regulates the discharge of dredged or fill materials in the waters of the United States. The Corps' regulatory process includes consideration of the "public interest" (including conservation, economics, aesthetics, environmental concerns, wetlands, fish, wildlife, historic, cultural, scenic and recreational values, flood hazards, floodplain values and water quality). Gunnison County shall participate in relevant Corps' processes, and shall seek appropriate resolution of land use issues through those processes, but shall neither be bound to wait until the Corps' process is complete to take action pursuant to this *Resolution* nor to follow determinations by the Corps in making decisions pursuant to this *Resolution*.

   e. **RELATIONSHIP TO RULES AND REGULATIONS OF THE COLORADO STATE ENGINEER, DIVISION OF WATER RESOURCES**. The primary responsibility to promulgate and enforce regulations for dam safety and dam construction rests with the Colorado State Engineer. Gunnison County will normally accept decisions by the State Engineer on dam safety and dam construction unless there are significant issues of overriding County importance. Such issues include the impact of a potential failure of an impoundment on neighboring lands and land uses.

G. STANDARDS. Land Use Change Permit applications for water impoundments subject to this Section shall comply with all applicable federal, state and local requirements and shall be approved unless any of the following standards is not met:

1. **NO SIGNIFICANT NET ADVERSE EFFECT.** The proposed impoundment, its construction and operation shall not, after mitigation, cause a significant net adverse effect to the following; there is not a presumption that inundation alone, except for inundation of critical habitat, is a significant net adverse effect:
   a. **SURFACE OR GROUND WATER QUALITY.** Surface or ground water quality within the impact area. The determination of the effects of the Project shall include:
      1. **CHANGES TO EXISTING WATER QUALITY**. Changes to existing water quality, as certified by the Colorado Water Quality Control Commission;
      2. **WATER TO BE IMPOUNDED WITHIN LOCAL BASINS**. There is a rebuttable presumption that, unless the primary use of the water to be impounded shall be in Gunnison County or downstream of Gunnison County in the Gunnison and/or Colorado River basins, there will be significant net adverse effect to surface or ground water quality within the impact area;
      3. **CROSS-BASIN OR OUT-OF-BASIN IMPOUNDMENT.** There is a rebuttable presumption that, unless the primary use of the water to be impounded shall be in the same basin as the water body from which it flows, there will be significant net adverse effect to surface or ground water quality within the impact area; and
   b. **HYDROLOGIC FUNCTION AND CAPACITY**. The hydrologic capacities or functioning of streams, floodplains, wetlands and riparian areas, lakes and reservoirs in the impact area;
   c. **AIR QUALITY**. Air quality in the impact area;
   d. **VEGETATION**. Vegetation in the impact area except that which is actually inundated;
   e. **ANIMALS.** Terrestrial and aquatic animals and their habitat in the impact area;
   f. **THREATENED OR ENDANGERED SPECIES**. Threatened or endangered species as defined in C.R.S. 33-1-102 as it may be amended, within the impact area;
   g. **SOILS AND GEOLOGIC CONDITIONS**. Soils and geologic conditions within the impact area;
   h. **EXISTING LAND USES**. Existing land uses (except those owned by the applicant), public services and facilities, and government revenues and expenditures;
   i. **UNIQUE AREAS OF INTEREST**. Areas of geological, paleontological, ecological, historic or archaeological importance within the impact area;
   j. **PUBLIC ROADS**. Public roads and their uses, including hours during which vehicles related to the Project will be operating;
   k. **HISTORIC PUBLIC ACCESS**. Historic public access;
   l. **ADJOINING OR OTHER LANDS.** Impacts on adjoining or other affected lands in the impact area; or,
   m. **VISUAL IMPACTS.** Visual impacts in the impact area shall require mitigation. However, a Project shall not be denied solely on its inability to mitigate visual impacts totally.
   n. **ACREAGE AND LOCATION INUNDATED.** The amount of surface acreage inundated and its location.
2. **TECHNICAL FEASIBILITY OF THE PROJECT**. The proposed development is technically feasible.
3. **ABILITY TO DEVELOP THE PROJECT**. The applicant has the technical and financial ability to develop and operate the proposed development in a manner that is consistent with the permit conditions and public health, safety and welfare.
4. **OTHER APPLICABLE COUNTY PERMIT REQUIREMENTS HAVE BEEN MET.** The Project for which the impounded water is intended currently to be used has received each applicable approval or permit from Gunnison County.
5. **COMPLIANCE WITH APPLICABLE DESIGN STANDARDS**. All Projects shall comply with the requirements of Section 13-114: *Exterior Lighting*. Requirements for mitigation of impacts may also be imposed, pursuant to Article 10: *Locational Standards*, Article 11: *Resource Protection Standards*, Article 12: *Development Infrastructure Standards*, and Article 13: *Project Design Standards*, if they are applicable to elements specific to individual Projects.

H. STANDARDS OF APPROVAL. Any Land Use Change Permit approved for a water impoundment that requires a Land Use Change Permit pursuant to this Section shall include the condition that the applicant shall provide the County

a copy of any maintenance and operations report as prepared for the Colorado Division of Water Resources. The County shall also, upon approval of the Permit, submit a request to the Colorado Division of Water Resources that the County be notified when the agency notifies the owner that there has been an error in the maintenance or operation of the approved facility.

I. APPROVAL FOR LAND USE CHANGE PERMITS ONLY. Approval by Gunnison County of a Land Use Change Permit for a new, modified or expanded water impoundment structure and its operation in no manner implies approval of the design, concept, construction or maintenance program of the dam structure.

SECTION 13-119: STANDARDS TO ENSURE COMPATIBLE USES

A. GENERAL. Proposed land use changes shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas, as well as the following:

1. **HAZARDS OR NUISANCES**. Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected growth.
2. **ADVERSE IMPACTS TO ADJOINING LAND**. Land use changes shall eliminate or minimize or mitigate conflicts between adjoining land uses and to the maximum extent feasible, avoid changes that will result in significant net adverse impact to adjoining land.

B. ADDITIONAL COMPATIBILITY REQUIREMENTS. As a condition of approval for Land Use Change Permits and in addition to any other requirements of this *Resolution*, the applicable review body may recommend and the decision-making body shall be authorized to impose conditions that are necessary to minimize any potentially adverse impacts. Such conditions may include the following:

1. **HOURS.** Limitation on hours of operation and deliveries;
2. **NOISE AND GLARE.** Relocation on a site of activities that generate potential adverse impacts neighborhood uses including noises and glare;
3. **TRASH.** Appropriate placement of trash receptacles;
4. **LOADING AND DELIVERY**. Appropriate location of loading and delivery areas;
5. **ILLUMINATION**. Appropriate lighting location, intensity, and hours of illumination;
6. **OUTDOOR SERVICES**. Appropriate placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;
7. **LANDSCAPING.** The requirement of additional landscaping and buffering;
8. **HEIGHT AND SIZE RESTRICTIONS**. The imposition of height and size restrictions to preserve light, privacy, views of significant features from public property and rights-of-way, and to ensure reasonable compatibility of structure sizes;
9. **NATURAL LIGHTING**. Preservation of natural lighting;
10. **SOLAR ACCESS**. Preservation of solar access;
11. **ODORS AND FUMES**. Ventilation and control of odors and fumes; and
12. **DUST CONTROL**. The imposition of paving or other means as a dust control measure.

ARTICLE 14: INCENTIVES

SECTION 14-100: PURPOSES

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

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

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

DIVISION 14-100: RESIDENTIAL DENSITY TRANSFER PROGRAM

A. PURPOSE. The purpose of this Division is to provide an effective and equitable tool to conserve ranchlands used in agricultural operations and other valuable natural lands, and to help protect those lands from development impacts.

B. METHOD. The Residential Density Transfer (RDT) program transfers units by providing the option of increased density through reduced open space in a new subdivision in exchange for cash payment to Gunnison County for the purchase of undeveloped land and/or conservation easements in areas where lower density development is desirable.

C. APPLICABILITY. Any Land Use Change Permit application involving residential subdivision or multiple-family subdivision consisting of five or more residential lots or residences ("Qualifying Development") may include a RDT pursuant to this Division.

D. REDUCTION OF OPEN SPACE REQUIREMENTS FOR QUALIFYING DEVELOPMENT. The amount of open space required of a Qualifying Development pursuant to *Section 13-108: G.: Residential Uses* may be reduced from 30 percent to 15 percent when the proposed Project conforms to the standards of this Division.

SECTION 14-101: CALCULATING RESIDENTIAL DENSITY TRANSFER AMOUNT AND PAYMENT OF FEES

The calculation of RDT amount and payment of fees shall be as follows:

A. VALUE ACQUISITION. The RDT requirement is determined by calculating a percentage of the value increase given to land when a Qualifying Development is approved. Values used in this calculation shall be based on the non-agricultural land market value, as determined by the Gunnison County Assessor using mass appraisal techniques ("Mass Appraisal Value"). Specifically, the RDT amount equals 10 percent of the sum of the Mass Appraisal Value for all residential lots in the subdivision (A) minus the Mass Appraisal Value that existed for the subject property before the subdivision approval (B).

$$\text{RDT CALCULATION} = 10\% \times \left(\underbrace{\text{SUM OF MASS APPRAISAL VALUE FOR ALL RESIDENTIAL LOTS IN QUALIFYING DEVELOPMENT}}_{\text{A}} - \underbrace{\text{MASS APPRAISAL VALUE OF PROPERTY BEFORE THE QUALIFYING DEVELOPMENT WAS APPROVED}}_{\text{B}} \right)$$

B. EXCLUDED LOTS. Lots used exclusively for essential housing pursuant to Division 9-600: *Essential Housing* or mobile home units pursuant to *Section 9-203: Mobile Home Communities* shall be excluded from the RDT requirement calculation.

C. MIXED DEVELOPMENT. When residential and non-residential uses are located on the same lot, the calculation of (B) shall be accomplished by multiplying the Mass Appraisal Value of the property before the subdivision approval by the percentage of the lot containing or attributable only to residential use.

D. TIMING. The RDT amount shall be calculated by the County and be secured via an agreement acceptable to the County Attorney's Office prior to recording the final plat. When the Assessor value is unavailable before the final plat is ready for recording, the Board of County Commissioners shall establish a preliminary lot value to calculate an initial RDT amount that will serve until the Assessor values are available. Lot value estimates shall be calculated by averaging the current Mass Appraisal Values of the most similar lots available, as recommended by the Assessor and subject to approval by the County Attorney.

E. FINAL CALCULATION. When an initial RDT amount is used, the County shall notify the applicant when the final Mass Appraisal Values become available. At that time and in accordance with the County-approved agreement, adjustments to the RDT amount, RDT compliance method, and security shall be made, subject to approval by the County Attorney, to ensure the RDT requirements are fully met. The final calculation shall only be used when it decreases the RDT amount and the difference shall be reimbursed or recalculated.

F. RDT PAYMENT. At the discretion of the applicant, either all or a portion of the RDT amount shall be paid before the final subdivision plat is recorded, or incrementally with the sale of individual lots. Cash received before the plat is

recorded shall qualify for a 10 percent early payment discount. When the incremental payment method is chosen, the amount apportioned to lots shall be relative to lot value and shall be paid at the close of sale on the lot.

SECTION 14-102: STANDARDS FOR USE OF RDT FUNDS

A. RDT REQUIREMENT COMPLIANCE. Monies collected by Gunnison County pursuant to the RDT program shall be placed into a segregated interest bearing account. Gunnison County shall use funds received pursuant to this Division solely for the purchase of a qualifying conservation easements, restrictive covenants, or fee simple lands located in Gunnison County that permanently conserves private lands that have value in open space, agriculture, wildlife habitat, wetlands, or watershed protection by significantly limiting development; and

B. RDT FUNDS EXPENDITURE APPROVAL. Funds acquired by the County through the RDT program shall not be expended without prior written approval of the Board of County Commissioners.

