

# CHAFEE COUNTY LAND USE CODE

[DISCUSSION DRAFT]

FOR DISCUSSION PURPOSES ONLY

10-12-2024

<b>ARTICLE 1.</b>	<b>TITLE, PURPOSES, RIGHT-TO-FARM-AND-RANCH, AUTHORITY, JURISDICTION, APPLICABILITY, TEMPORARY REGULATIONS, TRANSITION, DISCLAIMER, SEVERABILITY, AND REPEALER.....</b>	<b>1</b>
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Discussion Draft 10-12-24



**ARTICLE 1. TITLE, PURPOSES, RIGHT-TO-FARM-AND-RANCH,  
AUTHORITY, JURISDICTION, APPLICABILITY, TEMPORARY  
REGULATIONS, TRANSITION, DISCLAIMER, SEVERABILITY, AND  
REPEALER**

**CHAPTER 1.1 Title, Short Title, Purposes, Right-To-Farm-and-Ranch, Authority,  
and Jurisdiction**

**DIVISION 1.1.1 TITLE AND SHORT TITLE**

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**Sec. 1.1.1.1 TITLE**

These regulations, and all future amendments, shall be known as the Chaffee County Land Use Code.

**Sec. 1.1.1.2 SHORT TITLE**

The Chaffee County Land Use Code may be referred to herein as “this Code,” and may be cited as “CCLUC.”

**DIVISION 1.1.2 PURPOSES**

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**Sec. 1.1.2.1 APPLICATION OF DIVISION**

This Division establishes findings, purposes, and legislative intentions regarding various regulations within this Code. No Section herein is intended to provide additional standards for the adjudication of applications for development approval unless specifically cross-referenced from within another Division of this Code.

**Sec. 1.1.2.2 PURPOSES IN GENERAL**

The general purposes of this Code are to:

- A. Protect and promote the health, safety, and general welfare of the present and future residents of Chaffee County.
- B. Ensure the use of land does not materially degrade or threaten the quality of the environment and environmental resources.
- C. Regulate the use of land based on impacts to the surrounding areas and the community and to eliminate, minimize or mitigate conflicts between different land uses.
- D. Simplify, expedite, and provide uniform application of the land use planning and regulatory review process.

- E. Encourage innovations in residential, commercial, and industrial development to meet the growing demands of the population through greater variety in type, design, and layout of development.
- F. Encourage economic diversity in the County and protect and enhance the County's economic strength and well-being.
- G. Manage development in a manner that provides for balanced and orderly growth patterns and provide efficient, phased government services to existing and future residents.
- H. Preserve and promote the value of property, protect the tax base of the County, and respect the property rights of citizens.
- I. Protect and enhance agricultural uses, traditional agricultural practices, and the rural characteristics and functions of the County.
- J. Qualify the County, and development within the County, for state affordable housing support and funding under Proposition 123.
- K. Advance statewide initiatives regarding renewable energy in a manner that preserves natural and scenic resources in the County.

Sec. 1.1.2.3 PURPOSES REGARDING SIGNS

The purpose of the provisions in this Code related to signs is to set out reasonable regulations for the design, location, installation, operation, repair, maintenance, and removal of signs in a manner that advances the County's legitimate, important, substantial, and compelling interests in traffic safety and aesthetics, while simultaneously safeguarding the constitutionally protected right of free speech.

Sec. 1.1.2.4 STATEMENT REGARDING MARIJUANA AND "NATURAL MEDICINE" USES

- A. *Inherent Risks.* As of the effective date of this Code, marijuana, medical and otherwise, is a controlled substance under federal law, and psilocybin, psilocin, dimethyltryptamine, ibogaine, and mescaline are also controlled substances under federal law. Applicants, investors, employees, and others associated with marijuana uses know or should know that, among many other potential consequences:
  - 1. If the U.S. Department of Justice ("U.S. DOJ") chooses to allocate its investigative and prosecutorial resources towards greater enforcement:
    - a. The federal government may be more likely to prosecute those individuals who are found in violation of the Controlled Substances Act and any other applicable federal criminal laws; and
    - b. Owners of marijuana uses and other persons who cultivate, store, manufacture, test, transport, sell, or otherwise possess marijuana may be subject to penalties under federal law, including incarceration, fines, and forfeitures, including but not limited to forfeiture of the building in which the use is located and the contents thereof.

2. Insurance companies could deny coverage, including (among other things) coverage for casualty losses or personal injuries, based on violations of the Controlled Substances Act.
  3. Lenders could, at any time, determine that the use is unlawful and exercise any rights they may have under the terms of their loan documents, which in some cases may include a demand for immediate repayment of the entire loan balance.
- B. *No Right to Continued Use; No Vested Rights; No Compensable Rights.*
1. Based on the current U.S. DOJ policy and the state of Colorado law, this Code allows certain marijuana uses and “natural medicine” uses according to the respective regulatory programs created by Colorado law. However, for so long as marijuana (medical and otherwise), psilocybin, psilocin, dimethyltryptamine, ibogaine, and mescaline remain controlled substances under federal law, no approval pursuant to this Code shall be construed to create any enforceable or compensable property right to the establishment or continuation of a marijuana or “natural medicine” use under any circumstances.
  2. No approval by the County shall be construed to introduce liability to the County for any consequential harms to the applicant or those associated with a proposed marijuana use or “natural medicine” use, including but not limited to business owners, investors, employees, land owners, insurance companies, lenders, caregivers, patients, clients, or customers.
- C. *Certain Marijuana Land Uses Prohibited.* The County has exercised its right pursuant to Article XVIII, Section 16(5)(f) of the Colorado Constitution and prohibits the operation of certain marijuana uses as provided in this Code.

Sec. 1.1.2.5 PURPOSES REGARDING SEXUALLY-ORIENTED BUSINESSES

- A. *Findings.* The Board of County Commissioners finds:
1. Sexually-oriented businesses cause adverse secondary effects, which are recognized by the U.S. Supreme Court (in cases such as *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990)) and the 10th Circuit Court of Appeals (in cases such as *Doctor John’s v. G. Blake Wahlen*, 542 F.3d 787 (10th Cir. 2008)) as impacting substantial governmental interests in health, safety, and welfare.
  2. In *City of Erie v. Pap’s A.M.*, 120 S. Ct. 1382 (2000), the U.S. Supreme Court held that a local government “need not ‘conduct new studies or produce evidence independent of that already generated by other cities’ to demonstrate the problem of secondary effects, ‘so long as whatever evidence the [government] relies upon is reasonably believed to be relevant to the problem that [it] addresses.’” *See also, Abilene Retail No. 30, Inc. v. Board of Comm’rs of Dickinson Cty.*, 492 F.3d 1164 (10th Cir. 2007).

3. Other cases, such as *City of Littleton v. Z.J. Gifts*, 541 U.S. 774 (2004), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *Essence, Inc. v. City of Federal Heights*, 285 F.3d 1272 (10th Cir. 2002), *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998), *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990), *City of Colorado Springs v. 2354 Inc.*, 896 P.2d 272 (Colo. 1995), *7250 Corp. v. Board of County Comm'rs for Adams County*, 799 P.2d 917 (Colo. 1990), and *Marco Lounge, Inc. v. City of Federal Heights*, 625 P.2d 982 (Colo. 1981), have upheld reasonable regulations of sexually-oriented businesses that are targeted at managing secondary effects.
4. The negative secondary effects of sexually-oriented businesses have been studied in other communities. These communities include, but are not limited, to Adams County, Colorado; Dallas, Texas; Denver, Colorado; Ellicottville, New York; Garden Grove, California; Houston, Texas; Indianapolis, Indiana; Islip, New York; Las Vegas, Nevada; Los Angeles, California; Louisville, Kentucky; Montrose, Illinois; New York, New York; Oklahoma City, Oklahoma; Phoenix, Arizona; Rome City, Georgia; Sioux City, Iowa; St. Paul, Minnesota; Tucson, Arizona; and Whittier, California.
5. The American Center for Law and Justice completed a study on the secondary effects of sexually-oriented businesses, dated March 1996; Cleveland State University published a study in October 2011 that provided empirical evidence for the proposition that “methodologically appropriate studies confirm criminological theory’s prediction that adult businesses are associated with heightened incidences of crime, regardless of jurisdiction, business model or location and thus, such studies should have legal and policy effects supporting regulation of adult businesses”; and the University of Memphis published a study in 2020 using a 13-state, 926-county data set, which concluded that the density of strip clubs is significantly associated with violent crime, and the proportion of strip clubs with longer hours, drink specials, full nudity, and private rooms is associated in particular with sexual violence.
6. Secondary effects of sexually-oriented businesses may include any or all of the following material effects on the health, safety, and welfare of County residents:
  - a. Particularly when they are located in close proximity to each other, a sexually-oriented businesses are frequently an indicia of blight, or a factor that downgrades the quality of life in the adjacent area;
  - b. Sexually-oriented businesses tend to have a deleterious effect on both neighboring businesses and surrounding residential areas, as they are regularly correlated to an increase in crime and a decrease in property values;
  - c. Sexually-oriented businesses commonly require special supervision from public safety agencies in order to protect public health, safety and welfare, including that of the patrons of such businesses;

- d. Studies and experience show that in the absence of regulation of sexually-oriented businesses, significant criminal activity, including prostitution, narcotics, and liquor law violations, have historically and regularly occurred within (and within the immediate vicinity of) such businesses;
- e. Sexually-oriented businesses are frequently used for unlawful and unhealthful sexual activities, including prostitution and sexual liaisons of a casual nature, and the concern over sexually transmitted diseases, including HIV, is a legitimate health concern of the County;
- f. Sexually-oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are often not controlled by the operators of the establishments; and
- g. Children and minors may be harmed by exposure to the secondary effects of sexually-oriented businesses.

B. *Intent.*

- 1. The County seeks to minimize and control the adverse secondary effects described above, and thereby protect the health, safety, and welfare of its residents; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; deter the spread of urban blight; and protect residents and property owners from increased crime.
- 2. It is not the intent of this Code to suppress any speech protected by the First Amendment, but to enact reasonable, content-neutral regulations that address the secondary effects of sexually-oriented businesses. To this end, the regulations in this Code that apply specifically to sexually-oriented businesses impose restrictions which are no greater than necessary to further the County's substantial interest in preventing adverse secondary effects attributable to such businesses.

C. *Purposes.* The sexually-oriented businesses regulations in this Code are intended to implement the following purposes:

- 1. The purpose of the regulations in this Code that apply specifically to adult-oriented uses is to set reasonable and uniform regulations to prevent such uses from locating in areas in which they will tend to have increased deleterious secondary effects, and to ensure that site and design techniques are used to minimize the secondary effects; for example, by limiting views into areas of a building in which the business is operated.
- 2. The regulations have neither the purpose nor the effect of imposing an unconstitutional limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is neither the intent nor effect of the regulations to restrict or deny access by adults to those sexually-oriented materials that are protected by the First Amendment.

- D. *Interpretation.* This Code shall not be interpreted to condone or legitimize the distribution of obscene material or other comparable material that is not protected by the First Amendment.

### DIVISION 1.1.3 RIGHT TO FARM AND RANCH

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The Board of County Commissioners adopted Ordinance 2008-02, Right to Farm and Ranch, on March 4, 2008. The following is essentially verbatim from the ordinance, with the exception of changes to numbering to reflect this format, and excepting Section 9, 10, and 11 regarding validity, repealer, and safety, which are incorporated elsewhere in this Code, the definition of "Agriculture," which is moved to Division 6.3.2, *A Definitions*, Section 3.1.3, which is incorporated into Division 3.6.6, *Irrigation Ditches and Reservoirs*, Section 3.1.4.A., which is incorporated into Section 2.5.1.1., *Fences and Walls*, Section 3.1.5. which is moved to Section 3.1.2.5., *Movement of Livestock*. Penalties are set out in Chapter 5. It is recommended that the Agricultural Land Use Conflict Resolution Program be re-adopted as a separate, free-standing resolution, as it is not a land use approval procedure. [Updated 10-6-2024]

#### Sec. 1.1.3.1 POLICY STATEMENT

- A. *Agriculture Is Integral to Chaffee County.* Ranching, farming, and all manner of agricultural activities and operations within Chaffee County are integral elements of and necessary for the continued vitality of the County's history, tourism, economy, landscape, open space, water, lifestyle, and culture.
- B. *Agricultural Operations Warrant Protection.* Given their importance to Chaffee County, the Colorado central mountain region, and the State, agricultural lands and operations are worthy of recognition and protection.
- C. *Lawful Agricultural Operations Are Not a Nuisance.* Colorado is a "Right-to-Farm" State pursuant to C.R.S § 35-3.5-101, *et seq.* Landowners, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of Chaffee 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. People with urban expectations may perceive agricultural activities, sights, sounds, and smells as inconvenient, an eyesore, or unpleasant. State law and County policy, however, provide that ranching, farming, or other customary agricultural activities and operations within Chaffee County shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner.
- D. *Other Land Users and Visitors on Notice.* Residents and visitors must be prepared to encounter noises, odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, storage of feed and equipment, grazing, branding, castrating and processing of livestock, fieldwork, burning of ditches and fields, historical irrigation practices including flood and sprinkler, and the application of chemical fertilizers, soil amendments, herbicides, and pesticides by spraying and other mechanisms, pursuant to applicable state and federal laws. Children and adults are exposed to different hazards in the country than in an urban or suburban setting. Farm equipment, haystacks, ponds and irrigation ditches, electrical power for pumps / center pivot operations and electrical fences, traffic, use of agricultural chemicals, weeds such as: sand burs, puncture vines that cause mechanical injury, territorial farm dogs,



and livestock present real and potential threats to children and adults. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood. Open irrigation waters are essential to agriculture and have legal easements that must not be obstructed. Open ditch operations often result in historical cleanouts, seepage and spills of storm waters in unpredictable locations and times. A ditch owner shall not be liable for any injury to persons or property resulting from unauthorized use of the ditch, including without limitation, wading, tubing, floating, and fishing.

- E. *Fencing Responsibility.* All landowners, whether agricultural operators or residential owners, have obligations under State law and County regulation/ordinance to maintain fences and adhere to Colorado laws that require livestock to be fenced out (open range) rather than in. An agricultural operator shall not be liable for damage caused by livestock in situations where a landowner adjacent to an existing agricultural operation fails to provide suitable fencing (subject to express limitations under applicable law).
- F. *Irrigators' Right to Maintain Ditches.* Pursuant to Colorado law and County resolution/ordinance, irrigators have the right to maintain irrigation ditches, at any time and without notice to the property owner, through easements that transport water for their use and such irrigation ditches are not to be used for the dumping of refuse. The determination of the need for and nature and method of ditch maintenance is solely up to the ditch owner(s), provided the ditch owner(s) is working within the easement and complying with applicable law. Crossing of ditches (including without limitation roads, driveways, bridges, culverts, utilities, fords and fences) may unduly interfere with or hinder ditch operations and are therefore subject to the reasonable control and prior consent of ditch owner(s).
- G. *Landowners' Responsibilities.* All landowners are responsible for controlling noxious weeds, keeping pets under control, recognizing that nearby property may be used for agriculture and thereby be subject to the protections afforded to such use, complying with all other codes and regulations that may be applicable, and prudently managing the environmental resources of their property. A property owner's use of ditch water may be limited by contract and state law.