ARTICLE 15:
RIGHT-TO-RANCH POLICY

COLORADO STATUTE PROTECTS AGRICULTURAL ACTIVITIES. It is the declared policy of the State of Colorado, pursuant to C.R.S. 35-3.5-101 *et seq*: to conserve, protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products.

GUNNISON COUNTY IS CHANGING. Population increases affect many elements of the community that is Gunnison County, including development in areas that have been rural for decades. When non-agricultural residents move into traditionally agricultural areas, conflict may occur. Gunnison County has a viable economic and cultural agricultural history. When agricultural operators and residents, and non-agricultural residents and visitors collide, the economic viability of agricultural operations, and the rural heritage that enriches the quality of life in the County, may be threatened.

CONFLICTS BETWEEN AGRICULTURAL USES AND DEVELOPMENT. Conflicts between agricultural operations and developed areas can arise from harassment of livestock, free roaming dogs threatening livestock and/or wildlife, trespass by humans and livestock, livestock on roadways, gates left open, fence construction and maintenance, maintenance of ditches across private property, storm water management, burning of ditches, complaints about noise, dust and odor, disposal of dead animals, noxious weeds, pest control, and chemical application issues.

SECTION 15-101: PURPOSES

A. INTENT TO ENCOURAGE AGRICULTURE AND PRESERVE RANCHERS' RIGHTS. It is the purpose of this Section to conserve, protect, and encourage the continued use and improvement of traditional ranching lands in Gunnison County for the production of agricultural products. Additionally, the *Right-to-Ranch Policy* is designed to preserve the right of ranchers to produce, without unnecessary interference, agricultural products using generally accepted agricultural practices and to discourage the encroachment of non agricultural land uses into rural areas. Gunnison County in adopting this Policy intends:

1. **TO ENCOURAGE RESPONSIBLE RANCHING**. To conserve, enhance, and encourage responsible ranching and farming, and lawful agricultural activities and operations within and throughout the county where appropriate.
2. **TO PROTECT AGRICULTURAL ACTIVITIES FROM COMPLAINTS.** To protect agricultural operators from complaints concerning agricultural activities that are legal and responsible.
3. **TO EDUCATE THE PUBLIC.** To educate the public and visitors and nonagricultural residents of the County about the existence, validity, and importance of the county's agricultural operations and activities.
4. **TO ASSIST IN DISPUTE RESOLUTION.** To provide a forum for the informal and non-binding resolution of disputes between agricultural operators and nonagricultural residents and visitors to the county.
5. **TO MINIMIZE CONFLICT BETWEEN AGRICULTURAL AND OTHER USES.** To minimize potential conflicts between agricultural and non-agricultural users of land in the county. To educate new rural residents and long-time agricultural operators alike to their rights, responsibilities, and obligations relating to agricultural activities.

SECTION 15-102: APPLICABILITY

The requirements of this Section shall apply to all Land Use Change Permit applications in Gunnison County. This Right-to-Ranch policy is not intended to apply to general agricultural operations not related to ranching or to small-scale hobby farms or ranches. The protections of this Section, including the limitations on actions for private or public nuisance, are applicable only to agricultural operations as defined by this *Resolution*.

A. LANDOWNER'S RIGHT TO PUT LAND INTO ALTERNATIVE USE. The requirements of this Section shall not prevent an owner from selling his/her land or prevent or hinder the owner in seeking approval to put the land into alternative use.

SECTION 15-103: EFFECTS OF ADOPTION OF RIGHT-TO-RANCH POLICY

A. ADOPTION OF THE RIGHT-TO-RANCH POLICY. Upon the effective date of this *Resolution*, and therefore the adoption of this Right-to-Ranch Policy, the ~~Board~~BOCC establishes that:

1. **RANCHING IS INTEGRAL TO GUNNISON COUNTY**. It is the policy of the ~~Board~~BOCC that continued ranching and farming within Gunnison County are integral elements of and necessary for the continued vitality of the county's history, tourism, economy, landscape, open space, lifestyle, and culture.
2. **AGRICULTURAL OPERATIONS WARRANT PROTECTION**. Given their importance to the county, the Western Slope of Colorado, and to the State, agricultural lands and operations are worthy of recognition and protection. Because, by law, Colorado is a "Right-to-Farm" State, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of Gunnison County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy agricultural sector.
3. **LAWFUL RANCHING IS NOT A NUISANCE**. People with urban expectations may perceive agricultural activities, sights, sounds, and smells as inconvenient, an eyesore, or unpleasant; however, state law and County policy provide that ranching, farming, or other agricultural activities and operations within the county shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner.
4. **OTHER LAND USERS ON NOTICE**. Residents and visitors must be prepared to encounter noises, odors, lights, mud, dust, smoke, chemicals, machinery and livestock on public roads, storage and disposal of manure, and the application of chemical and organic fertilizers, soil amendments, herbicides, and pesticides, by spraying and other mechanisms, pursuant to applicable local, state and federal laws.
5. **FENCING RESPONSIBILITIES**. All landowners, whether agricultural operators or residential owners, have obligations under state law and County regulation, to maintain fences and adhere to Colorado laws that require livestock to be fenced out, rather than in.
6. **IRRIGATORS' RIGHT TO MAINTAIN DITCHES**. Pursuant to Colorado law and Section 11-109: *Development That Affects Agricultural Lands* irrigators have the right to maintain irrigation ditches, head-gates and other diversion structures. Irrigation ditches are not to be used for the dumping of refuse.
    a. **IRRIGATION DITCH EASEMENTS**. Pursuant to Section 11-109: G. 2.: *Irrigation Ditch Easements*, a maintenance easement of at least 25 feet from the edges of the ditch banks shall be preserved and indicated on a Final Plat for subdivision. For parcels that are the subject of Land Use Change Permits, Building Permits or On-Site Wastewater Treatment System Permits, access for maintenance of an irrigation ditch is required to be 25 feet from each ditch bank. When approved in notarized written form by the ditch owner(s), that distance may be decreased and existing historical easements used to gain access to ditches, headgates, and fences for maintenance or operational purposes shall be preserved or replaced with reasonable alternate easements suitable for continuation of the historic use.
7. **LANDOWNERS' RESPONSIBILITIES**. All landowners are responsible for controlling noxious weeds, keeping pets under control, using property in accordance with this *Resolution* and all other applicable codes and regulations adopted by the County, and maintaining the environmental resources of their property wisely.

B. LIMITATION ON PRIVATE ACTION. An agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production. An agricultural operation that employs methods or practices that are commonly or reasonably associated with agricultural production shall not be found to be a public or private nuisance as a result of any of the following activities or conditions:

1. **CHANGE IN OWNERSHIP**. Change in ownership; or
2. **NONPERMANENT INTERRUPTION**. Nonpermanent cessation or interruption of farming or ranching; or
3. **PARTICIPATION IN GOVERNMENT PROGRAM**. Participation in a government-sponsored agricultural program; or
4. **NEW TECHNOLOGY**. Employment of new technology; or
5. **PRECEDED NON-AGRICULTURAL ACTIVITIES IN THE AREA.** The agricultural operation was established before non-agricultural activities began in the area around the agricultural operation; or
6. **IS NOT OPERATING NEGLIGENTLY**. Is not operating negligently.
    a. **REBUTTABLE PRESUMPTION OF NON-NEGLIGENT OPERATION**. Employment of methods or practices that are commonly or reasonably associated with agricultural production shall create a rebuttable presumption that an agricultural operation is not operating negligently.

C. INCORPORATING THIS POLICY INTO GUNNISON COUNTY PERMIT APPROVALS. In reviewing any application for a Land Use Change Permit, the applicable review body shall, to the maximum extent feasible, ensure that such

change does not adversely affect any existing agricultural operation on land not a part of the land use change, including maintenance of historic irrigation ditches and access to active agricultural operations The following shall be included in the County's approval of permits:

1. **INFORMATION TO BE PROVIDED TO BUILDERS ADJACENT TO AGRICULTURAL OPERATIONS**. When a Building Permit is issued for new construction in unincorporated areas of the county that are adjacent to agricultural operations, Building Permit applicants shall be provided with a copy of this *Policy*, and a copy of Gunnison County's *Code of the West*
2. **NOTIFICATION REQUIRED FOR LAND USE CHANGE PERMITS**. As of the effective date of this *Resolution*, pursuant to this Policy, notification of existence of this Policy and of Gunnison County's *Code of the West* shall be required to be included in the recorded resolution approving any Land Use Change Permit, and, as applicable, on the recorded plat of any subdivision that is located adjacent to an agricultural operation.

SECTION 15-104: CONFLICT RESOLUTION PROGRAM

A. AGRICULTURAL LAND USE CONFLICT RESOLUTION PROGRAM. There is hereby created an Agricultural Land Use Conflict Resolution Program for providing a forum for the resolution of conflicts between or among landowners and/or residents regarding agricultural operations or practices referenced in this Section and occurring within Gunnison County.

1. **MEDIATION PANEL TO RESOLVE CONFLICTS**. A mediation panel shall be appointed for hearing grievances regarding agricultural land use conflicts between Gunnison County agricultural operations and other residents. The mediation panel shall have the responsibility for making recommendations for the resolution of those conflicts.
   - **a. APPOINTED MEMBERS**. The panel shall be made up of a pool of four year-round residents of Gunnison County, appointed by the Board of Commissioners. Each member shall serve a term of two years, except that one member of the initial panel shall be appointed for a one year term in order to stagger the terms of the panel.
   - **b. QUALIFICATIONS TO SERVE**. Priority in appointment shall be given to individuals with mediation, arbitration, and other dispute resolution skills; however, experience in ranching or farming shall be mandatory for at least one member of the panel.
   - **c. COMPENSATION.** Members of the panel shall receive no compensation, but may receive reasonable expenses incurred in the carrying out of their duties, and the County shall make reasonable staff time and other in-kind resources available to the panel, as needed.
2. **PROCESS AND RULES**. The initial mediation panel shall draft and recommend rules or process for the hearing of grievances by the panel. Once drafted, such rules or process shall be presented to the ~~Board~~BOCC for its approval and adoption. Any amendments to such rules and process shall be made in the same manner. The rules or process recommended by the panel and adopted by the ~~Board~~BOCC shall conform in the minimum to the following:
   - **a. INFORMAL HEARINGS**. Hearing of grievances shall be informal and appearances before the panel shall be by the parties themselves or their official representative. A party may be represented by legal counsel to receive general advice on how to proceed or whether to accept a resolution recommended by the panel, but such legal counsel may not make an appearance in person, in writing, or otherwise, before the panel.
   - **b. ACCEPTANCE OF RECOMMENDATIONS.** Hearing of grievances and acceptance of any recommendation of the panel shall be voluntary; the process is not mandatory and the results are not binding on either party, unless the parties by mutual written agreement agree that they shall be bound by the decision of the mediation panel.
   - **c. CONFIDENTIALITY.** All proceedings shall be confidential and no panel member or other county staff shall disclose any information discovered or made known in the course of any grievance proceeding, without consent by the parties.

ARTICLE 16: ENFORCEMENT

SECTION 16-101: GENERAL

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

B. OWNER HAS BURDEN OF PROOF OF COMPLIANCE. The burden of proof that a project is in compliance with this *Resolution* lies with the owner of the land on which the project is occurring.

C. ENFORCEMENT COSTS ARE OWNER/PERMITTEE RESPONSIBILITY. The costs of any County investigation of the violation and the costs of the hearing and ~~Board~~BOCC action, including incidental expenses of abating the violation, shall be the responsibility of the landowner and permittee, jointly and severally. The term "incidental expenses" shall include personnel costs, both direct and indirect; costs incurred in documenting the violation; the actual expenses and costs to the County in the preparation of notices, specifications and contracts, and in inspecting the work; and the costs of printing and mailing, and attorney's fees required. The County shall provide written notice of those costs to the permittee and landowner by first class mail at the last known address. If the landowner or permittee fails to pay those costs within 30 days of the County mailing, the costs shall become a lien against the subject land or any improvement on the subject land.

D. IMPLEMENTATION OF MITIGATION DOES NOT RELIEVE PERMITTEE OF RESPONSIBILITY FOR COMPLIANCE WITH STANDARDS. Implementation of mitigation does not relieve permittee's responsibility to comply with all County standards and criteria. Failure to conduct the project in compliance with standards and criteria at any time shall be deemed a permit violation and may result in enforcement and/or require a permit amendment to address whether standards and criteria can be satisfied with different mitigation or change in project operations.

SECTION 16-102: AUTHORIZATION TO ENFORCE

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

SECTION 16-103: RIGHT OF ENTRY AND INSPECTION

When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any project is being conducted or any condition exists on a tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution*, any person charged with enforcement of this *Resolution* may enter and inspect or cause to be entered and inspected, the tract, building or other structure at reasonable times to determine compliance with this *Resolution* or that permit, provided that if that tract, building or other structure is occupied, credentials shall be presented to the occupant and entry requested. If the tract of land, building or other structure is unoccupied, such person shall first make a reasonable effort to locate the owner or other person having charge or control of the tract, building or other structure and request entry. If entry is refused, or the owner or person having charge or control cannot be located after reasonable effort, the ~~Board~~BOCC or its designee shall apply to the District Court, Gunnison County, for an order to permit entry. Nothing in this Section precludes or constrains any entry upon or into, or inspection of, any land or into a building otherwise permitted by law.

SECTION 16-104: NOTIFICATION TO CORRECT VIOLATION

When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any project is being conducted or any condition exists on any tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* the County Attorney shall give written notice to the land owner or other person having charge or control of such tract, building or other structure, by certified mail, return receipt requested at the last known address. The notification shall state which requirements of this *Resolution* or of a permit are being violated, shall state the conditions that are to be satisfied for compliance, and shall state that the violator shall immediately initiate correction of the violation to be

substantially complete within 30 days of receipt of the notification. Such written notification is cumulative to, and not a prerequisite to, any other enforcement remedies available to Gunnison County. The Community Development Director shall issue a written compliance letter only if the project or condition that is the basis of the notice has been remedied.

SECTION 16-105: STOP ORDER; IMMEDIATE COMPLIANCE

A. COMMUNITY DEVELOPMENT DIRECTOR MAY ISSUE ORDER. When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any project is being conducted or any condition exists on any tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution* the Community Development Director may, by written notice ("stop order"), order the activity or use stopped immediately or by a time certain. The stop order shall state the conditions that shall be satisfied for compliance. The stop order shall be served by delivering it to any person engaged in that activity or use, or to any person owning, leasing, or controlling the land, building or other structure, or by posting the order in a conspicuous location on the land, building or other structure.

B. IMMEDIATE COMPLIANCE REQUIRED. All persons shall comply immediately with the stop order upon its service or posting, as set forth above.

C. STOP ORDER LIFTED ONLY BY COMPLIANCE ORDER. The stop order shall remain in effect until the Community Development Director determines that the activity or condition that is the basis for the stop order has been remedied, and the Community Development Director issues a written compliance order that is served by Gunnison County.

D. DISCRETIONARY ~~BOARD~~BOA REVIEW. The ~~Board~~BOA may review and amend the stop order if the permittee or landowner demonstrates that such amendment is warranted and will not result in an amendment to the subject permit. Any proposed amendment to the subject permit shall comply with all other applicable requirements of this *Resolution*.

E. STOP ORDER NOT A PREREQUISITE TO OTHER REMEDIES. The issuance of a stop order is cumulative to, and not a prerequisite to any other enforcement remedies available to Gunnison County.

SECTION 16-106: TEMPORARY SUSPENSION OR PERMANENT REVOCATION OF PERMIT

A. TEMPORARY SUSPENSION OR PERMANENT REVOCATION OF PERMIT UPON VIOLATION.

1. ~~BOARD~~BOCC ACTION AFTER WRITTEN NOTICE TO PERMITTEE. The ~~Board~~BOCC may temporarily suspend or permanently revoke an approved Permit if the provisions of any permit or the terms of any related Development Improvement Agreement have been violated. Before making such a temporary suspension or permanent revocation, the ~~Board~~BOCC shall give the permittee written notice of the violation, by certified mail. The ~~Board~~BOCC shall allow the permittee to correct the violation within 30 calendar days from the date of receipt of the notice.

2. PERMITTEE OPPORTUNITY TO PROVIDE EVIDENCE IN RESPONSE. If the permittee believes that the notice of violation has been issued in error, the permittee shall, within 15 calendar days from the date of receipt of the notice, provide evidence satisfactory to the County to show that the determination is in error.

B. PUBLIC HEARING. The ~~Board~~BOCC shall conduct a hearing to determine if the permit shall be temporarily suspended, permanently revoked or that there is no demonstrated violation.

1. NOTICE AND CONDUCT OF HEARING. The ~~Board~~BOCC shall give written notice of the hearing to the permittee by mailing notice, certified, return receipt requested at the last known address, postmarked at least 14 days before the hearing. The notice shall contain a summary of the grounds for the potential suspension or revocation.

2. HEARING DATE MAY BE ADVANCED. The County Manager shall make reasonable efforts to schedule an expedited hearing if requested by the permittee, and/or if irreparable harm may occur if the hearing process is not completed in an expedited manner.

3. CREDIBLE EVIDENCE REQUIRED TO SUSPEND OR REVOKE. At the hearing, the County shall have the burden to demonstrate, by credible evidence presented at the hearing, that the permit should be temporarily suspended or permanently revoked.

C. GENERAL STANDARDS. The permit shall be suspended or revoked if, after the close of the hearing, and based on credible evidence, either of the following findings is made by the ~~Board~~BOCC:

1. **PERMIT ISSUANCE WAS BASED ON MISLEADING INFORMATION OR MISREPRESENTATION.** The permit was issued in reliance on materially erroneous or misleading information from the permittee or his/her representative; or

2. **VIOLATION OF CONDITIONS OF PERMIT OR APPLICABLE REGULATION**. Activity is being conducted or a condition exists on the tract of land or in the building or other structure that is a violation of the subject permit, or any applicable regulation.

D. DECISION OF ~~BOARD~~BOCC. Within five working days after the close of the hearing, the ~~Board~~BOCC shall render a decision based upon its findings that there is no violation of the permit, or that there is a violation and the permit is temporarily suspended or permanently revoked, and the effective date of such suspension or revocation.

E. NOTIFICATION. Notification of the ~~Board~~BOCC's decision shall be provided by the Community Development Director to the permittee, by certified mail postmarked within five working days of the ~~Board~~BOCC's decision.

F. SUSPENSION LIFTED ONLY BY COMPLIANCE FINDING. A suspension order shall remain in effect until, at a regular meeting of the ~~Board~~BOCC, the ~~Board~~BOCC finds that the activity or condition that is the basis for the suspension order has been remedied, and the ~~Board~~BOCC issues a written compliance finding.

G. CUMULATIVE REMEDY. The ~~Board~~BOCC's right to suspend or revoke a permit as provided in this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedies available to the ~~Board~~BOCC.

H. APPEAL. A decision made under this Section may be appealed to the BOA pursuant to Section 18-103: *Appeals*.

SECTION 16-107: ABATEMENT OF VIOLATION

Any violation of this *Resolution* or of a permit issued pursuant to this *Resolution* may be abated under the process and standards of this Section.

A. PROCESS FOR ABATEMENT.

1. **NOTIFICATION OF VIOLATION**. If, after investigation by any person charged with enforcement of this *Resolution*, or the ~~Board~~BOCC determines that reasonable cause exists to believe that any activity is being conducted or any condition exists on any tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution,* the ~~Board~~BOCC shall serve the permittee, by certified mail, return receipt requested, with a Notice to Abate, stating the grounds of the violation, and setting forth a reasonable time for the permittee to abate and correct the violation.

2. **HEARING TO CORRECT VIOLATION.** If the permittee fails to comply with the Notice to Abate, the ~~Board~~BOCC shall conduct a hearing on abatement to ascertain whether abatement should be conducted.

3. **NOTICE OF HEARING.** The ~~Board~~BOCC shall provide notice of the Hearing on Abatement to the permittee or landowner and any complainant by certified mail, return receipt requested at the last known address, a minimum of 14 days before the date established for the hearing. Notice shall be substantially in this format:

Notice of Hearing on Abatement of Violation of
Gunnison County Land Use Resolution

This is a notice of hearing before the Board of County Commissioners of Gunnison County, Colorado, to ascertain whether certain activity being conducted on, or condition existing on, a tract of land, in any building or other structure situated in unincorporated Gunnison County, Colorado, known and designated as _____(address)_____, in said County, and more particularly described as _____(legal description)_____ with Tax Parcel No. _____, constitutes a violation of the Gunnison County Land Use Resolution and is subject to abatement pursuant to this Resolution. If the violation is not promptly abated by the permittee or landowner, such violation may be abated by Gunnison County, in which case the cost of that abatement will be assessed on such land, and the costs, together with interest thereon, shall constitute a lien on such until paid.

Said alleged violation does not comply with Section _____ of the Gunnison County Land Use Resolution, and consists of the following: _____.

The method(s) of abatement are: _____.

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this _____ day of _____, 20___.

Time and Date of Hearing: _____.

4. **DECISION BY ~~BOARD~~BOCC.**

   a. **GENERAL.** At the time stated in the notice of the hearing on abatement, the ~~Board~~BOCC shall conduct a hearing pursuant to the requirements of this Section, and shall hear and consider all relevant evidence, objections or protests, and shall hear testimony of the alleged violator, if desiring to testify, and all other persons having an interest in the hearing.

5. **CONTINUANCE.** The ~~Board~~BOCC may continue the hearing to a specific date and time for good cause.

6. **RECOMMENDED ORDER**. If, after the conclusion of the hearing, the ~~Board~~BOCC finds that a violation of the this *Resolution* does exist and there is sufficient cause to abate the violation, within five days after the close of the hearing the County Attorney shall prepare a recommended Order to Abate with findings of fact specifying the nature of the violation, the method of abatement and the time within which the abatement shall be commenced and completed. The recommended Order to Abate shall then be forwarded to the ~~Board~~BOCC for adoption.

7. **~~BOARD~~BOCC DECISION.** At its next regularly scheduled meeting, the ~~Board~~BOCC shall take action on the recommended Order to Abate.

8. **NOTIFICATION OF RECOMMENDED ORDER**. The County Attorney shall provide the permittee a copy of the recommended Order to Abate by certified mail, return receipt requested at the last known address, postmarked the day the recommended Order to Abate is forwarded to the ~~Board~~BOCC for adoption.

9. **~~BOARD~~BOCC DECISION**. At the next regularly scheduled meeting of the ~~Board~~BOCC after receipt of the recommended Order to Abate, the ~~Board~~BOCC shall approve the Order to Abate or a modified version of it, if there is competent evidence in the record that a violation of this *Resolution* does exist and there is sufficient cause to evict or relocate an illegal use or rehabilitate, demolish, remove or repair an illegal structure.

10. **NOTICE OF ORDER**. The ~~Board~~BOCC shall provide a copy of the decision to the landowner by certified mail, return receipt requested.

B. EFFECT OF ORDER TO ABATE. If an Order to Abate is issued it shall mean that the land, building or structure is in violation of this *Resolution*, and the illegal activity shall be discontinued and rehabilitated, repaired, removed, or demolished in the manner and means specifically set forth in the Order to Abate, including but not limited to the abatement being performed by Gunnison County.

C. ABATEMENT BY COUNTY. If the violation is not abated pursuant to the Order to Abate within the prescribed abatement period, the County Manager shall cause the violation to be abated by County employees or by private contract, or by any other means provided by Colorado law. The County Manager is authorized to enter upon land for those purposes. In addition to the costs regarding the Order to Abate, the landowner shall be responsible to pay all costs, including incidental expenses, of the abatement by the County. The County shall provide written notice of those costs to the landowner by first class mail at the last known address. If the landowner fails to pay those costs within 30 days of the County mailing, the costs shall become a lien against the subject land or any improvement on the subject land.