#### Sec. 1.1.3.2 LIMITATION ON PRIVATE ACTION

- A. *No Nuisance.* 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 in Chaffee County. 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;
  - 2. Nonpermanent cessation or interruption of farming or ranching;
  - 3. Participation in a government-sponsored agricultural program;

4. Employment of new technology; or
  5. Change in the type of agricultural product produced.
- B. *Exclusions.* Notwithstanding any provision of this Section to the contrary, an agricultural operation shall not be found to be a public or private nuisance if such agricultural operation:
1. Was established prior to the commencement of the use of the area surrounding such agricultural operation for nonagricultural activities;
  2. Employs methods or practices that are commonly or reasonably associated with agricultural production; and
  3. Is not operating negligently.
- C. *Rebuttable Presumption of Non-Negligent Operation.* Employment of methods or practices that are commonly or reasonably associated with agricultural production in Chaffee County shall create a rebuttable presumption that an agricultural operation is not operating negligently.

#### DIVISION 1.1.4 AUTHORITY AND JURISDICTION

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##### Sec. 1.1.4.1 AUTHORITY

It is the intention of the Board of County Commissioners in adopting this Code to fully exercise all relevant powers conferred by the constitution and laws of the State of Colorado, including but not limited to:

- A. *Colorado Constitution.* All of the powers conferred upon and reserved to the County by the Colorado Constitution.
- B. *State Enabling Legislation.* All of the powers and authority granted to, and the restrictions placed upon the County by:
  1. Title 12, Article 170, C.R.S., Natural Medicine Health Act of 2022;
  2. Title 16, Article 13, Part 3, C.R.S., Restraint and Abatement of Nuisances;
  3. C.R.S. § 18-9-107; [Updated 10-2-2024]
  4. C.R.S. § 24-70-101, *et seq.*; [Added 10-2-2024]
  5. Title 24, Article 65.1, C.R.S., Areas and Activities of State Interest (1041 regulations);
  6. Title 24, Article 67, C.R.S., Planned Unit Development Act;
  7. Title 24, Article 68, C.R.S., Vested Property Rights Act;
  8. Title 25, Article 12, Noise Abatement;
  9. Title 29, Article 20, C.R.S., Local Government Land Use Control Enabling Act;
  10. Title 29, Article 32, C.R.S., Statewide Affordable Housing Fund;
  11. Title 29, Article 35, Part 1, C.R.S., Accessory Dwelling Units;



12. Title 30, Article 11, C.R.S., County Powers and Functions;
13. Title 30, Article 15, C.R.S., County Regulations Under Police Powers;
14. Title 30, Article 20, Public Improvements;
15. Title 30, Article 28, C.R.S., County Planning Act;
16. Title 34, Article 1 Part 3, C.R.S., Preservation of Commercial Mineral Deposits;
17. Title 35, Article 3.5, C.R.S., Nuisance Liability of Agricultural Operations;
18. Title 35, Article 5.5, C.R.S., Colorado Noxious Weed Act;
19. Title 38, Article 30.5, C.R.S., Conservation Easements;
20. Title 39, Article 99, C.R.S., Prohibition of Nonfunctional Turf, Artificial Turf, and Invasive Plant Species;
21. Title 42, Article 4, C.R.S., Regulation of Vehicles and Traffic; and
22. Title 43, Article 2, C.R.S., State, County, Municipal and Public Roads.

Sec. 1.1.4.2 JURISDICTION

This Code applies to all land within the unincorporated areas of Chaffee County to the full extent of the County’s regulatory jurisdiction.

**CHAPTER 1.2 Applicability and Temporary Regulations**

**DIVISION 1.2.1 APPLICABILITY**

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Sec. 1.2.1.1 APPLICABILITY IN GENERAL

No land shall undergo development except in accordance with the applicable provisions of this Code.

Sec. 1.2.1.2 APPLICABILITY TO PROPERTY OWNED BY THE STATE OF COLORADO

- A. *School Lands.* This Code applies to School Lands, as defined in Section 7 of the Colorado Constitution, that are held in trust by the State Board of Land Commissioners for the purpose of generating revenue for public schools.
- B. *Other State Lands.* This Code applies to other land owned by the State of Colorado or its agencies to the extent allowed by law.

Sec. 1.2.1.3 APPLICABILITY TO PROPERTY OWNED BY CHAFFEE COUNTY

This Code and the TOGETHER CHAFFEE COUNTY Comprehensive Plan (2020, as amended) shall guide the Planning Commission in its conduct of “location and extent” review of the development of County facilities on property owned or controlled by the County. The Board of County Commissioners may overrule the Planning Commission’s decision pursuant to C.R.S. § 38-28-110(1)(b) if it finds that doing so advances the public

interest, regardless of the provisions of this Code or the Comprehensive Plan, provided that it finds that such action is in the public interest, and provided further that such action is by majority vote of the entire membership of the Board of County Commissioners. *See C.R.S. § 30-28-110.*

#### Sec. 1.2.1.4 APPLICABILITY TO PROPERTY OWNED BY THE UNITED STATES GOVERNMENT

This Code applies to property owned by the United States government and other federal agencies to the extent allowed by law. It is the County's intent to collaborate with the federal government with regard to the use of federal lands, and to provide input into the federal land use decision-making process that is consistent with the CHAFFEE COUNTY OUTDOOR RECREATION MANAGEMENT PLAN (June 2021, as amended), the TOGETHER CHAFFEE COUNTY Comprehensive Plan (2020, as amended), and special purpose plans that relate thereto, as such plans are approved and amended.

#### Sec. 1.2.1.5 RELATIONSHIP TO COVENANTS, CONDITIONS, AND RESTRICTIONS

- A. *Generally.* This Code does not modify, abrogate, or annul any easement, covenant, or any other agreement related to the use or development of land if the easement, covenant, or agreement predates the effective date and does not contemplate modifications based on future changes to County ordinances and resolutions.
- B. *No Effect on Private Restrictions.*
  1. This Code does not change or override private restrictions on property. This Code will be enforced on property that is subject to private restrictions in the same manner as other properties.
  2. The County will not interpret, apply, or enforce private restrictions, covenants, conditions, or other private agreements. However, the County may interpret or apply private restrictions if:
    - a. It is party to them, and as a party, the County determines that interpretation or application is necessary or appropriate; or
    - b. The private restrictions are a conservation easement provided to a third party, and either:
      - i. The third-party easement holder objects to the proposed development on the basis that it is inconsistent with the terms of the conservation easement; or
      - ii. The County otherwise finds that proposed development is inconsistent with the terms of the conservation easement.
- C. *Zoning.* When the County zones or rezones a property or otherwise issues a development approval, such action:
  1. Shall not be considered an interpretation regarding existing private restrictions to which the County is not a party; and
  2. With respect to conservation easements, the County's interpretation shall not bind the easement holder (if different from the County).

D. *Disclaimer.*

1. Parties to covenants who seek permits or development approvals from the County that are inconsistent with the covenants do so at their own risk that parties with standing to sue may seek to enforce their covenants.
2. This Code does not create liability on the part of, or cause of action against, the County or any of its officers or employees, for damages that may result from reliance upon the regulations set out in this Code.

Sec. 1.2.1.6 RELATIONSHIP TO INTERGOVERNMENTAL AGREEMENTS [UPDATED 10-1-2024]

- A. *Generally.* Cooperation with local municipalities for the purposes of planning and regulating the development of land will better promote the efficient provision of public services and better protect open lands and agricultural lands. Further, cooperation will help ensure that land use decisions are made in a coordinated and responsible manner. Any intergovernmental agreement (“IGA”) governing the use and development of land of mutual concern to the County and another governmental entity shall control development in the area subject to such IGA, to the extent such an IGA has been adopted as an amendment to this Code.
- B. *Salida IGA.* The County has entered into an IGA with the City of Salida, dated March 2, 2010, as may be amended from time to time (“Salida IGA”). The Salida IGA identifies a Municipal Service Area (“MSA”) and Municipal Planning Area (“MPA”). All land use development applications, as defined in the Salida IGA, involving property in the MSA or MPA shall comply with the terms of the Salida IGA. The Salida IGA is attached to this Code as **Appendix F., Salida IGA.**
- C. *Buena Vista IGA.* The County has entered into an IGA with the Town of Buena Vista dated July 28, 2020, as may be amended from time to time (“Buena Vista IGA”). The Buena Vista IGA identifies an MSA and an Area of Desired Growth (“ADG”). All land use development applications, as defined in the Buena Vista IGA, involving property in the MSA or ADG shall comply with the terms of the Buena Vista IGA. The Buena Vista IGA is attached to this Code as **Appendix G., Buena Vista IGA.**
- D. *Poncha Springs IGA.* The County has entered into an IGA with the Town of Poncha Springs dated [TBD], as may be amended from time to time (“Poncha Springs IGA”). All property within the scope of the Poncha Springs IGA shall comply with the terms of the Poncha Springs IGA. The Poncha Springs IGA is attached to this Code as **Appendix H., Poncha Springs IGA.** [Updated 10-7-2024]

Sec. 1.2.1.7 RELATIONSHIP TO COMPREHENSIVE PLAN AND OTHER ADOPTED PLANS

This Code sets out a regulatory program that is intended to carry out objectives set out in the Comprehensive Plan and other adopted plans. However, to the extent this Code irreconcilably conflicts with the Comprehensive Plan or other adopted plans, the provisions of this Code control the decision.

## DIVISION 1.2.2 TEMPORARY REGULATIONS

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### Sec. 1.2.2.1 TEMPORARY REGULATIONS

The Board of County Commissioners may promulgate, by resolution without a public hearing, regulations of a temporary nature, to be effective for a period not to exceed six months, prohibiting or regulating in any part or all of the unincorporated territory of the County the erection, construction, reconstruction, or alteration of any building or structure used or to be used for any business, residential, industrial, or commercial purpose. *See C.R.S. 30-28-121*

### Sec. 1.2.2.2 ZONING IN PROGRESS / TEMPORARY MORATORIA

The Board of County Commissioners may impose, by resolution after public hearing, a temporary moratorium, suspending the intake of certain types or classes of applications for development approvals or permits, for a period not to exceed 32 months, pending the outcome of anticipated amendments to, or replacement of, this Code. *See Droste v. Board of County Comm'rs of County of Pitkin, 159 P.3d 601 (Colo. 2007); Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302 (2002).*

## CHAPTER 1.3 Effective Date, Transition, Disclaimer, Severability, and Repealer

### DIVISION 1.3.1 EFFECTIVE DATE AND TRANSITION

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#### Sec. 1.3.1.1 EFFECTIVE DATE

This Code shall be enacted upon its approval by the Board of County Commissioners, after review and recommendation by the Planning Commission, following required public hearings. This Code, and future amendments to this Code, shall take effect 30 days following the date of its adoption by the Board of County Commissioners unless otherwise set forth in the Board's motion of approval. **[Updated 10-6-2024]**

#### Sec. 1.3.1.2 EFFECT ON PENDING APPLICATIONS

- A. *Generally.* An application for approval of a development plan, as well as the approval, conditional approval, or denial of approval of such plan, shall be governed only by the duly adopted laws and regulations in effect at the time the complete application is submitted. *See C.R.S. § 24-68-102.5, Applications - Approval by Local Government.*
- B. *Immediate Public Health and Safety Exception.* The County may adopt a new or amended ordinance or regulation, when necessary, for the immediate preservation of public health and safety, and may enforce such ordinance or regulation in relation to applications pending at the time such ordinance or regulation is adopted. *See C.R.S. § 24-68-102.5, Applications - Approval by Local Government.*

#### Sec. 1.3.1.3 EFFECT ON APPROVED CONCEPTUAL PLANNED DEVELOPMENT PLANS **[UPDATED 10-6-2024]**

If a subject property is subject to an approved conceptual planned development (“PD”) plan pursuant to Article 6 of the former Chaffee County Land Use Code on the effective

date of this Code, then amendments to the conceptual PD Plan and approval of final PD plans to implement the Conceptual PD Plan shall be processed as provided in Division 5.2.8., *Planned Development Standards and Procedures*.

Sec. 1.3.1.4 EFFECT ON APPROVED FINAL PLANNED DEVELOPMENT PLANS [UPDATED 10-6-2024]

If a subject property is subject to an approved final planned development (“PD”) plan pursuant to Article 6 of the former Chaffee County Land Use Code on the effective date, the subject property may be developed in accordance with the final PD plan during the term thereof. Amendments to the final PD plan shall be processed as provided in Division 5.2.8., *Planned Development Standards and Procedures*.

Sec. 1.3.1.5 EFFECT ON APPROVALS AND PERMITS

- A. *Generally.* Development that was approved by the County prior to the effective date of this Code, but not completed as of the effective date, may be carried out within the scope of the development approval, provided that the approval is valid and has not yet lapsed. Work that is authorized must be commenced during the period in which the permit is valid, and then diligently pursued to completion.
- B. *Duration of Development Approvals.*
  - 1. Development approvals and permits that are valid on the effective date of this Code, but for which no further action has been taken with respect to permitting, construction, or establishment of a land use are valid until the stated expiration date.
  - 2. The Director may grant an extension of up to one year for the approvals and permits listed above for good cause shown, provided that a request for the extension is filed with the Director not less than 30 days prior to the expiration date of the approval or permit.
- C. *Scope of Development Approvals.* This Section shall not be interpreted to confer rights upon an application that are not set out within the scope of a development approval or permit.
- D. *Conditions of Prior Approvals or Permits.* All conditions of development approvals or permits that were granted or issued prior to the effective date of this Code remain in force according to their own terms, regardless of the standards or requirements of this Code. Conditions of approval that were memorialized in development agreements may be modified or eliminated by amendment of the development agreements through which the conditions were imposed.
- E. *Approvals That are Abandoned.* Development approved by the County before the effective date of this Code that has not commenced within 12 months after the effective date of this Code, or within any applicable period of vested rights (if longer), shall be considered abandoned unless the development approval or a related development agreement specifically provides otherwise.
- F. *Effect of Termination of Approval.* Approvals that terminate pursuant to this Code become void on the date of termination, and no further development approvals or

permits may be issued in reliance upon them. No application for an extension or modification of an approval or permit will be accepted after termination of the approval or permit for which extension or modification is sought.

Sec. 1.3.1.6 EFFECT ON DEVELOPMENT AND SUBDIVISION IMPROVEMENT AGREEMENTS

This Code does not affect existing, executed development agreements, subdivision improvements agreements, public improvements agreements, or other agreements, however titled, between the County and a landowner or applicant, except as may be provided therein or by applicable state or federal law.

Sec. 1.3.1.7 EFFECT ON EXISTING VIOLATIONS

- A. *Generally.* Any violation of the regulations that were repealed and replaced upon adoption of this Code (*see Sec. 1.3.2.4, Effective Date; Repealer*) shall be treated as follows:
1. If a violation occurred prior to the effective date and continued past the effective date, then the County may pursue remedies for each day of violation, based on the applicable ordinance or resolutions that were in effect on each day that the violation occurred.
  2. If a violation occurred prior to the effective date, but the same activity is no longer a violation after the effective date, then the County may pursue remedies for each day of the violation, based on the ordinances or resolutions that were in effect on each day prior to the effective date during which the violation occurred.
- B. *Fines and Penalties.* Payment of fines may be required for any civil penalty assessed prior to the effective date (under the formerly applicable ordinances or resolutions), even if the original violation is no longer considered a violation under this Code.

DIVISION 1.3.2 INTERPRETATION, DISCLAIMER, SEVERABILITY, EFFECTIVE DATE AND REPEALER

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Sec. 1.3.2.1 INTERPRETATION

- A. *Purposes.* This Code shall be interpreted to further its underlying purposes, which are set out in Division 1.1.2, *Purposes*, and Division 1.1.3., *Right to Farm and Ranch*, and may be further set out with respect to specific provisions. However, purpose statements shall not be considered to create additional standards unless a specific provision of this Code references a purpose statement as a decision-making criterion. [Updated 10-6-2024]
- B. *Context.*
1. This Code was developed in the context of, and subject to, constitutionally protected rights, which are articulated in the Constitutions of the United States and the State of Colorado and interpreted by federal and state courts



with jurisdiction in and over Chaffee County. Further, this Code was developed in the context of constitutional and statutory provision that both establish and limit the authority of the County government in Colorado.