D. CUMULATIVE REMEDY. The ~~Board~~BOCC's right to abate a violation of this *Resolution* or of any permit issued pursuant to this *Resolution*, as provided in this Section, shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

E. APPEAL. A decision made under this Section may be appealed to the BOA pursuant to Section ~~1~~8-103: *Appeals*.

SECTION 16-108: NO PROCESSING OR APPROVAL FOR LAND OR PERMITTEE SUBJECT TO ENFORCEMENT

No permit application shall be processed or approved pursuant to this *Resolution*, and no other Gunnison County permit shall be issued by Gunnison County, for property or permittee that is the subject of an existing Notice of Violation, Stop Order, Suspension Order, or Order of Abatement. The enforcement remedy provided by this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

SECTION 16-109: NO ACTION FOR PERSONS SUBJECT TO ENFORCEMENT ORDERS

No application shall be processed or approved pursuant to this *Resolution*, and no other Gunnison County permit shall be issued by Gunnison County, for or to any person who is responsible for a violation that is the subject of an existing Stop

Order, Suspension Order or Order of Abatement. The enforcement remedy provided by this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

SECTION 16-110: REVIEW OF POTENTIAL VIOLATION AND NECESSARY REMEDIATION BEFORE PERMIT APPLICATION

A. COMMUNITY DEVELOPMENT DEPARTMENT REVIEW. When any activity has begun or any condition exists on a tract of land or in any building or other structure without the necessary permit having been obtained pursuant to this *Resolution* the Community Development Director shall conduct a review to determine what remediation must occur before a permit application will be accepted to consider that activity or condition.

B. REVIEW FEE. A review fee, in addition to the application fee, shall be collected whether or not a permit is issued based on the application. The review fee shall be equal to three times the amount of the application fee and payable at the time of the application.

C. FEE PAYMENT OR FILING OF APPLICATION DOES NOT PROVIDE EXEMPTION FROM OTHER REQUIREMENTS. Neither the payment of the review fee nor the filing of an application shall exempt any person from compliance with all other requirements of this *Resolution* and all other applicable regulations or relieve any person from any other enforcement remedies available to Gunnison County.

D. CUMULATIVE REMEDY. The requirement of a review pursuant to this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

SECTION 16-111: REQUIREMENTS REGARDING SUBDIVISION OF LAND

In addition to the enforcement remedies provided in this *Resolution*, but not as a prerequisite to any of them:

A. FINE FOR TRANSFERRING TITLE BEFORE FINAL PLAN APPROVAL AND FILING OF WARRANTS. Pursuant to C.R.S. 30-28-110(4)(a) as it may be amended, any subdivider or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before a Final Plat for subdivided land has been approved by the ~~Board~~BOCC and recorded or filed in the Office of the County Clerk and Recorder, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $1,000 nor less than $500 for each parcel of, or interest in, subdivided land which is sold. All fines collected under this Section shall be credited to the General Fund of Gunnison County.

B. LOTS MAY NOT BE SOLD BEFORE FINAL APPROVAL. Pursuant to C.R.S. 30-28-110(4)(b) as it may be amended, the ~~Board~~BOCC has the power to bring an action to enjoin any subdivider from selling subdivided land before a Final Plat for such subdivided land has been approved by the ~~Board~~BOCC and properly recorded.

C. TAXES TO BE PAID. An application for any land use change, any subdivision of land or the subsequent phasing of an approved subdivision of land or issuance of any related County permits shall be placed on inactive status pursuant to Section 3-105: B.: *Withdrawn and Inactive Applications* if the real property taxes for the subject parcel are determined by the Gunnison County Treasurer's Office to be delinquent in whole or in part. No plat for subdivided land shall be approved by the ~~Board~~BOCC unless at the time of the approval of platting the applicant provides the certification of the County Treasurer's office that all real property taxes applicable to that subdivided land, up to the year in which approval is granted, have been paid.

SECTION 16-112: OTHER REMEDIES

A. CIVIL REMEDIES. Any person violating any provision of this *Resolution* shall be subject to all civil sanctions and penalties authorized by law, including Sections 30-28-124 C.R.S. and 124.5 C.R.S. as they may be amended. For purposes of civil sanctions the County may seek, this *Resolution* shall be considered to be a zoning resolution. A civil sanction and penalty may be assessed for each day the violation exists.

B. CRIMINAL REMEDIES. Any person violating any provision of this *Resolution* shall be subject to all criminal sanctions and penalties authorized by law, including but not limited to Sections 30-28-124, 124.5, and 16-13-301 C.R.S., *et seq*. as they may be amended. For purposes of criminal sanctions the County may seek, this *Resolution* shall be considered to be a zoning resolution. A sanction and penalty may be assessed for each day the violation exists.

C. CUMULATIVE REMEDY. The ~~Board~~BOCC's right to seek civil and/or criminal remedies shall be exercised only by the ~~Board~~BOCC and shall be cumulative to, and not a prerequisite to, any other enforcement remedies provided by this *Resolution*.

D. FEES. The ~~Board~~BOCC shall be entitled to recover from any person violating any provision of this *Resolution* all reasonable attorneys' fees as well as all reasonable costs including staff time incurred in enforcing requirements of this *Resolution*.

SECTION 16-113: NO PERSONAL LIABILITY

Any County official, employee or agent charged with the enforcement of this *Resolution* who acts in good faith in the discharge of the duties required by this *Resolution* or other pertinent law, ordinance, regulation or *Resolution* shall not thereby be rendered personally liable for any damages that may accrue to any person or property as a result of an act or omission to act in the discharge of those duties.

SECTION 16-114: NO COUNTY LIABILITY

This *Resolution* does not make, and shall not be construed to make, Gunnison County, or any of its officials, employees or agents responsible or liable for any injury to persons or property resulting from any action taken pursuant to this *Resolution.*

SECTION 16-115: RESPONSIBILITY NOT LESSENED

This *Resolution* does not and shall not be construed to relieve from or lessen the responsibility of any person owning or controlling any land for any damages to persons or property caused by use of such land for which a permit was issued pursuant to this *Resolution*.

SECTION 16-116: NO WAIVER BY GUNNISON COUNTY OF STATUTORY AUTHORITY

Nothing in this Article 16 is, or shall be construed to be, a waiver by Gunnison County of any statutory authority including the authority identified in Section 24-32-2109, C.R.S., *Local Disaster Emergencie*s, as it may be amended.

SECTION 16-117: NO WAIVER BY GUNNISON COUNTY OF GOVERNMENTAL IMMUNITY

Nothing in this *Resolution*, and no act performed pursuant to this *Resolution*, is or shall be construed to be a waiver by Gunnison County, its officials, employees or agents of governmental immunity.

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~~BOCC 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.

C. 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~~BOCC 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.

D. ENSURED COMPLETION OF IMPROVEMENTS. The Development Improvement Agreement shall provide that if the ~~Board~~BOCC 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~~BOCC 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~~BOCC may exercise any or all of the other remedies available to it pursuant to the Agreement and this *Resolution*.

E. 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~~BOCC.

F. FORM OF AGREEMENT. A general form of the Development Improvement Agreement is available ~~in~~ from 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*.

APPENDIX

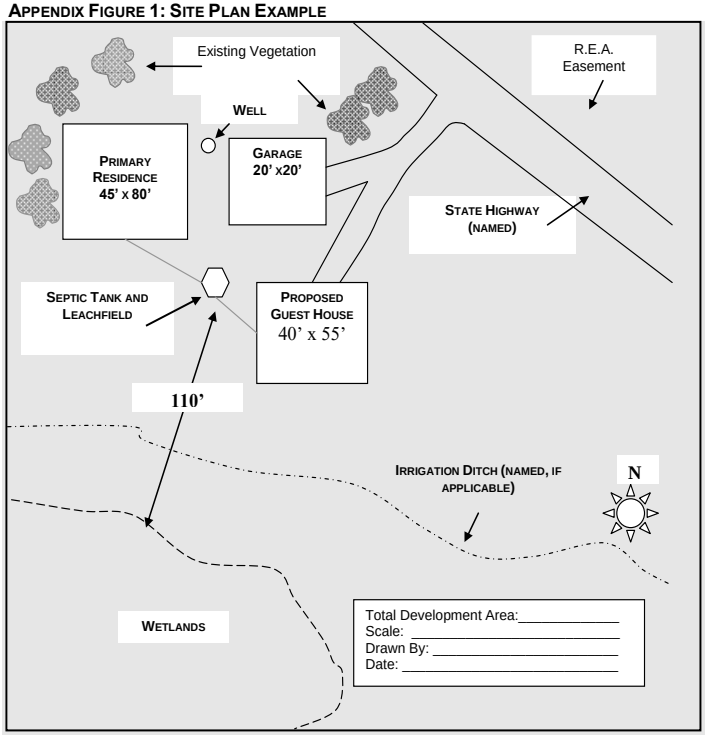
Tables in the Appendix:

Appendix Table 1: *Impact Classifications*
Appendix Table 2: *Summary of Review Processes*
Appendix Table 3: *Off-Road Parking Requirements*

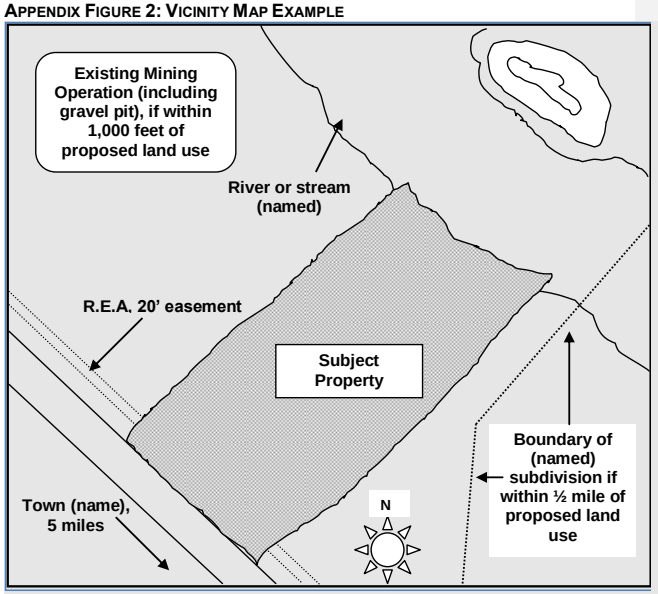
Figures in the Appendix:

Appendix Figure 1: *Site Plan Example*
Appendix Figure 2: *Vicinity Map Example*
Appendix Figure 3: *General Review Process for Land Use Change Permits*
Appendix Figure 4: *General Review Process for Administrative Review Projects That Require Land Use Change Permits*
Appendix Figure 5: *General Review Process for Minor Impact Projects*
Appendix Figure 6: *Sketch Plan Review Process for Major Impact Projects*
Appendix Figure 7: *Preliminary Plan Review Process for Major Impact Projects*
Appendix Figure 8: *Final Plan Review Process for Major Impact Projects*

APPENDIX FIGURE 1: SITE PLAN EXAMPLE



APPENDIX FIGURE 2: VICINITY MAP EXAMPLE



APPENDIX TABLE 1: IMPACT CLASSIFICATIONS

ADMINISTRATIVE REVIEW PROJECTS THAT DO NOT REQUIRE A LAND USE CHANGE PERMIT	ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE A LAND USE CHANGE PERMIT	MINOR IMPACT PROJECT	MAJOR IMPACT PROJECT
• **EXEMPT PRIMARY RESIDENCE SMALLER THAN 5~~10~~,000 SQ. FT.** A primary residence smaller than 5~~10~~,000 sq. ft. that is exempted by Section 1-106: *Partially Exempted Land Use Changes*. The residence may include an attached garage, which shall be calculated in the total square footage allowed for the residence. • **BARNS AND OTHER AGRICULTURAL BUILDINGS ON AN AGRICULTURAL OPERATION.** A barn or other agricultural building used in conjunction with an agricultural operation. • **FENCES.** Fences, which shall comply with Section 13-113: *Fencing*. • **GARDENS AND GREENHOUSES**. Private non-commercial gardens and greenhouses. • **ONE ~~120~~ 200SQ. FT. STORAGE SHED**. One storage shed ~~120~~ 200 sq. ft. or smaller. • **BARNS IN APPROVED SUBDIVISIONS**. Barns located in approved subdivisions in which there are adopted protective covenants that allow barns and that have been approved by Gunnison County. • **GARDENS AND GREENHOUSES THAT ARE HOME OCCUPATIONS**. Gardens and greenhouses that are home occupations, created and operated	• **PRIMARY RESIDENCE 5,000 SQ. FT. OR LESS, IN EXISTING PLATTED SUBDIVISION.** A primary residence 5,000 sq. ft. or less, located within an existing platted subdivision. • **PRIMARY RESIDENCE 5,000 SQ. FT. OR LESS AND AGGREGATE SQUARE FOOTAGE 7,000 SQ. FT. OR LESS.** A residential living area (one single-family residence, and any combination of a primary single-family residence, an integrated secondary residence, a detached secondary residence) and a garage attached to a residence 5,000 sq. ft. or less (excluding from the calculation horse/hay sheds less than 500 sq. ft., one 200 sq. ft. storage shed, and a private greenhouse) and accessory structures or secondary use structures with an aggregate of 7,000 sq. ft. or less on one parcel, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*. • **MULTIPLE FAMILY RESIDENCE 10,000 SQ. FT. OR LESS**. A multiple family residence 10,000 sq. ft. or less. The multiple family residence may include an attached garage(s), which shall be calculated in the total square footage allowed for the residence, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*. • **AGGREGATE SQUARE FOOTAGE 12,500 SQ. FT. OR LESS FOR MULTIPLE-FAMILY RESIDENCE(S).** An aggregate 12,500 sq. ft. or less of residential living area and/or accessory on one parcel, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*. • ~~**SECONDARY STRUCTURE INTENDED**~~	• **PRIMARY RESIDENCE LARGER THAN 5,000 SQ. FT.** A primary residence larger than 5,000 sq. ft. or larger. • **AGGREGATE SQUARE FOOTAGE LARGER THAN 7,000 SQ. FT.** An aggregate square footage larger than 7,000 sq. ft. of residential living area (one single-family residence, and any combination of a primary single-family residence, an integrated secondary residence, a detached secondary residence) and a garage attached to a residence (excluding from the calculation horse/hay sheds less than 500 sq. ft., one 200 sq. ft. storage shed, and a private greenhouse) and accessory structures or secondary use structures on one parcel, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*. • **MULTIPLE FAMILY RESIDENCE LARGER THAN 10,000 SQ. FT.** A multiple family residence larger than 10,000 sq. ft. The multiple family residence may include an attached garage(s), which shall be calculated in the total square footage allowed for the residence, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*. • **AGGREGATE SQUARE FOOTAGE LARGER THAN 12,500 SQ. FT. FOR MULTIPLE FAMILY RESIDENCE(S).** An aggregate square footage larger than 12,500 sq. ft. of residential living area and/or accessory structures on one	• **MORE THAN FOUR UNITS.** More than four units that are subdivision lots, duplex units, or multiple-family residences. • **NEW COMMERCIAL, INDUSTRIAL LARGER THAN 5,000 SQ. FT. OR FIVE ACRES.** A new commercial or industrial use of more than 5,000 sq. ft. of structure, or on a parcel of more than five acres, or which, because of projected traffic, hours of operation, or type of use, may be classified as a Major Impact project, or would be the first instance of a commercial or industrial land use in an area in which no other commercial or industrial land use currently exists. • **EXPANSION OF COMMERCIAL OR INDUSTRIAL USE ~~OF~~ LARGER THAN 10,000 SQ. FT. OR FIVE ACRES OR MORE.** Expansion of a commercial or industrial use, existing as of the effective date of this *Resolution*, of 10,000 sq. ft. or more. • **LARGE NEW OR EXPANDED MINING OPERATIONS.** New or expanded mining operations that operate for more than 180 days per year, produces more than 10,000 tons of ore/waste per year, or affects

APPENDIX TABLE 1: IMPACT CLASSIFICATIONS

ADMINISTRATIVE REVIEW PROJECTS THAT DO NOT REQUIRE A LAND USE CHANGE PERMIT	ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE A LAND USE CHANGE PERMIT	MINOR IMPACT PROJECT	MAJOR IMPACT PROJECT
pursuant to Section 9-102: *Home Occupations*. • **POOLS AND RECREATION FACILITIES**. Private swimming pools and private recreation facilities associated with a primary residence, and not part of a private club or membership group. • **INTEGRATED SECONDARY RESIDENCE SMALLER THAN 1,200 SQ. FT. ON ANY LEGAL LOT.** An integrated secondary residence smaller than 1,200 sq. ft. in a primary residence on any legal lot that meets the standards pursuant to Section 9-101. 7.: *Standards for Integrated Secondary Residence*. • **SECONDARY STRUCTURE INTENDED ONLY FOR SLEEPING WITHOUT A KITCHEN**. A secondary structure without a kitchen that is to be used only for sleeping facilities. It shall comply with the requirements of the *Gunnison County On-Site Wastewater Treatment System Regulations.* • **DETACHED SECONDARY RESIDENCE ON A LEGAL LOT.** A detached secondary residence on a legal lot. • **ONE HOME OCCUPATION**. One home occupation, pursuant to Section 9-102: *Home Occupations*. • **CAMPING.** Camping in a recreational vehicle or other camping shelter on an individual parcel pursuant to Section 9-509:	~~**ONLY FOR SLEEPING AND HAS NO KITCHEN**. A secondary structure without a kitchen that is to be used only for sleeping facilities. It shall comply with the requirements of the *Gunnison County On-Site Wastewater Treatment System Regulations*.~~ • **MORE THAN ONE HOME OCCUPATION.** More than one home occupation, pursuant to Section 9-102: *Home Occupations*. • ~~**MOBILE HOME NOT IN A MOBILE HOME COMMUNITY.** A mobile home proposed to be located on an individual parcel of land not in a mobile home community, but adjacent to a subdivision whose protective covenants do not address, or expressly prohibit mobile homes within the subdivision, pursuant to Section 9-202: *Individual Manufactured and Mobile Homes.*~~ • **BOUNDARY LINE ADJUSTMENT**.. An application to adjust the lot line between adjacent parcels or lots not in platted approved subdivisions, when the adjustment is in compliance with Section 5-103: *Standards for Approval of Administrative Review Projects.* • **LOT CLUSTERS.** An application to eliminate the lot lines separating adjacent lots that are commonly owned. • **CORRECTION PLAT.** An application to correct a technical error in a subdivision plat that has been approved and recorded. • **REPAIR OF EXISTING DISTRIBUTION LINES.** Repair of existing distribution lines located substantially within an existing utility easement. • **ALTERATION OF APPROVED BUILDING ENVELOPES.** Alterations of building	parcel, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*. • **MORE THAN ONE SECONDARY RESIDENCE ON A LEGAL LOT OR TRACT.** More than one secondary residence on a legal lot or tract, except as allowed pursuant to Section 9-101: *Uses Secondary to a Primary Residence*. • **2-4 UNITS.** 2-4 units that are subdivision lots, ~~duplexes,~~ or multiple-family residences, except as allowed pursuant to Section 9-101: G: *Secondary Structures and Uses Classified as Minor Impact Projects.* • **DEVELOPMENT REQUIRING DETAILED RIDGELINE VANTAGE VISIBILITY ANALYSIS**. Any development other than a project classified as a Major Impact project, and for which a detailed ridgeline vantage visibility analysis is required, pursuant to *Section 11-108: E: Impact Classification.* • **CLEARING OF MORE THAN 7500 SQ. FT. OF LAND**. Clearing of more than 7,500 sq. ft. of land not related to activities permitted by a Building Permit, an ISDS Permit, or Access Permit, or an agricultural operation. • **NEW COMMERCIAL, INDUSTRIAL 5,000 SQ. FT., OR FIVE ACRES OR LESS**. A new commercial or industrial structure equal to or less than 5,000 sq. ft: or a commercial or industrial use developed on five acres or less.	more than two surface acres of land, pursuant to Division 9-400*: Exploration, Extraction and Processing of Minerals and Construction Materials*. • **LARGE CONSTRUCTION MATERIALS OPERATIONS.** Any sand, gravel or quarry operation providing material that will operate for more than two years, pursuant to *Division 9-400: Exploration, Extraction and Processing of Minerals and Construction Materials.* Larger operations may require review under the *Gunnison County Special Development Projects Regulations*. • **WATER IMPOUNDMENT PROJECTS CLASSIFIED AS CLASS I DAMS**. New projects, or facilities, or expansion of existing projects or facilities, that involve the design, construction and operation of a water impoundment that includes a dam classified by the Colorado Division of Water Resources as a Class I dam, pursuant to Section 13-118: *Water Impoundments.* • **TRANSMISSION LINES.** Construction of a new transmission line(s) in an area in which no line(s) currently exists, but not including a project for which a Land Use Change Permit has been granted in which the design, construction, location

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APPENDIX TABLE 1: IMPACT CLASSIFICATIONS

ADMINISTRATIVE REVIEW PROJECTS THAT DO NOT REQUIRE A LAND USE CHANGE PERMIT	ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE A LAND USE CHANGE PERMIT	MINOR IMPACT PROJECT	MAJOR IMPACT PROJECT
C. *No Land Use Change Permit Required For Camping in a Recreational Vehicle or other Camping Shelter on an Individual Parcel.* • **SPECIAL EVENTS**. A special event, pursuant to Section 9-501: *Special Events.* • **TEMPORARY STRUCTURES.** Temporary structures, pursuant to Section 9-502: *Temporary Structures.* • **SATELLITE DISHES.** Satellite dishes, pursuant to Section 9-503: *Satellite Dish Devices.* • **ATTACHED WIRELESS TELECOMMUNICATIONS DEVICE**. Attached wireless telecommunications device, pursuant to Section 9-504: *Attached Wireless Telecommunications Devices.* • **KEEPING OF LIVESTOCK NOT ON AN AGRICULTURAL OPERATION.** Keeping of livestock not on an agricultural operation, pursuant to Section 9-508: *Keeping of Livestock Not on an Agricultural Operation.* • **SITE APPROVAL APPLICATION FOR WATER SUPPLY OR WASTEWATER TREATMENT SYSTEM**. The Colorado Department of Public Health and Environment's site approval application for a proposed expansion or alteration of an existing wastewater treatment	envelopes on lots that were approved as an element of a Land Use Change Permit. • **SUBDIVISION EXEMPTION TO "VALIDATE" AN EXISTING LOT.** Pursuant to C.R.S. 30-28-101 (10) (d)., the "validation" of a lot that existed prior to the effective date of this *Resolution*, but did not exist before September 27, 1972 and has not been reviewed and approved by the County as a legally subdivided lot "legal lot"). • **EXPANSION OR CHANGE OF COMMERCIAL OR INDUSTRIAL USE TO TOTAL SIZE OF 5,000 SQ. FT. OR ONE ACRE OR LESS.** Expansion or change of a commercial or industrial use existing as of the effective date of this *Resolution,* when the expansion will result in the use having a total size of less than 5,000 sq. ft. of a structure, or one acre of land. • **PLAT FOR APPROVED CONDOMINIUMS/TOWNHOME PROJECT.** A constructed condominium or townhome project for which a Land Use Change Permit has been approved for the overall development. • **LIMITED MINERAL EXPLORATION.** Limited mineral exploration (activities related to proving up a patented mining claim pursuant to federal law), as addressed in Section 9-402: C.3: *Limited Mineral Exploration.* • **UNDERGROUND MINERAL EXPLORATION**. An application for underground mineral exploration for operations existing as of the effective date of this *Resolution*, as addressed in Section 9-402: D: *Extension and Expansion of Current Underground Mineral Exploration Required to File Notice of Activity.*	• **5.000-10,0009,999 SQ. FT. EXPANSION OF COMMERCIAL OR INDUSTRIAL USE**. Expansion of a commercial or industrial use, existing as of the effective date of this *Resolution*, of 5,000 – 10,0009,999 sq. ft. • **FREESTANDING WIRELESS TELECOMMUNICATION STRUCTURE**. Construction and siting of a freestanding wireless communication structure, building, pole, tower or antenna that provides wireless telecommunications services, pursuant to *Section 9-505: Freestanding Wireless Telecommunication Structures.* • **SMALL NEW OR EXPANDED MINING OPERATIONS**. New or expanded mining operation that operates for no more than 180 days per year, produces fewer than 10,000 tons of ore/waste per year and affects no more than two surface acres of land, pursuant to *Division 9-400: Exploration, Extraction and Processing of Minerals and Construction Materials.* • **CONSTRUCTION MATERIALS OPERATION RELATED TO CONSTRUCTION OF PUBLIC ROAD.** Any sand, gravel, or quarry operation providing material for public road construction that will operate for less than two years. • **GENERAL ROAD CUTTING OR CONSTRUCTION**. Road cutting or construction, except that cutting or construction and maintenance of a	and impacts of the utility line(s) were reviewed and approved. • **PRECEDENT FOR FUTURE LAND USE THAT IS DIFFERENT THAN EXISTING USE.** Any proposal that sets a precedent for future land use that is significantly different than existing land uses in the impact area.