2. Chaffee County is committed to balancing the environmental, economic, and social needs of its residents in the manner that is set out in the County's Comprehensive Plan, which is, in sum "keeping the town, town and the country, country." The impact of private property on surrounding properties, public infrastructure, and natural resources is a matter of County concern, and therefore a proper subject of County regulation.
  3. The right to develop and improve private property does not include the right to physically damage or adversely impact neighboring landowners, or to utilize more than the property owner's fair share of public facilities and resources, even if that means that the property owner cannot utilize property for its perceived "highest and best use."
  4. This Code is designed to increase understanding among landowners, residents, business owners, and decision-makers as to the boundaries between private property rights and public interests in various areas of the County. This Code establishes a regulatory format for what it means to be a "good neighbor" in Chaffee County in terms of the use and development of land.
- C. *Relationship to Policy and Land Use Plans.* It is the intent of this Code to implement the policies outline in the TOGETHER CHAFFEE COUNTY 2020 Comprehensive Plan, as amended, as well as other policy documents adopted prior or subsequent to the adoption of this Code. However, neither this Code nor any amendments thereto may be challenged on the basis of any alleged inconsistency or nonconformity with any plan or policy document.
- D. *Permits Issued in Conflict with Code.* Any permit issued in conflict with the provision of this Code shall be null and void, and shall not be construed as waiving any provision of this Code, except in such cases where a waiver or modification is expressly authorized by variance or other comparable procedure set out herein. No oversight or dereliction of any office or employee of the County shall legalize, authorize, or excuse any violation of any provision in this Code. No legal, vested, or equitable rights shall be acquired under any invalid zoning or subdivision approval.
- E. *Basic Requirements.* In their interpretation and application, the provisions of this Code shall be regarded as the basic requirements for the protection of public health, safety, and welfare.
- F. *Construction with Other Laws.* Whenever any provision of this Code or any provision of any other law, rule, contract, resolution, ordinance, or regulation of the County, state, or federal government contains certain standards covering the same subject matter, the interpretation that gives effect to all the applicable laws controls unless County jurisdiction is preempted.

Sec. 1.3.2.2 DISCLAIMER

This Code shall not create any liability on the part of, or cause of action against, the County, the Board of County Commissioners, or any officer, employee, or official thereof for damages that may result from reliance upon the regulations set out in this Code.

Sec. 1.3.2.3 SEVERABILITY

If any portion, paragraph, clause, or phrase within this Code is for any reason held to be invalid or unconstitutional, the same shall not affect the validity of this Code as a whole or any part or provision thereof, other than the part so adjudicated to be invalid or unconstitutional.

Sec. 1.3.2.4 EFFECTIVE DATE; REPEALER

The Chaffee County Land Use Code and Zoning Resolution, and amendments thereto, are hereby repealed as of the effective date of the County's adoption of this Code.

Discussion Draft 10-12-20



## ARTICLE 2. ZONES, LAND USE, LOTS, BUILDINGS, AND STRUCTURES

### CHAPTER 2.1 Land Use and Zoning Districts

#### DIVISION 2.1.1 PURPOSE AND APPLICATION OF CHAPTER

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##### Sec. 2.1.1.1 PURPOSE OF CHAPTER

- A. *Generally.* The purpose of this Chapter is to create zones within the County for the application of this Code, and to set out the permitted, limited, conditional, and prohibited uses in each zoning district.
- B. *Establishment of Zoning Districts.* The various zoning districts that are used in this Code are established by Division 2.1.2, *Establishment of Zoning Districts and Overlay Districts*.
- C. *Land Use by Zoning District.* The purpose of Division 2.1.3, *Land Use by Zoning District*, is to set out the uses of land that may be allowed in each zoning district, and references standards and review procedures to be applied.

##### Sec. 2.1.1.2 APPLICATION OF CHAPTER

- A. *Generally.* Chapter 2.1, *Land Use and Zoning Districts*, applies as set out in this Section. This Section is intended to provide background about how to use Chapter 2.1, and not to establish substantive requirements or limit the effect of the individual Divisions or Sections of this Chapter.
- B. *Establishment of Zoning Districts.* Division 2.1.2, *Establishment of Zoning Districts and Overlay Districts*, establishes the basic framework for how most of the other Chapters of this Code are applied. The Division:
  - 1. Establishes the zoning districts in which various uses of land and intensities of development are allowed.
  - 2. Establishes overlay zones in which special requirements apply in order to address specific issues that may cross underlying zoning district boundaries.
  - 3. Establishes the Official Zoning Map and provides rules for its interpretation.
- C. *Land Use by Zoning District.* Division 2.1.3, *Land Use by Zoning District*, provides a comprehensive set of tables that describe which principal land uses are allowed in each zoning district that is established by Division 2.1.2, *Establishment of Zoning Districts and Overlay Districts*, identifies the process required to obtain an approval for each identified land use that is permissible, and provides a cross-reference to any additional standards that must be met for approval of the proposed use. Division 2.1.3, *Land Use by Zoning District*, also provides a list of uses that are prohibited in every zoning district, and a set of standards for deciding which requirements will apply to uses that are not specifically listed in the tables of the Division.

## DIVISION 2.1.2 ESTABLISHMENT OF ZONING DISTRICTS AND OVERLAY DISTRICTS

### Sec. 2.1.2.1 PURPOSE OF ZONING DISTRICTS AND OVERLAY DISTRICTS

The zoning districts and overlay districts that are established by this Division are intended to:

- A. Encourage investments in land uses and improvements that are consistent with the County’s Comprehensive Plan and state land use policies, including Proposition 123;
- B. Promote a range of economic opportunities that diversify and support the County’s economy and provide opportunities for its residents;
- C. Promote development that has character, scale, quality, and operational characteristics that are compatible with the surrounding physical and functional context;
- D. Respond to constraints that are inherent in the landscape;
- E. Provide for development patterns that tend to:
  1. Reduce carbon emissions; and
  2. Reduce interference with agricultural activities and natural systems; and
- F. Respect and reinforce the fabric of the County’s rural areas and developed areas, while providing appropriate areas for new growth and development;
- G. Guide new development according to the County’s Comprehensive Plan;
- H. Implement Intergovernmental Agreements; and
- I. Continue existing planned development approvals, while providing a pathway to convert such approvals to “straight zones” with the consent of the property owners.

### Sec. 2.1.2.2 ZONING DISTRICTS ESTABLISHED

To implement the purposes and provisions of this Code, the County hereby establishes the zoning districts that are set out in Table 2.1.2.2, *Zoning Districts*. The acronym used to refer to the zoning district, as well as the general purposes of each zoning district, are also set out in the Table.

**Table 2.1.2.2, Zoning Districts**

Acronym	Zoning District	Purpose
AR	Agriculture / Ranching	The purpose of the Agriculture / Ranching zoning district is to designate areas in which ranching and agriculture, and uses that are functionally compatible with and supportive of ranching and agriculture, predominate. The Agriculture / Ranching zoning district implements the Rural / Agricultural future land use category.
RR	Residential Rural	The purpose of the Residential Rural zoning district is to designate areas for predominately large-lot residential purposes, which are typically areas that are relatively close to municipalities, but without municipal water and wastewater treatment services. The Residential Rural zoning district implements the Rural Residential future land use category.

Acronym	Zoning District	Purpose
RS	Residential Suburban	The purpose of the Residential Suburban zoning district is to designate areas for relatively dense residential development, which are typically adjacent to municipalities and served with public water and wastewater treatment systems. The Residential Suburban zoning district implements the Suburban Residential future land use category.
RM	Residential Mixed	The purpose of the Residential Mixed zoning district is to accommodate a mix of housing types and residential densities, affordable housing, institutional uses such as schools or public facilities, and appropriately scaled commercial uses and walkable amenities. The Residential Mixed zoning district is appropriate within IGA Overlay zones, in locations that implement the Mixed Residential future land use designation.
MUR	Mixed-Use Rural	The purpose of the Mixed-Use Rural zoning district is to promote economic development that is consistent with existing recreation, agricultural, and tourism-based amenities, including recreation companies, campgrounds, and hospitality activities in rural areas. The Mixed-Use Rural zoning district implements the Rural Mixed Use future land use designation and the Rural Commercial future land use designation.
MUC	Mixed-Use Corridor	The purpose of the Mixed-Use Corridor zoning district is to provide for a mix of uses and higher densities to promote growth near existing communities and around gateways. The Mixed-Use Corridor zoning district is appropriate within IGA Overlay zones, in locations that implement the Mixed Use Corridor future land use designation.
IN	Industrial	The purpose of the Industrial zoning district is to designate areas for industrial purposes, including in some cases heavy industrial purposes. The Industrial zoning district implements the Light Industrial future land use designation.
PCR	Public / Conservation / Recreation	The purpose of the Public / Conservation / Recreation zoning district is to identify public lands, mining claims that are used for private recreational opportunities, and areas that are subject to restrictive conservation easements or that are otherwise designated for natural resource, habitat, or agricultural conservation purposes. This zoning district implements the Public Lands, Open Space, and Mining Claim future land use categories.

Sec. 2.1.2.3 OVERLAY DISTRICTS ESTABLISHED

- A. *Generally.* Overlay districts are intended to interact with zoning districts with which they overlap, in order provide additional standards or procedural requirements within certain areas, in order to advance specific objectives. The following overlay districts are established: Intergovernmental Agreement (IGA) Overlay District and Airport Overlay District.
- B. *IGA Overlay District.* The purpose of the IGA Overlay District is to implement Intergovernmental Agreements regarding land use and annexation by identifying geographic areas in which they apply.
- C. *Airport Overlay District.* The purpose of the Airport Overlay District is to support and encourage the continued operation and vitality of public use airports and heliports in the County, reduce potential safety hazards for persons living, working or recreating near public use airports and heliports, minimize environmental impacts resulting from the operation of public use airports and heliports, and comply with federal requirements for the regulation of land that is in and near airports.
- D. *Treeline Overlay Zone.* The purpose of the treeline overlay zone is to protect fragile alpine ecosystems from incompatible development, and to protect views of the County’s mountain peaks.

Drafter’s note: If the County establishes a transfer of development rights (“TDR”) program, a TDR sending area overlay district and a TDR receiving area overlay district would be established in this Section. The purpose of the TDR

sending area overlay district would be to support the transfer of development rights from property in order to conserve its natural resource, habitat, or ranching / agricultural value. The purpose of the TDR receiving area overlay district would be to support the transfer of development rights to property in order to allow for conservation of TDR Sending Areas and to promote the County's interests in compact development in areas that are already developed or planned for intensification. While this Code does not provide for the transfer of development rights between properties under different ownership, it does allow significant flexibility for the allocation of development rights among areas of a large property that is under single ownership at the time of application.

#### Sec. 2.1.2.4 OFFICIAL ZONING MAP ADOPTED

- A. *Generally.* The locations of the various zoning districts and overlay districts are depicted on the map entitled "Official Zoning Map of Chaffee County" (referred to hereinafter as "zoning map"). The zoning map is incorporated into and made part of this Code.
- B. *Status of Zoning Map.* The zoning map that is on file with the Director shall control in the event of a conflict between the zoning map and any reproduction of the zoning map, including but not limited to maps that are made available electronically.

#### Sec. 2.1.2.5 INTERPRETATION OF ZONING MAP

- A. *Generally.* The precise location of any zoning district or overlay district boundary line shown on the zoning map shall be identified using the rules set out in this Section.
- B. *Conflicts Between Zoning Map and Adopted Rezoning Ordinance, After Effective Date of This Code.* Conflicts between the zoning district or overlay district boundaries on the zoning map and the zoning for land that is set out in an adopted rezoning ordinance dated after the effective date of this Code could result from administrative or scrivener's errors. In the event of such conflict:
  1. It is presumed that the adopted rezoning ordinance controls, and the zoning map shall be promptly corrected when the conflict is identified. In such a case, the Director shall provide written notice of the correction to the owners of property that is the subject of a zoning map correction.
  2. The presumption may be rebutted if it is obvious that the error is within the text of the rezoning ordinance, in that:
    - a. The rezoning affects property that was not the subject of the application for rezoning; or
    - b. The rezoning affects only a portion of the property that was the subject of the application, the application requested rezoning for the entire property, and the application was granted without conditions that restricted the extent of the rezoning; or
    - c. The legal description of the land in the rezoning ordinance does not close, but the description of the land that was intended to be the subject of the rezoning ordinance is otherwise obvious.

- C. *Conflict Between Zoning Map and Adopted Rezoning Ordinance, Before Effective Date of This Code.* If the zoning map conflicts with a rezoning ordinance adopted before the effective date, the zoning map boundaries control. However, if the rezoning ordinance was tied to a site specific development plan, then the zoning map designation shall not interfere with vested rights created by the site specific development plan, if any.
- D. *Conflict Between Zoning Map and Active PD Ordinance.* If the zoning map conflicts with a planned development (“PD”) ordinance that was adopted before the effective date, then the PD ordinance controls, unless there is record evidence to show that:
1. The zoning map was intended to adjust the boundaries of the PD; and
  2. The requirements of C.R.S. § 24-67-106(3) regarding amendment of a PD, were met.
- E. *Conflict Between Zoning Map and Development Agreement.* If the zoning map conflicts with a development agreement, then the conflict shall be resolved according to the terms of the development agreement.
- F. *Other Mapping Issues; Identifiable Features.* In the absence of a rezoning ordinance that specifies parcel boundaries, where zoning district boundary or overlay district boundary lines appear to follow identifiable features, their location shall be determined by applying the rules of this subsection in order from 1. to 5., below. Overlay district boundaries shall be interpreted in the context of the purpose of the overlay district.
1. Rights-of-way. Boundary lines shown as following, or approximately following, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the right-of-way. Where the location of the actual streets or alleys differs from the location of corresponding streets or alleys on the zoning map, the location of the actual streets or alleys controls.
  2. Property lines. Boundary lines shown as following, or approximately following, lot lines or other property lines shown on the zoning map shall be construed as following such lines.
  3. Toe or top of slope. Boundary lines shown as following, or approximately following, the toe or the top of a steep slope, shall be construed as following the contour line of the toe or top of slope.
  4. Watercourses. Boundaries shown as following, or approximately following, the centerline of streams or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline. However, such movement shall not render existing development nonconforming.
  5. Parallel to features. Boundaries shown as separated from and parallel, or approximately parallel, to any of the features listed in subsections F.1.

through F.4., above, shall be construed to be parallel to such features and at such distances as are shown by the scale on the zoning map.

- G. *Other Mapping Issues; Un-subdivided Land or No Identifiable Features.* In the absence of a rezoning ordinance that specifies parcel boundaries, on un-subdivided land, or where a zoning district or overlay district boundary follows no identifiable feature, the location of the zoning district boundary shall be determined by applying the following rules in sequential order, until the boundaries are known:
1. Text dimensions. The boundary shall be located by reference to dimensions shown in text on the zoning map, if any.
  2. Map scale. The boundary shall be located using the map scale appearing on the zoning map.

#### Sec. 2.1.2.6 MAINTENANCE OF AND UPDATES TO ZONING MAP

The zoning map is maintained by the Director. The Director shall promptly update the zoning map after a rezoning or PD ordinance is adopted.