APPENDIX TABLE 1: IMPACT CLASSIFICATIONS

ADMINISTRATIVE REVIEW PROJECTS THAT DO NOT REQUIRE A LAND USE CHANGE PERMIT	ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE A LAND USE CHANGE PERMIT	MINOR IMPACT PROJECT	MAJOR IMPACT PROJECT
system. • **DISTRIBUTION OR SERVICE LINE TO PRIMARY RESIDENCE**. A distribution or service line providing service to a single primary residence, multiple family residences, or other residence that would not otherwise require a Land Use Permit under the requirements of this *Resolution*. • **ALTERATION AND REPAIR OF EXISTING SERVICE LINES OR DISTRIBUTION LINES**. Conversion of above-ground distribution lines or service lines to underground distribution or service lines located substantially within an existing utility easement.	• **EXTRACTION OF CONSTRUCTION MATERIALS**. Extraction of construction materials that generates more than 300 cubic yards, per Section 9-402: C. 1: *Limited Construction Material Extraction.* • CONSTRUCTION OF A DRIVEWAY ON A VACANT PARCEL OF LAND PRIOR TO ISSUANCE OF A BUILDING OR ON-SITE WASTEWATER TREATMENT SYSTEM PERMIT. The construction of a driveway on vacant land prior to the issuance of a building or on-site wastewater treatment system permit., excluding agricultural or temporary access permits. • **NON-COMMERCIAL USE OF HELICOPTER FOR ACCESS TO PRIVATE PROPERTY.** The non-commercial use of a helicopter solely for the use by the property owner for access to private property. • **AMENDMENT OR TERMINATION OF SUBDIVISION COVENANTS.** Amendment or termination of subdivision covenants, for covenants approved as part of the subdivision approval by Gunnison County. • **SUBDIVISION PLAT VACATION, AMENDMENT OR REPLAT.** Vacation, amendment or replat of a recorded subdivision plat.	road that provides access solely for an agricultural operation shall not be classified as a Minor Impact project, and shall not require review. • **TRANSMISSION LINES**. Upgrade of an existing utility transmission line(s) within an existing easement(s), but not including a project for which a Land Use Change Permit has been granted in which the design, construction and impacts of the utility line were reviewed and approved. • **BED AND BREAKFAST.** Bed and breakfast business, pursuant to *Section 4-103: Bed and Breakfast.* • **CHILD CARE CENTER**. A child care center, pursuant to Section 9-506: *Child Care Center*. • **GROUP HOME**. A group home, pursuant to *Section 9-507: Group Home.* • **FREESTANDING WIRELESS COMMUNICATION STRUCTURES**. Freestanding wireless communication structures, pursuant to *Section 9-505: Freestanding Wireless Communication Structures.* • **WATER IMPOUNDMENT PROJECTS CLASSIFIED AS CLASS II DAMS**. New projects or facilities, or expansion of existing projects or facilities, that involve the design, construction and operation of a water impoundment that	

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APPENDIX TABLE 1: IMPACT CLASSIFICATIONS			
ADMINISTRATIVE REVIEW PROJECTS THAT DO NOT REQUIRE A LAND USE CHANGE PERMIT	ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE A LAND USE CHANGE PERMIT	MINOR IMPACT PROJECT	MAJOR IMPACT PROJECT
		includes a dam classified by the Colorado Division of Water Resources as a Class II dam, pursuant to *Section 13-118: Water Impoundments.* • **EXPANSION OR EXTENSION OF SNOWPLOWING**. Expansion or extension of snowplowing, pursuant to *Section 11-110: F: Expansion or Extension of Snowplowing.* • **COMMERCIAL WEDDING SITE.** The site on which weddings are regularly or frequently conducted as a commercial operation, irrespective of the number of people or vehicles generated by the wedding event.	

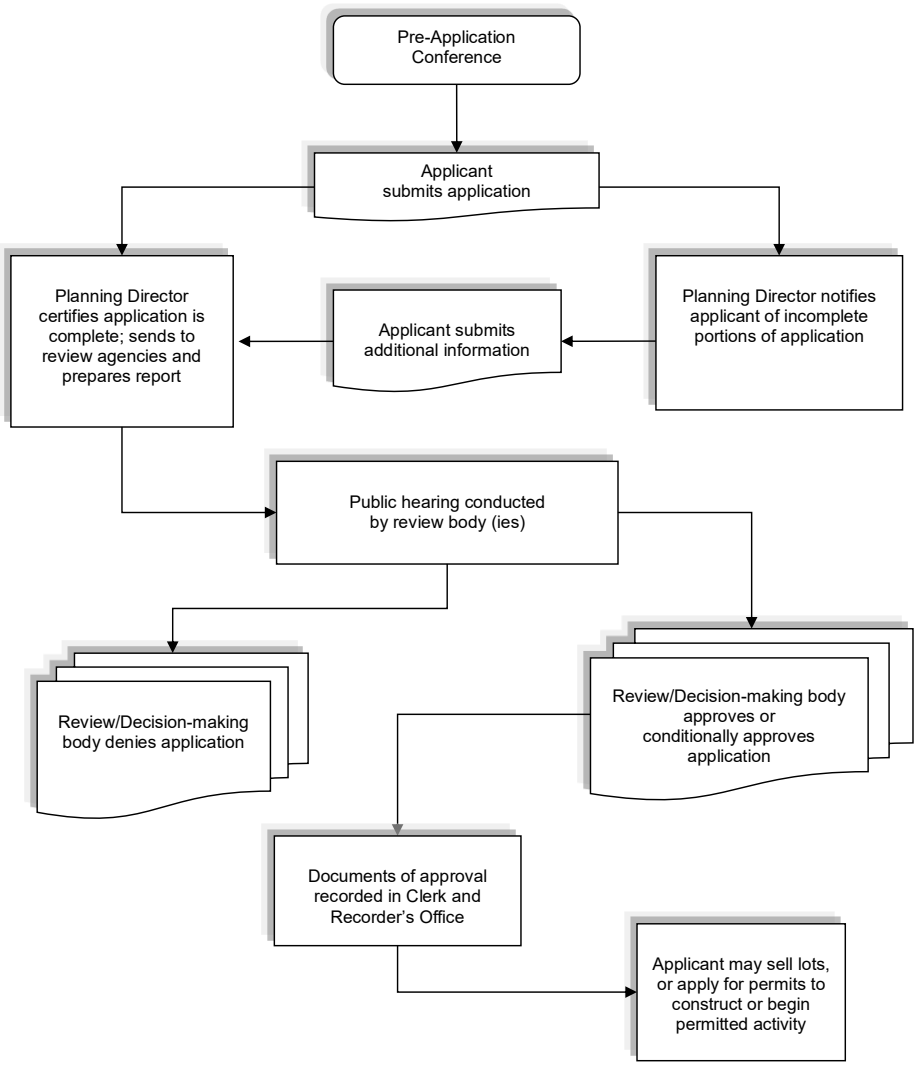
APPENDIX TABLE 2: SUMMARY OF REVIEW PROCESSES

APPLICATION TYPE	PRE- APPLICATION CONFERENCE	COMMUNITY DEVELOPMENT DEPARTMENT	PLANNING COMMISSION	~~BOARD~~BOARD OF COUNTY OF COMMISSIONERS	BOARD OF ~~ADJUSTMENTS~~ADJUSTMENT	PUBLIC HEARING
ADMINISTRATIVE REVIEW PROJECTS						
ALL ADMINISTRATIVE REVIEW PROJECTS	Optional	Community Development Director makes decision	N/A	Decisions may be appealed to the ~~Board~~BOCC	N/A	None
MINOR IMPACT PROJECTS						
MINOR IMPACT SUBDIVISION	Optional	Provides analysis of Project to Planning Commission	Makes recommendation to ~~Board~~BOCC	Makes decision; subdivision plat requires ~~Board~~BOCC Signature	N/A	Planning Commission and ~~Board~~BOCC jointly conduct one hearing
MINOR IMPACT NOT A SUBDIVISION	Optional	Provides analysis of Project to Planning Commission	Makes decision	Decisions may be appealed to the ~~Board~~BOA	N/A	Planning Commission conducts one hearing
MINOR IMPACT, EXTENSION OF SNOWPLOWING	Optional	N/A	N/A	Makes decision	N/A	~~Board~~BOCC conducts one hearing
MAJOR IMPACT PROJECTS						
SKETCH PLAN	Mandatory	Provides analysis of Sketch Plan to Planning Commission	Makes recommendation to ~~Board~~BOCC	Makes decision	N/A	One jointly conducted hearing required by Commission; and ~~Board~~BOCC; ~~Board~~BOCC has option to separately conduct one additional
PRELIMINARY PLAN	Mandatory	Provides analysis of Preliminary Plan to Planning Commission	Makes recommendation to ~~Board~~BOCC	Makes decision	N/A	One jointly conducted hearing by Commission and ~~Board~~BOCC; ~~Board~~BOCC has option to separately conduct one additional