### DIVISION 2.1.3 LAND USE BY ZONING DISTRICT

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#### Sec. 2.1.3.1 INTERPRETATION OF LAND USE TABLES

- A. *Generally.* The tables set out in this division ("Land Use Tables") describe which land uses are permissible in each zoning district, and the standards and review procedures to be applied to them.
- B. *Legend.* The following symbols are used in the Land Use Tables:
1. "A" means "Allowed Use." Allowed uses are allowed without further permits or approvals under this Code (except subdivision, if applicable). Other permits (*e.g.*, right-of-way access permits, building permits, well permits, onsite wastewater treatment system permits, which are not the subject of this Code) may be required.
  2. "Z" means "Zoning Permit." Zoning permit uses are subject to administrative review (which includes site plan review) for compliance with the general requirements of this Code.
  3. "L" means "Limited Use." Limited uses are subject to administrative review (which includes site plan review) for compliance with specific standards that pertain to the use, and for compliance with general standards for all limited uses, and the general requirements of this Code.
  4. "C" means "Conditional Use." Conditional uses are subject to public hearing review for compliance with specific standards that pertain to the use, general standards for all conditional uses, and the general requirements of this Code.

5. “-” means “Prohibited Use.” Prohibited uses are not allowed in the specified zoning district.

C. *Multiple Uses.* Proposed uses that combine more than one listed use shall meet the substantive and procedural requirements for each applicable listed use.

Sec. 2.1.3.2 AGRICULTURAL LAND USE TABLE

The agricultural land uses that are allowed in each zoning district are set out in Table 2.1.3.2, *Agricultural Land Uses.*

**Table 2.1.3.2, Agricultural Land Uses**

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Agricultural Support Services	Z	C	-	-	Z	Z	Z	-	§ 2.2.2.1.A.
Agriculture	A	A	L	L	L	L	L	A	§ 2.2.2.1.B.
Aquaculture	L	-	-	-	-	-	-	L	§ 2.2.2.1.C.
Wholesale Greenhouse	L	L	-	C	L	-	Z	-	§ 2.2.2.1.D.
Agritourism	A	A	L	L	L	L	L	A	§ 2.2.2.1.E.

Sec. 2.1.3.3 RESIDENTIAL FORMATS AND SPECIAL RESIDENTIAL LAND USE TABLES

A. *Residential Format Table.* The residential formats that are allowed in each zoning district are set out in Table 2.1.3.3.A, *Residential Formats.*

**Table 2.1.3.3.A, Residential Formats**

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Single-Unit Detached Dwelling	Z	Z	Z	Z	Z	Z	-	-	N/A
Duplex	Z	Z	Z	Z	Z	Z	-	-	N/A
Townhome	-	L	Z	Z	Z	Z	-	-	§ 2.2.2.2.A.
Multiplex	-	C	Z	Z	Z	Z	-	-	§ 2.2.2.2.B.
Multifamily	-	-	Z	Z	C	Z	-	-	§ 2.2.2.2.C.
Manufactured / Tiny Home Park	C	C	C	L	C	C	-	-	§ 2.2.2.2.D. and Div. 3.1.5.
Manufactured / Tiny Home Subdivision	-	-	L	L	L	L	-	-	§ 2.2.2.2.E. and Div. 3.1.5.

B. *Special Residential Land Uses.* The special residential land uses that are allowed in each zoning district are set out in Table 2.1.3.3.B, *Special Residential Land Uses.*

**Table 2.1.3.3.B, Special Residential Land Uses**

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Assisted Living or Congregate Care	-	-	C	Z	-	Z	-	-	§ 2.2.2.3.A.
Group Home	L	L	L	L	L	L	-	-	§ 2.2.2.3.B.
Nursing Home, Memory Care, Alzheimer’s Care	-	-	C	Z	-	Z	-	-	§ 2.2.2.3.C.
Protective Care	-	-	C	Z	-	Z	-	-	§ 2.2.2.3.D.



Sec. 2.1.3.4 HOSPITALITY, RECREATION, AND ENTERTAINMENT LAND USE TABLE

The hospitality, recreation, and entertainment land uses that are allowed in each zoning district are set out in Table 2.1.3.4, *Hospitality, Recreation, and Entertainment Land Uses*.

**Table 2.1.3.4, Hospitality, Recreation, and Entertainment Land Uses**

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Bar, Tavern, or Nightclub	-	-	-	Z	Z	Z	-	-	N/A
Bed and Breakfast	-	-	C	Z	Z	Z	-	-	§ 2.2.2.4.A.
Brewpub, Distillery Pub, or Limited Winery	-	-	-	Z	Z	Z	Z	-	N/A
Campground or RV Park	C	C	-	-	C	C	-	C	§ 2.2.2.4.B.
Commercial Lodging	-	-	-	C	Z	Z	-	-	§ 2.2.2.4.C.
Fairgrounds	C	-	-	-	-	-	-	-	§ 2.2.2.4.D.
Golf Course	-	-	-	-	-	-	-	C	§ 2.2.2.4.E.
Indoor Commercial Amusement, Recreation, or Entertainment	-	-	-	-	Z	Z	-	-	N/A
Indoor Firing Range	-	-	-	-	-	-	C	-	§ 2.2.2.4.F.
Outdoor Commercial Amusement	-	-	-	-	Z	Z	-	-	N/A
Outdoor Firing Range	-	-	-	-	-	-	C	-	§ 2.2.2.4.G.
Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater	-	-	-	-	-	C	C	-	§ 2.2.2.4.H.
Outfitter	-	-	-	-	L	L	-	-	§ 2.2.2.4.I.
Park, Active	L	L	Z	Z	L	L	-	-	§ 2.2.2.4.J.
Park, Passive	L	L	Z	Z	Z	Z	-	-	§ 2.2.2.4.K.
Park, Wilderness	L	L	-	-	-	-	-	L	§ 2.2.2.4.L.
Race Track	-	-	-	-	-	-	C	-	§ 2.2.2.4.M.
Rural Resort	-	-	-	C	C	C	-	-	§ 2.2.2.4.N.
Restaurant	-	-	L	Z	Z	Z	-	-	§ 2.2.2.4.O.
Seasonal Employee Campground	C	C	-	-	C	C	-	-	§ 2.2.2.4.B.
Sexually-Oriented Business	-	-	-	-	-	-	C	-	§ 2.2.2.4.P.
Zoo	C	-	-	-	-	-	-	-	§ 2.2.2.4.Q.

Sec. 2.1.3.5 GENERAL COMMERCIAL LAND USE TABLE

The general commercial land uses that are allowed in each zoning district are set out in Table 2.1.3.5, *General Commercial Land Uses*.

**Table 2.1.3.5, General Commercial Land Uses**

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Convenience Lending or Pawnbroker	-	-	-	-	C	C	-	-	§ 2.2.2.5.A.
Liquor Store	-	-	-	L	L	Z	-	-	§ 2.2.2.5.B.
Office, General	-	-	-	Z	Z	Z	L	-	§ 2.2.2.5.C.
Office, Medical	-	-	-	Z	Z	Z	L	-	§ 2.2.2.5.D.
Retail Sales and Services	-	-	-	L	Z	Z	L	-	§ 2.2.2.5.E.

Sec. 2.1.3.6 VETERINARY AND DOMESTIC ANIMAL LAND USE TABLE

The veterinary and domestic animal land uses that are allowed in each zoning district are set out in Table 2.1.3.6, *Veterinary and Domestic Animal Land Uses*.



**Table 2.1.3.6, Veterinary and Domestic Animal Land Uses [Updated references 10-6-2024]**

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Commercial Equestrian Facilities	C	C	-	-	-	-	-	-	§ 2.2.2.6.A.
Kennel, Indoor	Z	Z	-	Z	Z	Z	Z	-	N/A
Kennel, Outdoor	C	C	-	-	-	-	-	-	§ 2.2.2.6.B.
Veterinarian, Large Animal	Z	Z	Z	Z	Z	-	-	-	N/A
Veterinarian, Small Animal	Z	Z	Z	Z	Z	Z	-	-	N/A
Wildlife Rehabilitation	L	-	-	-	-	-	-	L	§ 2.2.2.6.C.

**Sec. 2.1.3.7 COMMUNITY, CIVIC, EDUCATIONAL, HEALTHCARE, AND INSTITUTIONAL LAND USE TABLE**

The community, civic, educational, healthcare, and institutional land uses that are allowed in each zoning district are set out in Table 2.1.3.7, *Community, Civic, Educational, Healthcare, and Institutional Land Uses*.

**Table 2.1.3.7, Community, Civic, Educational, Healthcare, and Institutional Land Uses [Updated references 10-6-2024]**

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Cemetery	C	-	-	-	-	-	-	-	§ 2.2.2.7.A.
Crematorium	-	-	-	-	-	-	C	-	§ 2.2.2.7.B.
Day Care Center, Adult or Child	-	L	L	L	-	Z	-	-	§ 2.2.2.7.C.
Funeral Home	-	-	-	L	-	Z	-	-	§ 2.2.2.7.D.
Hospital	-	-	-	-	-	C	C	-	§ 2.2.2.7.E.
Place of Assembly	Z	Z	Z	Z	Z	Z	-	-	N/A
School, Boarding	-	-	-	C	-	C	-	-	§ 2.2.2.7.F.
School, Elementary or Middle	-	-	C	C	-	C	-	-	§ 2.2.2.7.G.
School, High	-	-	C	C	-	C	-	-	§ 2.2.2.7.H.
School, Vocational or Trade	-	-	-	C	-	C	C	-	§ 2.2.2.7.I.
University or College	-	-	-	C	-	C	-	-	§ 2.2.2.7.J.

**Sec. 2.1.3.8 INDUSTRIAL, PROCESSING, RECYCLING, STORAGE, AND DISPOSAL LAND USE TABLE**

The industrial, processing, recycling, storage, and disposal land uses that are allowed in each zoning district are set out in Table 2.1.3.8, *Industrial, Processing, Recycling, Storage, and Disposal Land Uses*.

**Table 2.1.3.8, Industrial, Processing, Recycling, Storage, and Disposal Land Uses [Updated references 10-7-2024]**

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Composting Facility	-	-	-	-	-	-	L	-	§ 2.2.2.8.A.
Disposal	-	-	-	-	-	-	C	-	§ 2.2.2.8.B.
Heavy Industry	-	-	-	-	-	-	C	-	§ 2.2.2.8.C.
Heavy Logistics Center	-	-	-	-	-	-	C	-	§ 2.2.2.8.D.
Light Industry	-	-	-	-	C	C	Z	-	§ 2.2.2.8.E.
Recycling Collection Center	-	-	-	-	C	C	L	-	§ 2.2.2.8.F.
Resource Extraction (Minerals)	C	C	-	-	-	-	C	C	§ 2.2.2.8.G. and Div. 3.8.1.

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Resource Extraction (Oil and Gas)	C	C	-	-	-	-	C	-	§ 2.2.2.8.H. and Div. 3.8.1.
Salvage Yard	-	-	-	-	-	-	L	-	§ 2.2.2.8.I.
Self-Storage	-	-	-	-	-	-	L	-	§ 2.2.2.8.J.
Storage Yard	-	-	-	-	-	-	L	-	§ 2.2.2.8.K.
Waste Transfer Station	-	-	-	-	-	-	C	-	§ 2.2.2.8.L.

Sec. 2.1.3.9 MOTOR VEHICLE AND TRANSPORTATION LAND USE TABLE

The motor vehicle and transportation land uses that are allowed in each zoning district are set out in Table 2.1.3.9, *Motor Vehicle and Transportation Land Uses*.

Table 2.1.3.9, Motor Vehicle and Transportation Land Uses [Updated references 10-6-2024]

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Airport or Heliport	-	-	-	-	-	-	C	-	§ 2.2.2.9.A.
Airstrip or Helistop	-	-	C	C	-	C	C	-	§ 2.2.2.9.B.
Fast-Charging Stations <sup>1</sup>	-	-	-	A	A	A	A	-	N/A
Fueling or Service Stations	-	-	-	-	-	C	C	-	§ 2.2.2.9.C.
Motor Vehicle Wash	-	-	-	-	-	L	L	-	§ 2.2.2.9.D.
Parking	C	C	L	L	L	L	L	C	§ 2.2.2.9.E.
Passenger Motor Vehicle Sales or Rental	-	-	-	-	-	L	L	-	§ 2.2.2.9.F.
Heavy Motor Vehicle Sales or Rental	-	-	-	-	-	L	L	-	§ 2.2.2.9.G.
Bus or Taxi Terminal, On-Demand Transportation Dispatch	-	-	-	-	-	Z	Z	-	N/A
Truck Stop	-	-	-	-	-	C	C	-	§ 2.2.2.9.H.

**Table Note:**

<sup>1</sup> This row refers to fast-charging stations as a principal use. Fast-charging stations may be installed in all parking areas that are associated with approved principal uses.

Sec. 2.1.3.10 UTILITY LAND USE TABLE

The utility land uses that are allowed in each zoning district are set out in Table 2.1.3.10, *Utility Land Uses*.

Table 2.1.3.10, Utility Land Uses [Updated references 10-6-2024]

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Battery Energy Storage System (Utility Scale)	L	L	-	-	L	L	L	-	§ 2.2.2.10.A.
Solar Farm (2 MW or more)	C	-	-	-	-	-	Z	-	§ 2.2.2.10.B.
Utilities, Minor	L	L	L	L	L	L	L	L	§ 2.2.2.10.C.
Utilities, Major	-	-	-	-	-	-	C	-	§ 2.2.2.10.D.

Sec. 2.1.3.11 MARIJUANA AND “NATURAL MEDICINE” LAND USE TABLES

- A. *Medical Marijuana Land Uses.* The medical marijuana land uses that are allowed in each zoning district are set out in Table 2.1.3.11.A, *Medical Marijuana Land Uses*.

**Table 2.1.3.11.A, Medical Marijuana Land Uses**

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Medical Marijuana Cultivation Facility	-	-	-	-	-	-	L	-	§ 2.2.2.11.A.
Medical Marijuana Product Manufacturer	-	-	-	-	-	-	L	-	§ 2.2.2.11.B.
Medical Marijuana Research and Development Facility	-	-	-	-	-	-	Z	-	N/A
Medical Marijuana Testing Facility	-	-	-	-	-	-	Z	-	N/A
Medical Marijuana Transporter (Storage Premises)	-	-	-	-	-	-	Z	-	N/A

B. *Retail Marijuana Land Uses.* The retail marijuana land uses that are allowed in each zoning district are set out in Table 2.1.3.11.B, *Retail Marijuana Land Uses.*

**Table 2.1.3.11.B, Retail Marijuana Land Uses**

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
Retail Marijuana Cultivation Facility	-	-	-	-	-	-	L	-	§ 2.2.2.11.A.
Retail Marijuana Products Manufacturer	-	-	-	-	-	-	L	-	§ 2.2.2.11.B.
Retail Marijuana Testing Facility	-	-	-	-	-	-	Z	-	N/A
Retail Marijuana Transporter (Storage Premises)	-	-	-	-	-	-	Z	-	N/A

C. *“Natural Medicine” Land Uses.* The “natural medicine” land uses that are allowed in each zoning district are set out in Table 2.1.3.11.C, *“Natural Medicine” Land Uses.*

**Table 2.1.3.11.C, “Natural Medicine” Land Uses**

Land Use	Zoning District								Reference
	AR	RR	RS	RM	MUR	MUC	IN	PCR	
“Natural Medicine” Healing Center	-	-	-	Z	Z	Z	-	-	N/A
“Natural Medicine” Cultivation Facility	-	-	-	-	-	-	L	-	§ 2.2.2.11.A.
“Natural Medicine” Product Manufacturer	-	-	-	-	-	-	L	-	§ 2.2.2.11.B.
“Natural Medicine” Testing Facility	-	-	-	-	-	-	Z	-	N/A

**Sec. 2.1.3.12 USES THAT ARE NOT ALLOWED IN ANY ZONING DISTRICT**

The following uses are not allowed in any zoning district:

1. Intensive Agriculture
2. Prison or Jail that is not owned and operated by Chaffee County, the State of Colorado, or the United States government
3. Data Center
4. Medical Marijuana Store

5. Retail Marijuana Store
6. Retail Marijuana Hospitality Business
7. Retail Marijuana Hospitality and Sales Business

Sec. 2.1.3.13 USES THAT ARE NOT LISTED [UPDATED 10-6-2024]

- A. *Generally.* If a proposed use is not listed in the tables set out in Sections 2.1.3.2 to 2.1.3.11, inclusive, or enumerated in Section 2.1.3.12, *Uses That Are Not Allowed in Any Zoning District*, then the Director shall determine whether the proposed use is functionally comparable to a use that is so listed or enumerated. A proposed use is functionally comparable to a use that is permissible if it is reasonably comparable to the use, and with regard to each of the decision criteria enumerated in Subsection B., below, the proposed use has no greater impacts than the use with which it is functionally comparable. If a proposed use is most comparable to a use that is prohibited by Section 2.1.3.12, *Uses That Are Not Allowed in Any Zoning District*, then the proposed use is prohibited.
- B. *Decision Criteria.* The following decision criteria shall be evaluated when the Director determines whether a proposed use is functionally comparable to an allowed use:
  1. Parking demand;
  2. Average daily and peak hour trip generation (passenger vehicles and heavy motor vehicles);
  3. Noise;
  4. Vibration;
  5. Lighting;
  6. Dust;
  7. Odors;
  8. Potentially hazardous conditions, such as projectiles leaving the subject property;
  9. Use, storage, handling, or transport of hazardous materials;
  10. Design of buildings and structures;
  11. Character of operation; and
  12. Hours of operation.
- C. *Effect of Determination.* If the Director approves an application for a decision pursuant to this Section, then the use is permitted, subject to the same standards and procedures as the use to which it was compared for the purposes of the favorable decision. If the Director determines that a proposed use is not functionally comparable to a use that is permissible in the table in the zoning

district that applies to the subject property, then the proposed use is a prohibited use in that zoning district.

Sec. 2.1.3.14 MULTIPLE USES [UPDATED 10-6-2024, REMOVING "EXCEPT THOSE DEVELOPMENTS THAT QUALIFY AS 'MIXED-USE,'" AS THERE IS NO "URBAN" MIXED-USE POLICY TO IMPLEMENT]

In instances where a proposed development will combine more than one enumerated land use, each enumerated land use shall be evaluated independently for compliance with applicable standards.

## CHAPTER 2.2 Limited and Conditional Use Standards

### DIVISION 2.2.1 PURPOSE AND APPLICATION OF CHAPTER

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Sec. 2.2.1.1 PURPOSE.

The purpose of this Chapter is to promote physical, functional, and (in some cases) aesthetic compatibility among land uses in the County by establishing use-specific standards for certain uses that are designated as limited ("L") or conditional ("C").

Sec. 2.2.1.2 APPLICATION [UPDATED 10-6-2024, CLEANING UP RELICS AND UPDATING CROSS-REFERENCES]

- A. *Limited Uses.* In zoning districts where a land use is designated as a limited use ("L") in the tables of Division 2.1.3, *Land Use by Zoning District*, the limited use shall be approved if:
1. The standards of this Chapter that relate to the use in the zoning district in which the subject property is located are met;
  2. All other applicable requirements of this Code are met.
- B. *Conditional Uses.* In zoning districts where a land use is designated as a conditional use ("C") in Division 2.1.3, *Land Use by Zoning District*, the conditional use shall be approved if:
1. The standards of this Chapter that relate to the use in the zoning district in which the subject property is located are met;
  2. The general standards for all conditional uses that are set out in Section 2.2.1.3., *Standards for All Conditional Uses*, are met; and
  3. All other applicable requirements of this Code are met.

Sec. 2.2.1.3 STANDARDS FOR ALL CONDITIONAL USES

- A. *Generally.* All uses that are listed in the tables of Division 2.1.3, *Land Use by Zoning District*, as conditional uses ("C") shall meet the standards of this Section in addition to the standards of Division 2.2.2, *Use-Specific Standards*, that apply to the proposed use.

- B. *Review Standards.* An application for conditional use approval may be approved if, in addition to the specific standards of this Division 2.2.2, *Use-Specific Standards*, that apply to the proposed use, it is demonstrated that:
1. The proposed conditional use in its proposed location will not tend to frustrate the implementation of current adopted plans of the County, including, but not limited to, the Comprehensive Plan;
  2. The location, size, design and operating characteristics of the proposed conditional use will be consistent with or complementary to the existing and anticipated future land uses within the surrounding area, and will not create significant noise, traffic, or other conditions that tend to negatively impact or impair the existing use and enjoyment of surrounding properties;
  3. The proposed conditional use will not negatively impact the land use patterns of existing or approved development within the surrounding area, or discourage permitted uses or reinvestment in permitted uses by making the surrounding area less desirable for them;
  4. The proposed conditional use is consistent with the standards in this Code, as amended;
  5. The design, operation, location, and buffering of the proposed conditional use mitigates its impacts with regard to:
    - a. Risks associated with:
      - i. The use, storage, handling, and transport of hazardous materials; or
      - ii. Potentially hazardous conditions, such as projectiles leaving the subject property; and
    - b. Odors;
    - c. Dust;
    - d. Lighting;
    - e. Vibration; and
    - f. Noise; and
  6. There is a demonstrated need in the County for the conditional use to serve demands created by County residents, ranches, agricultural operations, visitors, or non-agricultural organizations or businesses.
- C. *Modification of Use-Specific Standards.* Variations to the specific standards of Division 2.2.2, *Use-Specific Standards*, that apply to the proposed use through the conditional use process, may be approved, provided that the variation substantially meets the purpose of the use standard (with respect to mitigation of impacts) and the review standards in subsection B., above.
- D. *Conditions of Approval.*

1. A conditional use may be approved with conditions to mitigate its impacts, in order to ensure continuing compliance with the review standards set out in subsection B., above, or the use-specific standards of Division 2.2.2., *Use-Specific Standards* (as may be modified as set out in subsection C., above).
2. Conditions may include:
  - a. Standards or requirements for:
    - i. Type, size, amount, and placement of landscaping;
    - ii. Use, location, number, height, size, architectural design, material, and color of buildings;
    - iii. Configuration and placement of vehicular and pedestrian access and circulation;
    - iv. Amount and configuration of off-street parking;
    - v. Amount, placement, hours, and intensity of lighting;
    - vi. Operational characteristics, including hours of operation;
    - vii. Emissions of noise, dust, fumes, glare and other pollutants; and
  - b. Such other conditions as the County determines are necessary to mitigate impacts and are roughly proportional to the significance of the impact.

## DIVISION 2.2.2 USE-SPECIFIC STANDARDS

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### Sec. 2.2.2.1 AGRICULTURAL USE-SPECIFIC STANDARDS

- A. *Agricultural Support Services.* Agricultural support services may be approved in the RR zoning district if it is demonstrated that adjoining property or property across the road from the subject property is zoned and used for agricultural purposes, and the boundaries of the use (including parking and outdoor use areas) are not less than 300 feet from the closest outer building wall of the nearest principal residential building or ADU.
- B. *Agriculture.*
  1. Existing agricultural uses are allowed in all zoning districts without further review.
  2. New agricultural uses are allowed in the RS, RM, MUR, MUC, and IN zoning districts if it is demonstrated that:
    - a. The subject property is 20 acres or less in area and the use does not involve the keeping of livestock; or
    - b. The use is located on one or more tracts that are commonly owned by the owners of lots in a conservation subdivision.

- C. *Aquaculture.* Aquaculture may be allowed in the AR and PCR zoning districts if it is demonstrated that:
  - 1. The facility shall be designed such that there is no possibility of accidental introduction of non-native species into the wild.
  - 2. Prior to issuance of a certificate of occupancy, the applicant provides the Director a copy of all required state and federal permits. *This is highly regulated activity. See, e.g., 8 CCR § 1204-7, Colorado and EPA injection well permit requirements, Clean Water Act, NPDES, and other state and federal regulations, as applicable.*
- D. *Wholesale Greenhouse.*
  - 1. Wholesale greenhouse may be allowed in the AR, RR, RM, or MUR zoning district if it is demonstrated that:
    - a. Greenhouses and nursery storage buildings shall be set back according to the requirements that apply to principal buildings; and
    - b. Active areas of open-air nurseries and areas where mulch, gravel, and soils are stored are spaced not less than 200 feet from residential uses, measured as the shortest distance from the nearest edge of the part of the nursery that is used to grow plants for sale or to store landscape materials, to the property line of the residential zone or use.
  - 2. A heavy vehicle routing and road maintenance plan is required.
- E. *Agritourism.* Agritourism may be approved in the RS, RM, MUR, MUC, and IN zoning districts if it is demonstrated that the subject property is also used for active, productive agriculture operations as defined in C.R.S. § 35-1-102(1) (as amended) wherein tourism in the form of entertainment, pleasure, recreation, or education is significantly interrelated with the productive agriculture operation (activities or events that are not significantly interrelated with productive agriculture, or that exceed the thresholds for a special event as provided in Section 5.2.6.8., *Special Events Permits*, are subject to special event permitting).

Sec. 2.2.2.2 RESIDENTIAL FORMAT-SPECIFIC STANDARDS

- A. *Townhome.* Townhome residential formats may be approved in the RR district if it is demonstrated that the subject property is designed as a conservation subdivision and the townhomes are served with public water system and a domestic wastewater treatment system.
- B. *Multiplex.* Multiplex residential formats may be approved in the RR district if it is demonstrated that either:
  - 1. The subject property is designed as a conservation subdivision, the multiplexes are served with a public water system and a domestic wastewater treatment system, and the subject property is located within three miles of the boundaries of a municipality; or
  - 2. The subject property is designed as a conventional subdivision, and:



- a. The building footprint of the multiplex does not exceed 6,000 square feet; and
  - b. The area of the subject property is sufficient:
    - i. To accommodate the units without exceeding the density limitations of the RR district; and
    - ii. If a public water system or domestic wastewater system are not available, to meet applicable water and wastewater requirements of Chapter 3.4., *Water, Wastewater, and Utilities*.
- C. *Multifamily*. Multifamily residential formats may be approved in the MUR district if it is demonstrated that the multifamily units are served with a public water system and a domestic wastewater treatment system, and the subject property is located within three miles of the boundaries of a municipality.
- D. *Manufactured / Tiny Home Park*. Manufactured / tiny home parks may be approved in the AR, RR, RS, RM, MUR, and MUC districts if it is demonstrated that:
- 1. In the AR and RR districts, the manufactured / tiny home park is designed and operated in accordance with Division 3.1.4., *Conservation Subdivision Design Principles*, and Division 3.1.6., *Standards for Manufactured Home Parks*, and each manufactured home and tiny home space provides a connection to a public water system and a domestic wastewater treatment system.
  - 2. In the RS, RM, MUR, and MUC districts, the manufactured / tiny home park is designed and operated in accordance with Division 3.1.6., *Standards for Manufactured Home Parks*, and each manufactured home and tiny home space provides a connection to a public water system and a domestic wastewater treatment system.
- E. *Manufactured / Tiny Home Subdivision*. Manufactured / tiny home subdivisions may be approved in the RS, RM, MUR, and MUC districts if it is demonstrated that:
- 1. In the AR and RR districts, the manufactured / tiny home park is designed and operated in accordance with Division 3.1.4., *Conservation Subdivision Design Principles*, and Division 3.1.6., *Standards for Manufactured Home Parks*.
  - 2. In the RS, RM, MUR, and MUC districts, the manufactured / tiny home park is designed and operated in accordance with Division 3.1.6., *Standards for Manufactured Home Parks*.

Sec. 2.2.2.3 SPECIAL RESIDENTIAL LAND USE-SPECIFIC STANDARDS

- A. *Assisted Living or Congregate Care*. Assisted living or congregate care may be approved in the RS district if it is demonstrated that:
- 1. The subject property provides not less than 50 square feet outdoor recreation and leisure area per resident at capacity, of which a minimum of 750 square feet shall be contiguous.

2. If the design capacity of the facility is more than 20 residents:
  - a. The facility is located within five miles of a hospital, measured along connecting roads; and
  - b. The facility takes access from a paved arterial or collector road.
- B. *Group Home*. Group homes shall be allowed in the AR, RR, RS, RM, MUR, and MUC zoning districts if it is demonstrated that:
  1. In the AR and RR zoning districts, the group home is spaced from other group homes not less than 750 feet, measured property line to property line.
  2. In the RS and RM zoning districts, the group home is spaced from other group homes not less than 300 feet, measured property line to property line.
  3. In the MUR and MUC zoning districts, the group home is spaced from other group homes, such that they are not located on lots that front on the same street segment (between intersections with other streets, or between an intersection and a dead-end or cul-de-sac), or such that if they are, they are spaced not less than 300 feet, measured property line to property line.
- C. *Nursing Home, Memory Care, Alzheimer's Care*. Nursing home, memory care, Alzheimer's care may be approved in the RS district if it is demonstrated that:
  1. The subject property provides not less than 50 square feet outdoor recreation and leisure area per resident at capacity, of which a minimum of 750 square feet shall be contiguous.
  2. If the design capacity of the facility is more than 20 residents:
    - a. The facility is located within five miles of a hospital, measured along connecting roads; and
    - b. The facility takes access from a paved arterial or collector road.
- D. *Protective Care*. Protective care may be approved in the RS district if it is demonstrated that:
  1. The facility takes access from a paved arterial or collector road; and
  2. If the subject property adjoins residential or special residential property of any type, a minimum six-foot tall masonry wall is installed to enclose the portion of the subject property that adjoins the residential or special residential use.