APPENDIX TABLE 2: SUMMARY OF REVIEW PROCESSES

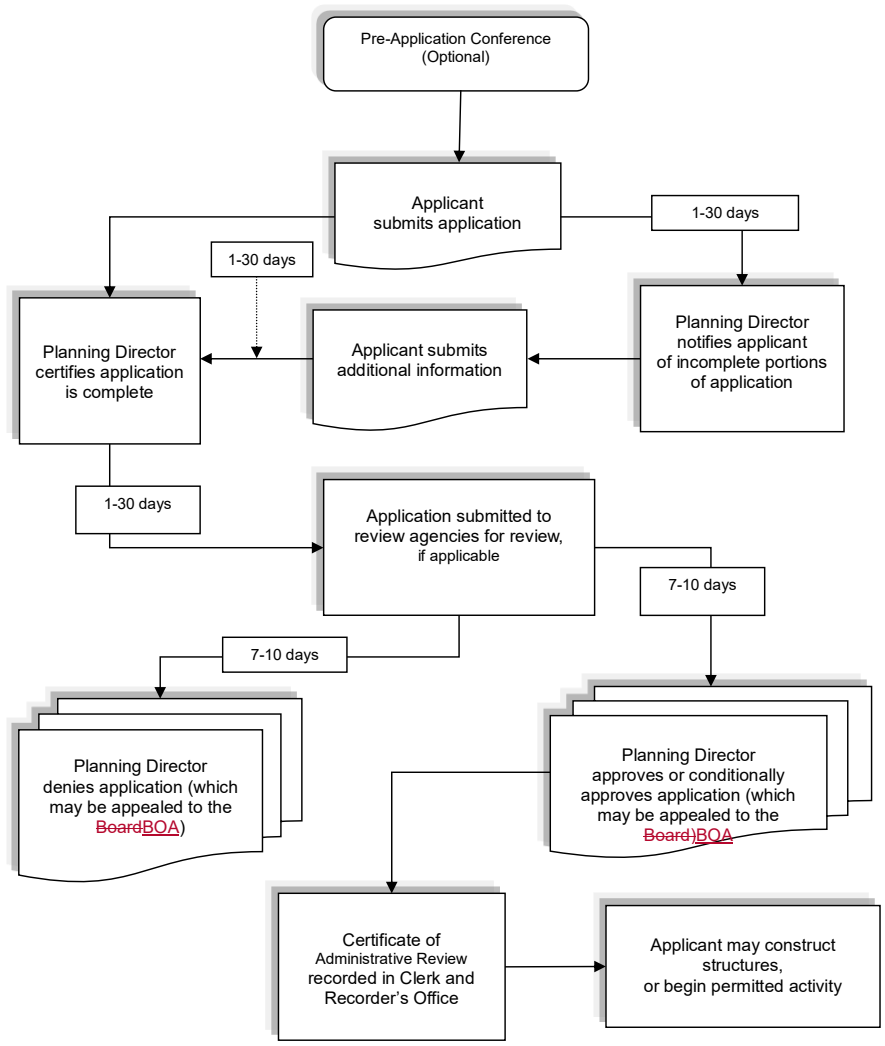
APPLICATION TYPE	PRE- APPLICATION CONFERENCE	COMMUNITY DEVELOPMENT DEPARTMENT	PLANNING COMMISSION	~~BOARD~~BOARD OF COUNTY OF COMMISSIONERS	BOARD OF ~~ADJUSTMENTS~~ADJUSTMENT	PUBLIC HEARING
FINAL PLAN	Optional	Provides analysis of Final Plan to ~~Board~~BOCC	If included as a specific condition of Preliminary Plan Approval, Commission reviews and makes recommendation to ~~board~~BOCC	Makes decision	N/A	None
MISCELLANEOUS PROCESSES						
VARIANCE FROM SETBACKS FROM PROPERTY LINES AND ROAD RIGHTS-OF-WAY	N/A	~~Building Inspector~~Community Development Department presents report and analysis to ~~Board~~BOCC of ~~Adjustments~~Adjustment	N/A	N/A	Makes decision	Board of Adjustment has one hearing
VARIANCE FROM SIGN REQUIREMENTS	N/A	~~Building Inspector~~Community Development Department presents report and analysis to ~~Board~~BOCC	N/A	Makes decision	N/A	None
VARIANCE FROM FLOODPLAIN DEVELOPMENT REQUIREMENTS	N/A	Presents report and analysis to ~~Board~~BOCC	N/A	Makes decision	N/A	None
EXTENSION OF VESTED RIGHT DURING TERM OF PERMIT	N/A	N/A	N/A	Makes decision	N/A	~~Board~~BOCC conducts one hearing
DESIGNATION OF SPECIAL GEOGRAPHIC AREAS	N/A	Prepares maps and provides analysis for Planning Commission on this *Resolution* language	Makes recommendation to ~~Board~~BOCC	Makes decision	N/A	Planning Commission and ~~Board~~BOCC jointly conduct one hearing
AMENDING THIS *RESOLUTION*	N/A	Makes analysis to Planning Commission	Makes recommendation to ~~Board~~BOCC	Makes decision	N/A	~~Board~~BOCC required to conduct one hearing

APPENDIX FIGURE 3: GENERAL REVIEW PROCESS FOR LAND USE CHANGE PERMITS



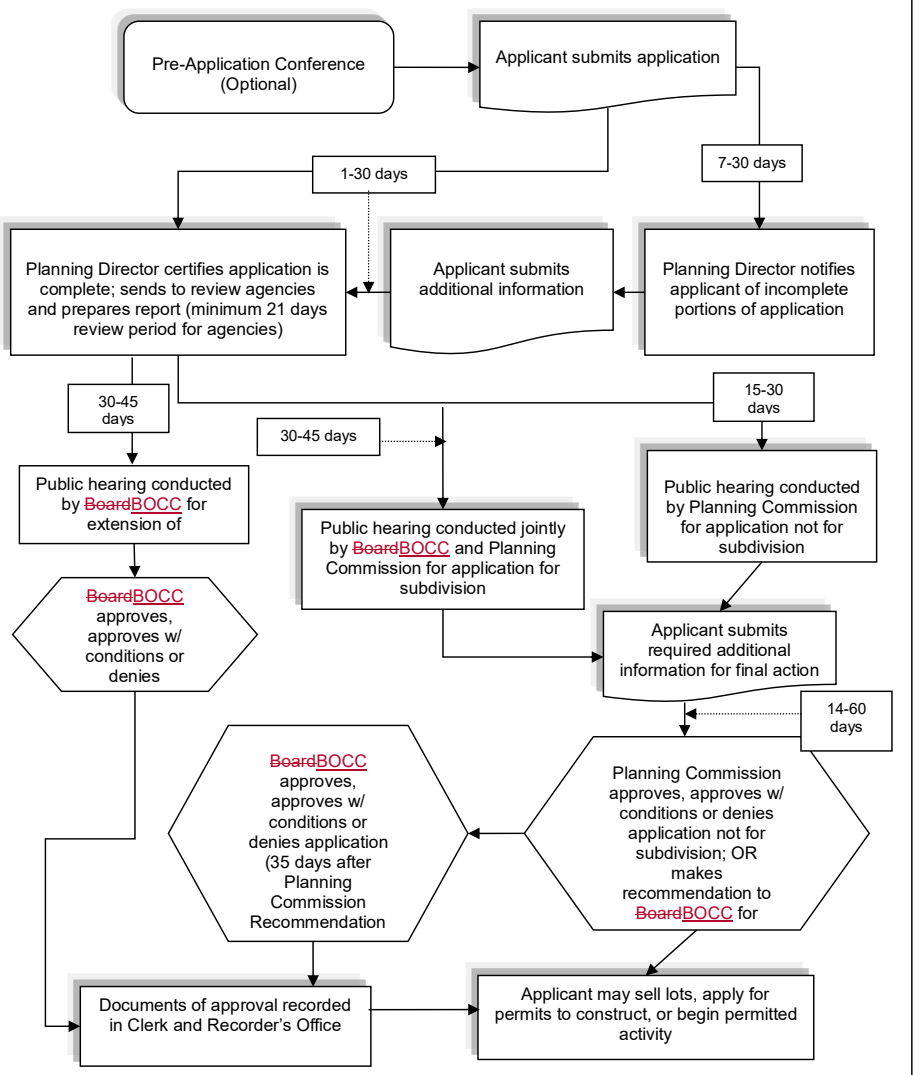
Both the Planning Commission and ~~Board~~BOCC may conduct work sessions and site visits in addition to the described meetings and hearings.

APPENDIX FIGURE 4: GENERAL REVIEW PROCESS FOR ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE LAND USE CHANGE PERMITS



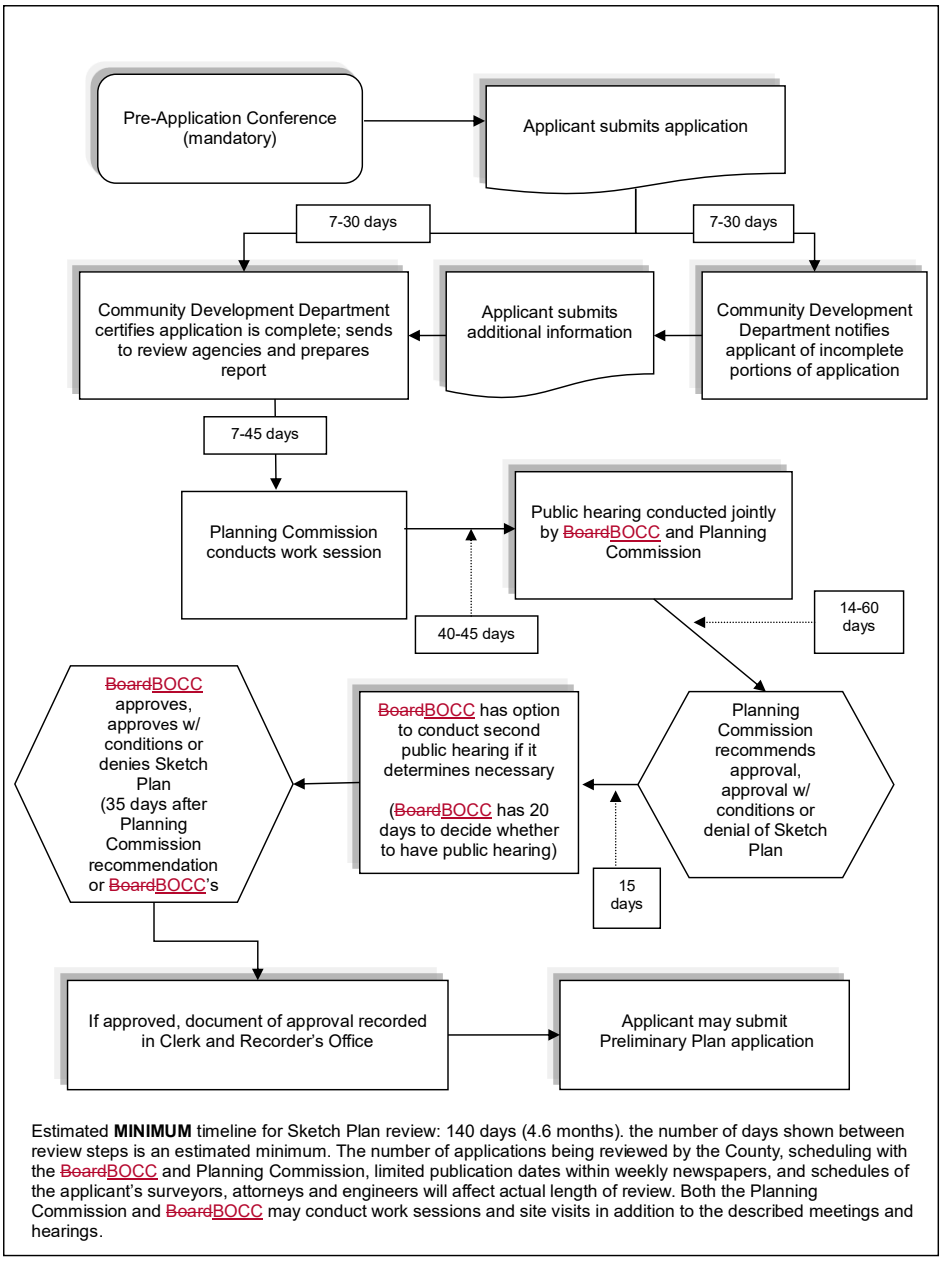
Estimated **MINIMUM** timeline for Administrative Review project review is 2-6 weeks. The number of applications being reviewed by the County, and schedules of the applicant's surveyors, attorneys and engineers will affect actual length of review.