Sec. 2.2.2.4 HOSPITALITY, RECREATION, AND ENTERTAINMENT USE-SPECIFIC STANDARDS

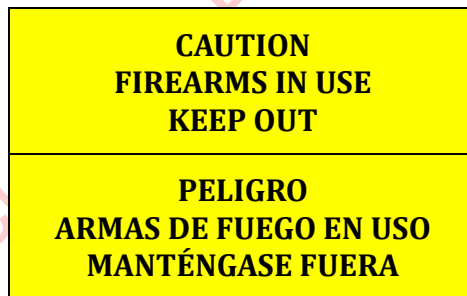
- A. *Bed and Breakfast*. Bed and breakfast may be approved in the RS district if it is demonstrated that:
  1. The bed and breakfast facility is consistent with the residential character of the area in which it is located in that it includes physical characteristics such as residential-scaled building features, landscaped yards, and porches;

2. The use does not involve any outdoor storage of business material, supplies, or equipment; and
  3. Off-street parking is provided on-site for all residents, visitors, guests, and employees.
- B. *Campground / RV Park and Seasonal Employee Campground.* Campground / RV Park may be approved in the AR, RR, MUR, MUC, and PCR districts, and seasonal employee campground may be approved in the AR, RR, MUR, and MUC districts, if it is demonstrated that, in addition to other applicable standards of this Code, the campground / RV park or seasonal employee campground is designed and will be operated in accordance with the applicable provisions of this subsection.
1. In all zoning districts, all tent campsites shall be set back:
    - a. 100 feet from property lines that adjoin private land in a residential zoning district;
    - b. 100 feet from the edge of a river or stream (or as required by this Code and 6 CCR § 1010-9 to avoid floodplains and fluvial hazard areas, whichever is greatest);
    - c. 50 feet from the edge of easements or fee-simple corridors used for ditches, or 75 feet from the ditch centerline, whichever is more distant, unless the setback is waived by the ditch owner;
    - d. 50 feet from side and rear property lines of the subject property;
    - e. 25 feet from roads and access easements; and
    - f. 20 feet from any other campsite, building, or structure.
  2. In the PCR district:
    - a. The campground shall be designed as a primitive, semi-primitive, or semi-developed campground, as defined in 6 CCR § 1010-9:2.0;
    - b. The campground shall not include more than 10 campsites per acre; and
    - c. Solid waste collection facilities provided at semi-primitive and semi-developed campgrounds shall meet the requirements of Section 2.6.1.3., *Refuse, Recycling, and Compost Material Containers.*
  3. In the AR, RR, MUR, and MUC, districts:
    - a. Individual occupancy of campsites (including camp cabins, where provided) shall be for periods of not more than 30 consecutive days except that campgrounds may be designated as a “seasonal employee campground,” and thereupon individual occupancies allowed for periods of not more than nine months, if:
      - i. They are owned in common with an agriculture or ranching, agritourism, or outfitter use within one-quarter mile; and

- ii. Occupancy of the seasonal employee campground is restricted to employees and independent contractors of the associated use.
  - b. The campground shall be designed as a developed or modern campground, as defined in 6 CCR § 1010-9:2.0;
  - c. The campground / RV park shall have vehicular access to, and frontage along, a public road;
  - d. The campground / RV park shall be assigned a single address to cover the entire campground, and each camp cabin, RV, and tent space shall be clearly and distinctly marked with a sign that is at least six inches square, indicating its individual space number with four-inch lettering;
  - e. An attendant or caretaker shall be available at all times to keep the campground or RV park, its facilities, and equipment in a clean, orderly and sanitary condition;
  - f. All RV and camp cabin sites shall be set back:
    - i. 100 feet from property lines that adjoin private land in a residential zoning district;
    - ii. 25 feet from roads or access easements;
    - iii. 20 feet from side and rear property lines of the subject property; and
    - iv. 20 feet from any other campsite, building, or structure; and
    - v. 10 feet from internal roads and drives; and
  - g. The campground or RV park shall not include more than 20 campsites or camp cabins (measured in the aggregate) per acre;
  - h. Solid waste collection facilities shall meet the requirements of Section 2.6.1.3., *Refuse, Recycling, and Compost Material Containers*; and
  - i. Camp cabins are subject to the following additional standards:
    - i. All camp cabins shall be set back 20 feet from all roads and drives;
    - ii. Camp cabins shall be installed on a suitable permanent foundation or treated wood timbers and adequately anchored for the appropriate wind load, and a building permit may be required; and
    - iii. A fire alarm with battery backup and a fire extinguisher shall be provided in each camp cabin.
- C. *Commercial Lodging*. Commercial Lodging may be approved in the RM district if it is demonstrated that:
  - 1. The subject property takes access from an arterial or collector street; and

2. If the subject property adjoins residential or special residential property of any type, a minimum six-foot tall masonry wall is installed along the residential or special residential property line.
- D. *Fairgrounds*. Fairgrounds may be approved in the AR district if it is demonstrated that the subject property is at least 20 acres in area.
- E. *Golf Course*. Golf course may be approved in the PCR district if it is demonstrated that:
1. The designed centerline of each hole shall be a minimum of 150 feet from adjacent property boundaries, and appropriate controls shall be put in place to prevent such golf balls from leaving the property;
  2. Total lot coverage with principal and accessory buildings shall not exceed five percent;
  3. The course is designed with turfgrasses that are adapted to the County's climate and location, turfgrasses are not installed in areas where turf is not necessary, and a management plan is provided to demonstrate reductions in water demand using technology and best management practices such as intelligent irrigation systems and proper soil aeration and soil cultivation to aid water infiltration and reduce runoff;
  4. Principal and accessory buildings and structures are set back at least 50 feet from all property lines; and
  5. The golf course will not be illuminated, and will be open for use only during daylight hours.
- F. *Indoor Firing Range*. Indoor firing range may be approved in the IN district if it is demonstrated that:
1. The use is located within a free-standing building that is spaced from schools, places of assembly, and child day care centers not less than 300 feet, measured between property lines;
  2. The free-standing building is designed as follows:
    - a. Sound-proofing is sufficient to make shooting activities inaudible from outside the building;
    - b. Closed loop range ventilation systems, including HEPA filtration, are installed and dedicated to the range (*i.e.*, not connected to the general HVAC system);
    - c. Range design prevents dangers from ricochets, backsplash, and lead dust;
    - d. No door or entrance to the range is located forward of the rearmost firing point, unless secured from the inside of the range; and

- e. A red light is fitted above all doors giving direct access to the range itself (not the building), and such light will be lit whenever the range is in use.
- G. *Outdoor Firing Range.* Outdoor firing range may be approved in the IN district if it is demonstrated that all of the following standards are met:
1. Firing lines are set back a minimum of 200 feet from property lines, and one-half mile from:
    - a. RS, RM, MUR, and MUC zoning district boundaries;
    - b. Schools, places of assembly, and child care centers; and
    - c. The boundaries of property that is used (permanently or periodically) for the keeping or grazing of horses or livestock.
  2. Hours of operation are limited to the hours between sunrise and sunset, except that the hours may be extended until 10:00 p.m. one night per week with the approval of the Director for purposes of subdued lighting certification of law enforcement officers or civilians as part of a formal course of instruction.
  3. The perimeter of the outdoor range shall be surrounded by a security fence, wall, or other impediment to pedestrians with a minimum height of six feet, posted with warning signs at 150-foot intervals along the entire perimeter. The signs shall be made of a weather-proof material, with one-inch black lettering on a yellow background, and state:



[Updated Spanish sign text 10-6-2024 for improved translation]

- H. *Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater.* Outdoor stadium, arena, amphitheater, or drive-in theater may be approved in the MUC or IN district if it is demonstrated that:
1. The subject property is within one mile of a municipal boundary;
  2. The subject property is served by a public water system and a domestic wastewater treatment system;
  3. Areas of the subject property that are available to patrons or accessible by vehicles are set back at least 600 feet from the nearest boundary of any property used for the keeping or grazing of livestock, and lighting and sound from the use are directed away from such property lines; and

4. The hours of operation of the use do not extend past 10:00 PM. (Updated 10-5-2025)
- I. *Outfitter*. Outfitter may be approved in the MUR or MUC district if it is demonstrated that:
    1. The outfitter has obtained all required state registrations or licenses for the outfitting services to be provided, and state or federal permits for use of the land or water where the outfitting services are to be provided; and
    2. If used, and if stored outside, watercraft are secured to prevent significant movement in the wind, and stored:
      - a. At least 20 feet from public roads; and
      - b. Outside of any fluvial hazard area or special flood hazard zone.
  - J. *Park, Active*. Park, active may be approved in the AR or RR districts if it is demonstrated that:
    1. The park is developed as an amenity to a conservation subdivision;
    2. The park is set back not less than 300 feet from the boundary of agriculture or ranching uses;
    3. Hours of operation are limited to the hours between sunrise to 9:00 PM or sunset, whichever is later; and
    4. The park and the conservation subdivision are designed to prevent interactions between domestic dogs and livestock.
  - K. *Park, Passive*. Park, passive may be approved in the AR or RR districts if it is demonstrated that:
    1. The park is developed as an amenity to a conservation subdivision;
    2. The park is set back not less than 300 feet from the boundary of agriculture or ranching uses;
    3. Hours of operation are limited to daylight hours; and
    4. The park and the conservation subdivision are designed to prevent interactions between domestic dogs and livestock.
  - L. *Park, Wilderness*. Wilderness parks shall be designed in consultation with the Director and Colorado Parks and Wildlife, in order to minimize disruptions of sensitive ecosystems and negative impacts to wildlife. Lighting of wilderness parks is not allowed.
  - M. *Race Track*. Race track may be approved in the IN district if it is demonstrated that:
    1. The boundaries of the race track are set back not less than one-half mile from the property lines of property that is used or approved for residential, special residential, hospital, school, or place of assembly purposes, or the keeping or grazing of livestock (collectively, “noise-sensitive uses”).



2. The operation of the race track will not generate noise that exceeds ambient noise levels at the nearest property that is used for a noise-sensitive use on the date of application by more than:
    - a. 10 dB(A) between the hours of 10:00 AM and 6:00 PM; and
    - b. 6 dB(A) between the hours of 6:00 PM and 10:00 PM.
  3. Notwithstanding subsection M.1., above, noise at the property lines of noise-sensitive uses will not exceed 81 dB(A).
  4. The subject property is not located within a high value or highest value habitat or wildlife corridors, and in addition to the limitations of the standards of subsections M.1., and M.2., above, noise from the race track will not interfere with wildlife in high value or highest value habitat or wildlife corridors.
  5. The race track will be designed with continuous noise monitoring devices at locations to be determined by the Director, and data collected from the monitors shall be made available to the Director.
  6. The Director will be provided access to the race track at any reasonable time to inspect, investigate complaints, or conduct noise monitoring.
  7. The subject property is readily accessible from a paved road with adequate access for law enforcement and emergency vehicles.
  8. The subject property is located within reasonable reach of existing fire protection facilities or fire protection may be provided on-site, and shall be approved by the fire protection district.
  9. Racing will be limited to daylight hours, and the track will not be illuminated.
- N. *Rural Resort.* Rural resort may be approved in the RM, MUR, or MUC district if it is demonstrated that the floor area ratio of the rural resort does not exceed:
1. In the RM district: 0.025;
  2. In the MUR district: 0.05; and
  3. In the MUC district: 0.075.
- O. *Restaurant.* Restaurant may be permitted in the RS district if it is demonstrated that:
1. The subject property has access to a public water system and domestic wastewater treatment system to which the restaurant will be connected; and
  2. The subject property is accessed from an arterial or collector road.
- P. *Sexually-Oriented Business.* Sexually-oriented business uses may be approved in the IN district if it is demonstrated that:
1. The sexually-oriented business is set back 1,000 feet, measured between the nearest property lines, from:



- a. Any place of assembly; or
  - b. Any school meeting all requirements of the compulsory education law of the State of Colorado, or licensed with the state as a preschool; or
  - c. Any daycare facility licensed with the state; or
  - d. The boundary of any residential district; or
  - e. Any park (active, passive, or wilderness); or
  - f. Any other sexually oriented business.
2. No person shall cause or permit the operation, establishment, or maintenance of more than one sexually-oriented business within the same building, structure, or portion thereof.
  3. The sexually-oriented business shall be conducted entirely within an enclosed building. The building shall be designed so that areas used for merchandise display or entertainment purposes are not visible from outside of the building.
- Q. *Zoo.* Zoos shall comply with the following standards, in addition to all other applicable standards in this Code:
1. The subject property shall be at least 40 acres in area;
  2. The subject property shall not adjoin any property used for the keeping or grazing of horses or livestock;
  3. Noise generated by the use shall not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM;
  4. The use shall be enclosed with a security fence or perimeter wall of suitable height and construction for secondary containment of the animals exhibited therein; and
  5. The zoo operator shall maintain a Colorado wildlife exhibitor's park license.

Sec. 2.2.2.5 GENERAL COMMERCIAL USE-SPECIFIC STANDARDS

- A. *Convenience Lending or Pawnbroker.* Convenience lending or pawnbroker uses may be approved in the MUR or MUC districts if it is demonstrated that they are spaced at least 750 feet from other convenience lending or pawnbroker uses, measured between the nearest property lines.
- B. *Liquor Store.* Liquor store may be approved in the RM or MUR districts if it is demonstrated that:
  1. They are spaced 600 feet from other liquor stores and pawnbroker and convenience lending uses, measured property line to property line; and
  2. In the RM district, the use takes access from an arterial or collector street.
- C. *Office, General.* Office, general may be approved in the IN district if it is demonstrated that the office use is related to a permitted industrial use in the

same contiguous district (*e.g.*, administrative offices for a manufacturing facility, or consulting or maintenance services for particular industries that are permitted or permissible in the IN district).

- D. *Office, Medical.* Office, medical may be approved in the IN district if it is demonstrated that the medical office use is located within one-quarter mile of an existing or approved hospital, measured between the nearest property lines.
- E. *Retail Sales and Services.* Retail sales and services may be approved in the RM or IN districts if it is demonstrated that:
  - 1. In the RM district, the use takes access from an arterial or collector road, or occupies a floor area of less than 2,000 square feet; and
  - 2. In the IN district:
    - a. The use either provides specialized retail sales and services that support the industrial uses in the district (*e.g.*, contractor supply shops); or
    - b. Is incidental to a use that manufactures or assembles products in the district, and provides sales of or service to those products.

Sec. 2.2.2.6 VETERINARY AND DOMESTIC ANIMAL USE-SPECIFIC STANDARDS

- A. *Commercial Equestrian Facilities.* Commercial equestrian facilities may be approved in the AR or RR districts if it is demonstrated that:
  - 1. Corrals and open-air riding arenas are set back at least 100 feet from any property line of a property that is used for residential or special residential purposes.
  - 2. If the facility provides for the boarding of horses, the facility accommodates no more than two horses per acre, and at least one-half acre of pasture is provided for each horse at capacity.
- B. *Kennel, Outdoor.* Kennel, outdoor may be allowed in the AR and RR zoning districts if it is demonstrated that:
  - 1. Outdoor areas used by boarded animals are spaced not less than 300 feet from the building envelopes of lots that are used or approved for residential purposes (where building envelopes are not identified, the measurement shall be taken to the nearest wall of the principal residential building and any ADU, and where the property is vacant, the measurement shall be taken to the nearest setback line); and
  - 2. Outdoor areas used by boarded animals are spaced not less than 300 feet from property that is used (permanently or periodically) for the keeping or grazing of horses or livestock.
- C. *Wildlife Rehabilitation.* Wildlife rehabilitation may be permitted in the AR and PCR zoning district if it is demonstrated that the facility meets the requirements of 2 CCR § 406-14:1404.A. and B., and the minimum facilities standards

agreement approved by the Division of Wildlife is provided to the Director prior to commencement of the use.

Sec. 2.2.2.7 COMMUNITY, CIVIC, EDUCATIONAL, HEALTHCARE, AND INSTITUTIONAL USE-SPECIFIC STANDARDS

- A. *Cemetery*. Cemetery may be permitted in the AR district if it is demonstrated that:
  - 1. There is a clear need for the establishment of the use to serve the residents of Chaffee County;
  - 2. The subject property is at least:
    - a. 10 acres for a cemetery; or
    - b. 2.5 acres for a mausoleum; and
  - 3. An endowment is provided for the perpetual maintenance of the cemetery or mausoleum, or a comparable irrevocable source of funding for such maintenance will be in place before the use is established;
  - 4. All grave sites or mausoleum structures shall be set back at least 20 feet from all property lines; and
  - 5. No grave site is within a 500-year floodplain or fluvial hazard zone.
- B. *Crematorium*. Crematorium may be permitted in the IN district if it is demonstrated that the use is spaced at least 300 feet, measured from the outer building wall of the crematorium to the nearest property line of the use for which spacing is required, from the following uses:
  - 1. Child day care centers;
  - 2. Places of assembly;
  - 3. Schools (all types); and
  - 4. All residential and special residential uses.
- C. *Day Care Center, Adult or Child*. Day care center, adult or child, may be approved in the RR, RS, or RM districts if it is demonstrated that the subject property is situated within one mile of a municipal boundary.
- D. *Funeral Home*. Funeral home may be approved in the RM district if it is demonstrated that the use takes access from an arterial or collector road, or occupies a floor area of less than 2,500 square feet.
- E. *Hospital*. Hospital may be approved in the MUC or IN districts if it is demonstrated that, if the use includes an emergency room:
  - 1. Primary access to the use is provided from an arterial road; and
  - 2. Noise generated by ambulances will not be disruptive to:
    - a. Wildlife in high or highest value habitats or wildlife corridors within 300 feet of the subject property; and

- b. Livestock on land used for the keeping or grazing of livestock within 300 feet of the subject property.
- F. *School, Boarding.* School, boarding may be approved in the RM or MUC districts if it is demonstrated that:
  - 1. The use meets the requirements for “School, Elementary or Middle,” or “School, High,” based on the grade levels it will provide; and
  - 2. If the subject property adjoins land used for the keeping or grazing of livestock, the design of the use prevents access to the livestock.
- G. *School, Elementary or Middle.* School, elementary or middle may be approved in the RS, RM, or MUC districts if it is demonstrated that:
  - 1. The subject property is:
    - a. Located within three miles of a municipal boundary; and
    - b. For elementary schools, not less than five acres in area, or 1,200 square feet per student at design capacity, whichever is larger; and
    - c. For K-8 or middle schools, not less than 10 acres in area, or 1,900 square feet per student at design capacity, whichever is larger; and
  - 2. Access to the subject property shall be provided based on the design capacity of the proposed use, as follows:
    - a. More than 250 students design capacity: arterial or collector road.
    - b. 100 to 250 students design capacity: any paved road, provided that if the road is a local road, the route between the access to an arterial road and the access to the subject property does not pass a single-unit detached residential or duplex residential use.
    - c. If the design capacity is more than 250 students, buildings shall be set back not less than 100 feet from property lines.
- H. *School, High.* School, high may be approved in the RS, RM, or MUC districts if it is demonstrated that:
  - 1. The subject property is:
    - a. Located within three miles of a municipal boundary; and
    - b. Not less than 20 acres in area, or 2,000 sf. per student at design capacity, whichever is larger; and
  - 2. Access to the subject property shall be provided based on the design capacity of the proposed use, as follows:
    - a. More than 250 students design capacity: arterial or collector road.
    - b. 100 to 250 students design capacity: any paved road, provided that if the road is a local road, the route between the access to an arterial road

and the access to the subject property does not pass a single-unit detached residential or duplex residential use.

- c. If the design capacity is more than 250 students, buildings shall be set back not less than 100 feet from property lines.

I. *School, Vocational or Trade.* School, vocational or trade may be approved in the RM, MUC, or IN districts if it is demonstrated that:

- 1. In all districts in which the use is allowed, if the use provides hands-on instruction, it shall meet the standards for the use that is most closely related to the hand-on instruction. If the use that is most closely related to the hands-on instruction is not allowed in the district, then the vocational or trade school is not allowed in the district.
- 2. In the IN district, the use must provide hands-on instruction.

J. *University or College.* University or college may be approved in the AR, RR, RM or MUC districts if it is demonstrated that:

- 1. In the AR or RR districts, the facility is a limited to research regarding agriculture, ranching, wildlife, or natural resources, and requires immediate access to land used for agriculture, ranching, habitat, or natural resources studied. Classrooms and lecture halls for general education purposes are not allowed.
- 2. In the RM or MUC districts:
  - a. Access to the subject property shall be provided based on the design capacity of the proposed use, as follows:
    - i. More than 250 students design capacity: arterial or collector road.
    - ii. 50 to 250 students design capacity: any paved road, provided that if the road is a local road, the route between the access to an arterial road and the access to the subject property does not pass a single-unit detached residential or duplex residential use.
  - b. If the design capacity is more than 250 students, buildings shall be set back not less than 100 feet from property lines.

Sec. 2.2.2.8 INDUSTRIAL, PROCESSING, RECYCLING, STORAGE, AND DISPOSAL USE-SPECIFIC STANDARDS

A. *Composting Facility.* Composting facility may be approved in the IN district if it is demonstrated that all standards and requirements set out in this subsection are met.

- 1. The facility shall not be located within:
  - a. High or highest value habitat;
  - b. Wildlife corridors or ranges;
  - c. Areas of geological hazard, special flood hazard, or fluvial hazard; and

2. The facility shall be spaced:
    - a. One-quarter mile, measured from areas actively used for composting to the nearest property line for which spacing is required, from the following uses:
      - i. Child day care centers;
      - ii. Places of assembly;
      - iii. Schools (all types); and
      - iv. All residential and special residential uses.
    - b. Six miles of any airport runway, unless it is demonstrated that the facility is designed and operated in a manner that avoids the attraction of birds.
  3. The subject property shall be at least two acres in area.
- B. *Disposal.* Disposal may be approved in the IN district if it is demonstrated that all standards and requirements set out in this subsection are met.
1. A certificate of designation, as required by Title 30, Article 20, Part 1, *Solid Wastes Disposal Sites and Facilities*, Colorado Revised Statutes or Title 25, Article 15, Part 2, *Hazardous Waste Disposal Sites*, Colorado Revised Statutes, as applicable, is required. The certificate of designation may be issued by the Board of County Commissioners if it is demonstrated that:
    - a. The facility is not located within an:
      - i. Area of geologic hazard;
      - ii. Area of special flood hazard; or
      - iii. Area with fluvial hazards;
    - b. The subject property is not less than 100 acres in area;
    - c. All disposal operations are set back 200 feet from all property lines and enclosed by a perimeter fence or wall at least six feet in height, with trees planted 30 feet on center outside of the enclosed area in areas that are visible from a public street, except at points of access;
    - d. The boundaries of the subject property are not less than 1,000 feet away from:
      - i. The nearest wall of any nonresidential building located on property that is not owned or leased by the owner of disposal facility;
      - ii. The boundary of any area of special flood hazard, fluvial hazard, or geologic hazard;
      - iii. The boundary of any delineated wetland;
      - iv. Any water well;

- v. Any natural or artificial pond (including a detention or retention pond or facility), stream, irrigation ditch or canal, water way, or water course; and
    - vi. Any boundary of an RS, RM, MUR, or MUC district;
  - e. 1,200 feet of the nearest wall of any existing residence in an AR, RR, IN, or PCR district; and
  - f. Six miles from any airport or heliport, measured from property line to property line.
- 2. Colorado Department of Public Health and Environment (“CDPHE”) review is obtained, CDPHE recommends approval, the facility complies with all technical rules promulgated by CDPHE, and all CDPHE-recommended technical conditions of approval are implemented;
- 3. There is no exclusive site for solid waste disposal (pursuant to C.R.S. § 30-20-107) with capacity to serve the County’s needs;
- 4. There is a demonstrated need for the facility to serve the residents and businesses of the County;
- 5. The facility conforms to any the objectives or policies set out in the Comprehensive Plan with respect to such facilities;
- 6. Truck routing will avoid impacts to residential areas, schools, and public parks (a heavy vehicle routing and road maintenance plan is required);
- 7. The financial assurances provided pursuant to C.R.S. § 30-20-104.5, are adequate to serve their purposes; and
- 8. The disposal facility will create a net public benefit to the region and the residents and property owners in the County, taking into account:
  - a. The effect that the disposal site and facility will have on the surrounding property, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions;
  - b. The convenience and accessibility of the disposal facility to potential users;
  - c. The ability of the applicant to comply with the health standards and operating procedures provided for in Title 30, Article 20, Part 1, *Solid Wastes Disposal Sites and Facilities*, Colorado Revised Statutes, and such rules and regulations as may be promulgated thereunder; and
  - d. Recommendations by the County health department and other health departments, if any, that have jurisdiction within five miles of the facility.
- 9. For hazardous waste disposal sites, the following requirements apply in addition to those set out in subsections B.1. through B.8., inclusive, above:



- a. A CDPHE specific recommendation of approval pursuant to C.R.S. § 25-15-202(4)(c)(III) is required.
  - b. The facility shall not pose a significant threat to the safety of the public, taking into consideration:
    - i. The methods to be used for processing and disposal;
    - ii. The existing density of population of the areas neighboring the subject property;
    - iii. The anticipated density of population of the areas neighboring the subject property, based on planning and zoning designations;
    - iv. The density of population of the areas adjacent to the delivery roads within a 50-mile radius of the subject property; and
    - v. The risk of accidents during the transportation of waste to or at the subject property.
  - c. The applicant has demonstrated a need for the facility by Colorado hazardous waste generators;
  - d. The applicant has documented its financial ability to operate the proposed facility;
  - e. The applicant, taking into account its prior performance record, if any, in the treatment, storage, or disposal of hazardous waste, has documented sufficient reliability, expertise, and competency to operate and manage the proposed facility.
- C. *Heavy Industry.*
1. Heavy industry may be permitted in the IN district if it is demonstrated that:
    - a. The use will not interfere with residential, special residential, place of assembly, school, hospital, or agricultural or ranching operations within one mile by way of dust, noise, lighting, or ground vibration; and
    - b. Truck routing will avoid impacts to residential areas, schools, and public parks.
  2. A heavy vehicle routing and road maintenance plan is required.
- D. *Heavy Logistics Center.*
1. Heavy logistics center may be permitted in the IN district if it is demonstrated that:
    - a. The subject property is located within three miles of a municipal boundary and takes access from a state or federal highway; and
    - b. Buildings and vehicular use areas are screened from view from adjacent properties outside of the IN district and from adjacent roads by landscaping or perimeter walls.



2. A heavy vehicle routing and road maintenance plan is required.
- E. *Light Industry*. Light industry may be approved in the MUR and MUC districts if it is demonstrated that:
1. In the MUR district, the light industrial use provides materials, goods, or services that are tailored to uses and activities that are consistent with the purpose of the MUR district, or the inputs that are processed by the light industrial use are generated by agricultural or ranching uses within a one-mile radius.
  2. In the MUC district, the subject property does not adjoin property used for single-unit detached residential, duplex, or group home uses, and:
    - a. The use is located within the same building as a general commercial use and is accessed via a service entrance; or
    - b. The use is located within a general commercial, occupies less than 30 percent of the gross floor area of that use, and is not of a type that produces noise, dust, or fumes that are materially different than the general commercial use.
- F. *Recycling Collection Center*.
1. Recycling collection centers may be approved in the MUR, MUC, or IN districts if it is demonstrated that:
    - a. Recyclable materials are deposited into structures or containers that prevent movement of the materials (or debris from the materials) off-site by wind or water;
    - b. Either the recycling collection center is secured by a gated perimeter fence and attended during hours of operation or collection bins are designed to prevent scavenging; and
    - c. If power-driven processing equipment is used, the recycling center is secured by a gated perimeter fence and attended during hours of operation.
  2. Recycling collection centers that are part of waste transfer stations shall be incorporated into the waste transfer station and subject to the standards for the waste transfer station and not this subsection.
- G. *Resource Extraction (Minerals)*. Resource extraction (minerals) may be approved in the AR, RR, IN, and PCR districts upon approval of:
1. A master plan for extraction, as provided in Division 3.8.2., *Minerals*; and
  2. A heavy vehicle routing and road maintenance plan. *See Section 4.1.2.2., Heavy Vehicle Routing and Road Maintenance Plans.*
- H. *Resource Extraction (Oil and Gas)*. Resource extraction (oil and gas) may be approved in the AR, RR, and IN districts according to the standards of this subsection.

1. The oil and gas wellhead is spaced as required by Section 3.8.3.1., *Setbacks*, and is not located within:
  - a. A geologic or wildfire hazard area described in Division 3.7.3, Geologic and Wildfire Hazard Areas;
  - b. A fluvial hazard zone described in Division 3.7.4., Fluvial Hazard Zones;
  - c. An area of special flood hazard; or
  - d. A high-value or highest-value habitat or wildlife migration corridor, unless after consultation, CPW determines that impacts to wildlife will be immaterial; and
2. A heavy vehicle routing and road maintenance plan is required.

I. *Salvage Yard.*

1. Salvage yards may be approved in the IN district if it is demonstrated that:
  - a. All areas of the subject property that are used to process or store salvaged materials are enclosed by a solid perimeter wall at least six feet in height, with trees planted 30 feet on center outside of the enclosed area along property lines that bounded by a public street (except at points of access);
  - b. The subject property is set back not less than the distances (measured between the nearest property lines) from other uses or districts that are set out in Table 2.2.2.8., *Salvage Yard Setbacks*.

**Table 2.2.2.8., Salvage Yard Setbacks**

Spacing Required From	Crushing Equipment Used	Crushing Equipment Not Used
RS, RM, MUR, or MUC district boundaries	One-half mile	1,000 ft.
Lots that are developed with dwelling units in AR, RR, IN, or PCR districts	One-half mile	1,000 ft.
Schools, public parks, child care centers, and places of assembly	One-half mile	1,000 ft.
Property that is used (permanently or periodically) for the keeping or grazing of horses or livestock	One-half mile	N/A

2. Salvage yards may be subject to further limitations and state permitting requirements as provided in C.R.S. 43-1-501, *et seq.*

J. *Self-Storage.* Self-storage may be approved in the IN district if it is demonstrated that:

1. The self-storage facility will be secured so that access is limited to tenants (or owners), law enforcement, and emergency responders.
2. The self-storage facility is screened from view from adjoining residential and special residential uses, County roads, State highways, and Federal highways by a perimeter wall of at least five feet in height, with deciduous or

evergreen trees planted parallel to the buffered property line 30 feet on-center within 15 feet of the wall.

3. Self-storage units will be used solely for the purpose of storage of goods and possessions and shall not be used for operation of a business, hobby, band rehearsal, or any type of activity not related to the storage of personal property of the owner or tenant of the unit. No self-storage unit will be used for the storage of explosives, ammunition, hazardous, or flammable materials.
  4. The facility does not provide for outdoor storage, except that RV storage is allowed if the RVs are not visible from adjoining properties or rights-of-way due to intervening buildings, walls, landscaping, and topography.
  5. If the subject property adjoins a residential use or zone boundary, it will be closed and secured between the hours of 9:00 PM and 7:00 AM.
- K. *Storage Yard.* Storage yards may be approved in the IN district if it is demonstrated that:
1. The subject property is set back not less than 300 feet from any residential building, measured from the property line of the subject property to the nearest principal residential building or ADU wall;
  2. Stored materials do not exceed 30 feet in height;
  3. The following materials will not be stored outside or disposed of on-site:
    - a. Hazardous materials (including explosives and motor fuels);
    - b. Liquids, gels, or pastes;
    - c. Unsecured materials or debris that may be subject to movement off-site by wind or water; and
    - d. Wastes.
  4. The storage yard is screened using one (or a combination) of the following methods:
    - a. A eight foot tall solid fence or wall; or
    - b. A 10 ft. wide vegetated buffer with hedge composed of coniferous hedge-forming five-gallon shrubs that grow to a height of at least eight feet within two years after planting, planted at a maximum of 10 ft. on center for the length of the buffer, with security fencing located on the interior side of the buffer;
  5. The storage yard will be maintained at all times in an orderly manner; and
  6. If the storage yard is used for the storage of heavy equipment:
    - a. Loading and unloading activity shall not be conducted on any public right-of-way;

- b. Repair and maintenance activity requiring use of equipment that will generate noise, odors, or glare beyond the property boundaries shall not be conducted outdoors:
    - i. Outside of the hours of 8:00 AM to 6:00 PM on weekdays; or
    - ii. During weekends or holidays.
- L. *Waste Transfer Station.* Waste transfer station may be approved in the IN district if it is demonstrated that all standards and requirements set out in this subsection are met.
1. The County shall request a technical review of the site and facility documents and operation plan from CDPHE pursuant to 6 CCR 1007-2 § 7.1 for all applications for approval of a waste transfer station.
  2. Waste transfer stations shall be located so that truck traffic generated by the station can access a truck route without traveling upon a public street within or adjacent to any residential use or zone, or along thoroughfares adjacent to any public park or public recreational area or facility. A heavy vehicle routing and road maintenance plan is required.
  3. No building or area in which the unloading, storage, processing, or transfer of wastes or recyclable materials takes place shall be located within:
    - a. 100 feet of the lot line on which the waste transfer station is located; or
    - b. 1,000 feet of:
      - i. The nearest wall of any nonresidential building located on property that is not owned or leased by the owner of the waste transfer station;
      - ii. The boundary of any area of special flood hazard, fluvial hazard, or geologic hazard;
      - iii. The boundary of any delineated wetland;
      - iv. Any water well;
      - v. Any natural or artificial pond (including a detention or retention pond or facility), stream, irrigation ditch or canal, water way, or water course; and
      - vi. Any boundary of an RS, RM, MUR, or MUC district;
    - c. 1,200 feet of the nearest wall of any existing residence in an AR, RR, IN, or PCR district; and
    - d. Six miles from any airport or heliport, measured from property line to property line.
  4. The minimum area of a subject property proposed for use as a waste transfer station shall be 10 acres.