APPENDIX FIGURE 5: GENERAL REVIEW PROCESS FOR MINOR IMPACT PROJECT :



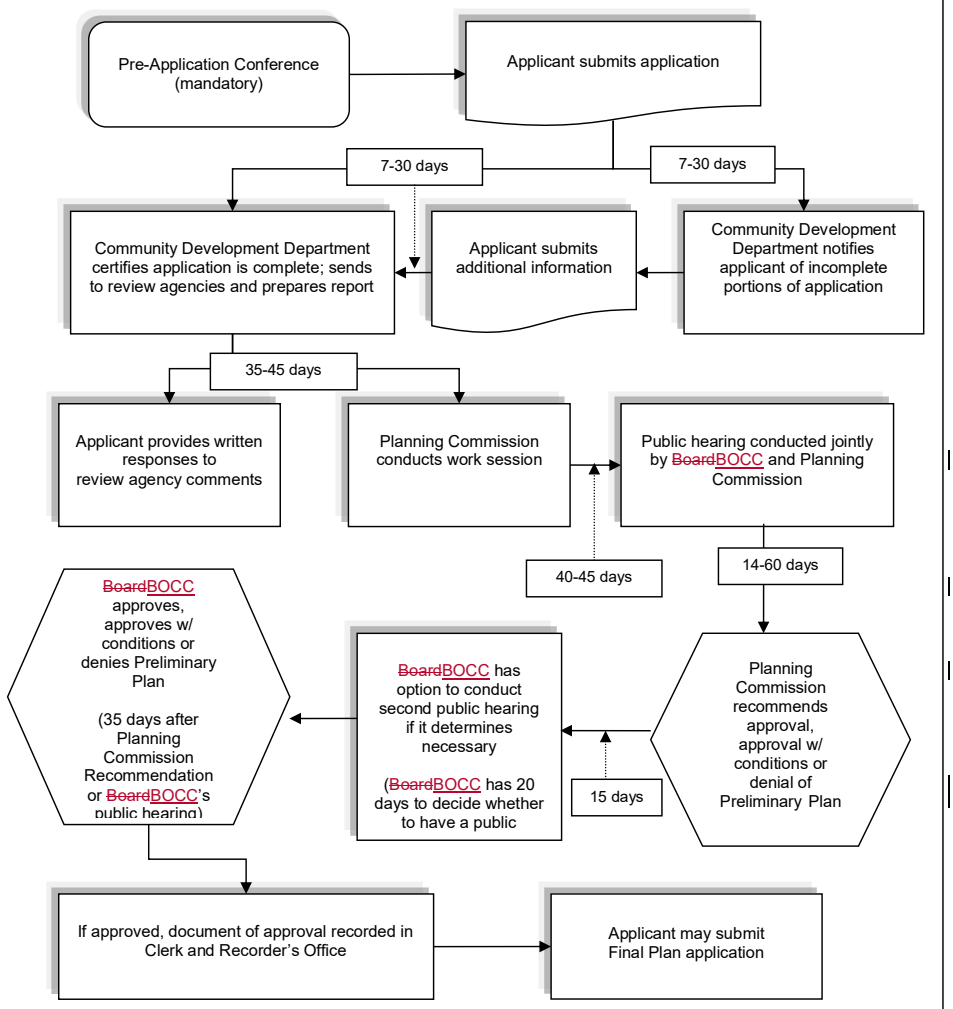
Estimated **MINIMUM** timeline for Minor Impact project review is six weeks to two months. The number of applications being reviewed by the County, scheduling with the ~~Board~~BOCC and Planning Commission, limited availability of publication dates within weekly newspapers, and schedules of the applicant's surveyors, attorneys and engineers will affect actual length of review. Both the Planning Commission and ~~Board~~BOCC may conduct **work sessions** and **site visits** in addition to the described meetings and hearings. The ~~Board~~BOCC also has the option of conducting its own separate additional public hearing.

APPENDIX FIGURE 6: SKETCH PLAN REVIEW PROCESS FOR MAJOR IMPACT PROJECTS:



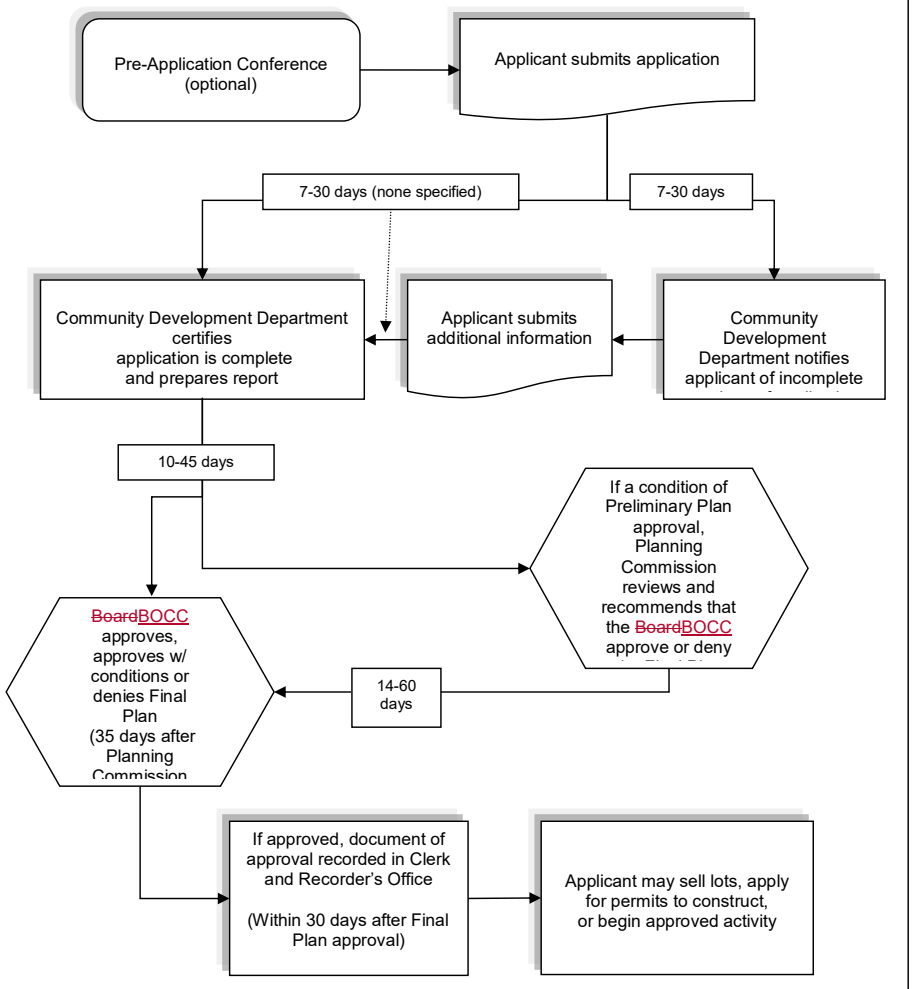
Estimated **MINIMUM** timeline for Sketch Plan review: 140 days (4.6 months). the number of days shown between review steps is an estimated minimum. The number of applications being reviewed by the County, scheduling with the ~~Board~~BOCC and Planning Commission, limited publication dates within weekly newspapers, and schedules of the applicant's surveyors, attorneys and engineers will affect actual length of review. Both the Planning Commission and ~~Board~~BOCC may conduct work sessions and site visits in addition to the described meetings and hearings.

APPENDIX FIGURE 7: PRELIMINARY PLAN REVIEW PROCESS FOR MAJOR IMPACT PROJECTS



Estimated **MINIMUM** timeline for Preliminary Plan review: 140 days (4.6 months). the number of days shown between review steps is an estimated minimum. The number of applications being reviewed by the County, scheduling with the ~~Board~~BOCC and Planning Commission, limited availability of publication dates within weekly newspapers, and schedules of the applicant's surveyors, attorneys and engineers will affect actual length of review. Both the Planning Commission and ~~Board~~BOCC may conduct work sessions and site visits in addition to the described meetings and hearings.

APPENDIX FIGURE 8: FINAL PLAN REVIEW PROCESS FOR MAJOR IMPACT PROJECTS



Estimated timeline for Final Plan review: Two months. The number of days shown between review steps is an estimated minimum. The number of applications being reviewed by the County, scheduling with the ~~Board~~BOCC and Planning Commission, limited availability of publication dates within weekly newspapers, and schedules of the applicant's surveyors, attorneys and engineers will affect actual length of review. Both the Planning Commission and ~~Board~~BOCC may conduct work sessions and site visits in addition to the described meetings and hearings.

APPENDIX TABLE 3: OFF-ROAD PARKING REQUIREMENTS

TYPE OF USE OR FACILITY	NUMBER OF OFF-ROAD SPACES	PER UNIT
RESIDENTIAL (MAY BE A GARAGE, CARPORT OR PARKING AREA)		
MANUFACTURED HOUSING SUBDIVISION OR MOBILE HOME PARK	2 parking spaces/	Residence
MULTIPLE FAMILY, INCLUDING CONDOMINIUMS AND TOWNHOMES	2 parking spaces per residence for up to 3 bedroom residence; one additional space for each additional bedroom in the residence	Residence
SINGLE-FAMILY AND DUPLEX	2 parking spaces per residence for up to 3 bedroom residence; one additional space for each additional bedroom in the residence	Residence
INSTITUTIONAL, PUBLIC, SEMI-PRIVATE		
SPECIAL EVENTS, AUDITORIUMS, ARENAS	1 parking space/	Four persons or spaces of seating capacity
CLUBS	1 parking space/	100 sq. ft. of assembly area
GOVERNMENT OFFICE	1 parking space/	300 sq. ft.
HOSPITAL	1 parking space/	Bed, and for every three employees
CHURCH	1 parking space/	50 sq. ft. of seating/ meeting area
SCHOOLS, PUBLIC OR PRIVATE: ELEMENTARY OR MIDDLE SCHOOL	1 parking space/ 1 drop-off space	Teacher or employee School
SCHOOL, PUBLIC OR PRIVATE: HIGH SCHOOL	1 parking space/ 1 parking space/ 1 drop-off space	Teacher or employee 5 students School
GENERAL COMMERCIAL USES		
ANIMAL SALES (UNRELATED TO AN AGRICULTURAL OPERATION)	1 parking space/	250 sq. ft.
DOMESTIC ANIMAL BOARDING	1 parking space/	400 sq. ft.
DOMESTIC ANIMAL GROOMING	1 parking space/	400 sq. ft.
STABLE	1 parking space/	5 stalls
RIDING SCHOOL	1 parking space/	4 stalls
VETERINARY OFFICE OR HOSPITAL	1 parking space/	400 sq. ft.
COMMERCIAL RECREATION AND ENTERTAINMENT FACILITIES		
GOLF COURSE (PUBLIC OR PRIVATE)	4 parking spaces/ 1 parking space/	Hole Employee
SKATING RINK	1 parking space/ 1 parking space/	Five fixed spaces or 60 sq. ft. of seating 250 sq. ft. of non-seating area
TENNIS AND RACQUETBALL COURTS	3 parking spaces/	Court
EATING AND/OR DRINKING FACILITIES	1 parking space/ 1 parking space/	Four persons of seating capacity Three employees
FINANCIAL INSTITUTION	1 parking space/ based on site design	300 sq. ft. Space sufficient for vehicle stacking area
COMMERCIAL NURSERIES	1 parking space/	Two acres
HOTELS, MOTELS, LODGES, BED AND BREAKFAST FACILITY	1 parking space/ 1 parking space/	Sleeping room Three employees
Retail Sales Facilities and offices		
MEDICAL AND DENTAL	1 parking space/	200 sq. ft.
ALL OTHER OFFICES	1 parking space/	300 sq. ft.
FURNITURE, APPLIANCE OR LARGE STORE	1 parking space/	500 sq. ft.
CONVENIENCE STORE WITH GAS PUMPS	1 parking space 1 vehicle stacking area	200 sq. ft.
VEHICLE OR EQUIPMENT SALES AND SERVICE, REPAIR, OR RENTAL	1 parking space/	400 sq. ft.
CAR WASH	1 parking space/	200 sq. ft. of sales/office area Space sufficient for vehicle stacking area
SERVICE STATION	1 parking space/	200 sq. ft. of sales/ office area Space sufficient for vehicle stacking area
MINI-STORAGE RENTAL UNITS	1 parking space/	100 lockers inside and at least 5 spaces outside fenced area
WAREHOUSING AND STORAGE	1 parking space/	500 sq. ft.
Industrial Uses		
MANUFACTURING & PROCESSING FACILITIES	1 parking space/	350 sq. ft. of gross floor area

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