5. The facility shall be designed such that all activities associated with waste transfer, such as tipping, sorting, storage, compaction, transfer, reloading, and related activities are conducted in a building, which shall be either fully enclosed (*e.g.*, truck access by bay doors), or partially enclosed if the truck access points are not visible from adjoining property or public rights-of-way. Outdoor storage of equipment (other than vehicles) and unprocessed materials is prohibited (securely baled materials may be stored on palettes outside if they do not exceed 8 feet in height and are not at material risk for blowing over in high winds).
6. Appropriate enclosed office / and plumbed employee restroom facilities shall be provided on-site.
7. Adequate snow storage areas shall be provided within the subject property. Snow storage areas shall be accessible and available for exclusive use for snow storage at all times between October 1 to April 30 of each year.
8. The facility shall be designed with sufficient drive aisles and parking areas to avoid potential conflicts between facility operations by trucks and passenger vehicles (*e.g.*, for drop-off of household wastes), and the use of emergency access easements and fire lanes. Ingress, egress, and internal circulation systems shall be designed to eliminate the need for the backing of truck traffic. Emergency access easements and fire lanes shall be maintained at all times in an unobstructed and fully accessible condition.
9. The driveway surface design shall be suitable for heavy vehicles in all weather conditions, and the road base shall be capable of withstanding all expected loads.
10. The collection and disposal system shall prevent liquids contained in waste materials and generated by normal operations, such as wash-out and cleaning of equipment, trucks, and floors (“waste liquids”), from contaminating the soil, surface water, or ground water. Tipping, loading, and unloading areas shall be constructed of impervious material and equipped with drains connected to either:
  - a. A wastewater system; or
  - b. A corrosion-resistant holding tank; or
  - c. An alternative system, if the applicant demonstrates that the alternate design will prevent waste liquids from contaminating the soil, surface water, and ground water.
11. Only household wastes, commercial, and industrial wastes and recyclable materials (except motor vehicles) shall be accepted at any waste transfer station. Unless otherwise collected in accordance with a plan approved by the County, no wastes classified as hazardous in accordance with C.R.S. § 25-15-101, *et seq.*, and no asbestos containing materials, shall be knowingly accepted.

12. The waste transfer station shall be attended at all times that the facility is open. Suitable security measures and signage shall be provided to limit unauthorized persons from access to the facility when it is closed.
13. The operation of the waste transfer station and the storage and handling of all solid wastes shall be practiced so as to prevent the attraction, harborage, or breeding of wildlife or insects, rodents, and other vectors (e.g., flies, maggots, roaches, rats, mice, and similar vermin), and to eliminate conditions which cause or may potentially cause:
  - a. Harm to the public health and the environment;
  - b. Congregation of birds;
  - c. Safety hazards to individuals and surrounding property; and
  - d. Excessive odor problems, unsightliness, and other nuisances.
14. Waste transfer stations shall be maintained in a neat and orderly appearance at all times through the control of uncontained waste, trash, and litter. Operators shall cause periodic monitoring not less than once every day (or more often as needed) of the entire waste transfer station on days that the waste transfer station is open.
15. Sanitary conditions shall be maintained through the periodic wash-down or other appropriate cleaning method of the transfer station and transfer vehicles. Frequency of cleaning shall be sufficient to prevent odors and other nuisance conditions from developing. All residuals shall be properly disposed of following cleaning operations.

Sec. 2.2.2.9 MOTOR VEHICLE AND TRANSPORTATION USE-SPECIFIC STANDARDS

- A. *Airport or Heliport.* Airports and heliports may be approved in the IN district if it is demonstrated that:
  1. They are developed in accordance with an FAA-approved Airport Layout Plan (“ALP”);
  2. The FAA has made a determination of no hazard through the 7480/Landing Area Proposal process;
  3. There is no airspace conflict with the Salida Airport Harriet Alexander Field; and
  4. An analysis shows that the proposed airport or heliport is functionally compatible with surrounding land uses that would be included in an airport overlay zone applicable to the airport or heliport, in that nonconformity with any potential airport overlay zone restrictions would be minimal. *See Division 3.7.5., Airport Overlay District.*
- B. *Airstrip or Helistop.* Airstrip or helistop may be approved in the RS, RM, MUC, or IN districts if it is demonstrated that:
  1. For both airstrips and helistops:

- a. Use shall be restricted to use by aircraft and helicopters belonging to the owner(s) and their invitees, and the facility shall not be used for flight instruction.
  - b. No more than five fixed-wing or rotary-wing aircraft (total) shall be accommodated at each such facility at any one time.
  - c. Refueling or maintenance of transient fixed-wing or rotary-wing aircraft is prohibited unless essential to permit the aircraft to fly to the nearest airport or helistop.
2. With regard to airstrips:
    - a. The ends of the airstrip are set back 500 feet from property lines, or there will be no impact on nearby property owners; and
    - b. There will be no airspace conflicts with the Salida Airport Harriet Alexander Field, as determined by the FAA Landing Area Proposal/7480 process.
  3. With regard to helistops:
    - a. The helistop is set back 100 feet from property lines, there will be no impact on nearby property owners; and
    - b. There will be no airspace conflicts with the Salida Airport Harriet Alexander Field, via the FAA Landing Area Proposal/7480 process.
- C. *Fueling or Service Stations.* Fueling or Service Stations may be permitted in the MUC or IN districts if it is demonstrated that:
1. The subject property is spaced not less than 300 feet from residential and special residential uses, schools, child day care centers, and places of assembly, measured between the nearest property lines;
  2. If the subject property adjoins property that is used for the keeping or grazing of livestock, a perimeter wall or continuous hedge of at least five feet in height screens the adjoining property from direct glare from headlights.
  3. If the use includes a vehicle wash:
    - a. The subject property is connected to a public water system and an industrial wastewater treatment facility;
    - b. Circulation for the vehicle wash facility must be directed away from circulation for the rest of the use; and
    - c. The stacking lanes for the vehicle wash must include an eight-foot-wide "escape lane" to bypass the vehicle wash.
- D. *Motor Vehicle Wash.* Motor vehicle wash may be permitted in the MUC or IN districts if it is demonstrated that:
1. The subject property is:
    - a. Located within three miles of a municipal boundary;



- b. Spaced not less than 300 feet from residential and special residential uses, schools, child day care centers, and places of assembly, measured between the nearest property lines; and
    - c. Connected to a public water system and an industrial wastewater treatment facility; and
  - 2. If the subject property adjoins property that is used for the keeping or grazing of livestock, a perimeter wall or continuous hedge of at least five feet in height screens the adjoining property from direct glare from headlights.
- E. *Parking*. Parking may be permitted in the AR, RR, RS, RM, MUR, MUC, IN or PCR district if it is demonstrated that the parking is provided to:
  - 1. Implement an approved remote parking plan (*see* Section 3.3.3.7, *Remote Parking*);
  - 2. Provide access to a trailhead or comparable recreational opportunity land that is open for public use; or
  - 3. Provide a park-n-ride facility in support of a multi-modal transit system.
- F. *Passenger Motor Vehicle Sales or Rental*.
  - 1. Passenger motor vehicle sales or rental may be permitted in the MUC or IN districts if it is demonstrated that:
    - a. The subject property is located within one mile of a municipal boundary; and
    - b. In the MUC district, the subject property takes access from an arterial street.
  - 2. If the subject property is larger than one acre, a heavy vehicle routing and road maintenance plan is required.
- G. *Heavy Motor Vehicle Sales or Rental*.
  - 1. Heavy motor vehicle sales or rental may be permitted in the MUC or IN districts if it is demonstrated that:
    - a. The subject property is located within one mile of a municipal boundary; and
    - b. In the MUC district, the subject property takes access from an arterial street.
  - 2. If the subject property is larger than one acre, a heavy vehicle routing and road maintenance plan is required.
- H. *Truck Stop*. Truck stop may be permitted in the MUC or IN districts if it is demonstrated that:
  - 1. The subject property is located within one mile of a municipal boundary and takes access from an arterial road;



2. The subject property is spaced not less than 300 feet from residential and special residential uses, schools, child day care centers, and places of assembly, measured between the nearest property lines;
3. If the subject property adjoins property that is used for the keeping or grazing of livestock, a perimeter wall or continuous hedge of at least five feet in height screens the adjoining property from direct glare from headlights.
4. If the use includes a restaurant or vehicle wash, the subject property is connected to a public water system and an industrial wastewater treatment facility; and
5. If the use includes a vehicle wash, circulation for the vehicle wash facility must be directed away from circulation for the rest of the use.

Sec. 2.2.2.10 UTILITY USE-SPECIFIC STANDARDS

- A. *Battery Energy Storage System (Utility Scale)*. Battery energy storage system (utility scale) may be approved in the AR, RR, MUR, MUC, or IN districts if it is demonstrated that:
  1. A boundary of the battery energy storage system is located within 600 feet of a transmission-scale substation, and if the boundaries of the subject property and the transmission-scale substation are not adjoining, easements will be available for the interconnection;
  2. The perimeter of the battery energy storage system is enclosed by a security fence of not less than six feet in height;
  3. The subject property is not located within high-quality or highest-quality habitat, and the location of the battery energy storage system does not interfere with wildlife movement in a wildlife corridor; and
  4. Appropriate defensible space is provided around the facility to mitigate the risk of ignition of wildfire by the facility or the spread of wildfire through the facility.
- B. *Solar Farm (2 MW or more)*. Solar farm (2 MW or more) may be approved in the AR district if it is demonstrated that if the facility is larger than 20 acres, it has an “agrivoltaics” design.
- C. *Utilities, Minor*. Utilities, minor may be approved in any district if it is demonstrated that:
  1. Associated buildings and structures meet the setback requirements of Division 2.4.5., *Nonresidential and Mixed-Use Lot and Bulk Standards by Zoning District*;
  2. Appropriate defensible space is provided around the facility to mitigate the risk of ignition of wildfire by the facility or the spread of wildfire through the facility;
  3. The use is not located within:

- a. A geologic hazard area described in Division 3.7.3, *Geologic and Wildfire Hazard Areas*;
  - b. A fluvial hazard zone described in Division 3.7.4., *Fluvial Hazard Zones*;
  - c. An area of special flood hazard; and
4. Security fencing is provided as the Director determines appropriate to the nature of the minor utility and the context within which it is located.
- D. *Utilities, Major.*
- 1. Utilities, major may be approved in the IN district if it is demonstrated that:
    - a. The major utilities are necessary to serve County residents, or are related to a transmission corridor for which a certificate of public convenience and necessity has been issued by the Colorado Public Utilities Commission;
    - b. Associated buildings and structures meet the setback requirements of Division 2.4.5., *Nonresidential and Mixed-Use Lot and Bulk Standards by Zoning District*;
    - c. Appropriate defensible space is provided around the facility to mitigate the risk of ignition of wildfire by the facility or the spread of wildfire through the facility;
    - d. The use is not located within:
      - i. A geologic hazard area described in Division 3.7.3, *Geologic and Wildfire Hazard Areas*;
      - ii. A fluvial hazard zone described in Division 3.7.4., *Fluvial Hazard Zones*; and
      - iii. An area of special flood hazard; and
    - e. The perimeter of the major utility (except transmission lines) is enclosed by a security fence of not less than six feet in height; and
    - f. The subject property is not located within high-quality or highest-quality habitat, and the location of the major utility does not interfere with wildlife movement in a wildlife corridor.
  - 2. Major utilities may also be subject to review under the Chaffe County Regulations Pertaining to Areas and Activities of State Interest (1041 Regulations).

Sec. 2.2.2.11 MARIJUANA AND “NATURAL MEDICINE” USE-SPECIFIC STANDARDS

- A. *Medical or Retail Marijuana Cultivation Facility; “Natural Medicine” Cultivation Facility.* Medical or retail marijuana cultivation facilities and “natural medicine” cultivation facilities may be allowed in the IN zoning district if it is demonstrated that:

1. The boundaries of the facility are spaced from the property lines (unless otherwise specified) of other identified uses as set out in Table 2.2.2.11.A., *Marijuana and “Natural Medicine” Cultivation Facility Spacing Requirements*.

**Table 2.2.2.11.A., Marijuana and “Natural Medicine” Cultivation Facility Spacing Requirements**

<b>Land Use</b>	<b>Min. Spacing</b>
School (all types listed in Table 2.1.3.7., <i>Community, Civic, Educational, Healthcare, and Institutional Land Uses</i> )	1,000 ft.
Day Care Center, Child	1,000 ft.
Group home, hospital, or medical office that provides drug or alcohol addiction treatment	1,000 ft.
Public park or public lands that are open to the public for recreational purposes	500 ft.
Principal residential building or ADU, in IN zoning district (measured between nearest building walls)	75 ft.
Principal residential building or ADU in all other zoning districts (measured between nearest building walls)	100 ft.

2. Prior to commencement of the use, the applicant will deliver to the Director a copy of all licenses that are required for the use by the County and the State of Colorado, and will thereafter provide a copy of renewed licenses to the Director on an annual basis before May 1 each year.
- B. *Medical or Retail Marijuana Product Manufacturer; “Natural Medicine” Product Manufacturer*. Medical or retail marijuana products manufacturers and “natural medicine” products manufacturers may be allowed in the IN zoning district if it is demonstrated that:
1. The boundaries of the facility are spaced from the property lines of other identified uses as set out in Table 2.2.2.11.B., *Marijuana Products Manufacturer and “Natural Medicine” Products Manufacturer Spacing Requirements*.

**Table 2.2.2.11.B., Marijuana Products Manufacturer and “Natural Medicine” Products Manufacturer Spacing Requirements**

<b>Land Use</b>	<b>Min. Spacing</b>
School (all types listed in Table 2.1.3.7., <i>Community, Civic, Educational, Healthcare, and Institutional Land Uses</i> )	1,000 ft.
Day Care Center, Child	1,000 ft.
Group home, hospital, or medical office that provides drug or alcohol addiction treatment	1,000 ft.
Public park or public lands that are open to the public for recreational purposes	500 ft.
Existing or approved residential uses	500 ft.

2. Prior to commencement of the use, the applicant will deliver to the Director a copy of all licenses that are required for the use by the County and the State of Colorado, and will thereafter provide a copy of renewed licenses to the Director on an annual basis before May 1 each year.

## CHAPTER 2.3 Temporary and Accessory Uses

### DIVISION 2.3.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 2.3.1.1 PURPOSE OF CHAPTER

The purpose of this Chapter is to promote and protect the public health, safety, and welfare by establishing a process and standards for allowing temporary and accessory uses and associated structures to operate in a safe manner and without materially impacting adjacent properties or the surrounding area.

#### Sec. 2.3.1.2 APPLICATION OF CHAPTER

- A. *Temporary Uses.* This Chapter does not apply to temporary uses that are customarily associated with and accessory to an existing permanent use on the same subject property.
- B. *Accessory Uses.* This Chapter applies to accessory uses to the extent set out herein.

### DIVISION 2.3.2 TEMPORARY USES

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#### Sec. 2.3.2.1 SPECIAL EVENTS [UPDATED 10-9-2024]

Depending upon their size and operational parameters, special events may be subject to special event permit requirements. See Section 5.2.9.5., *Special Events Permits* for procedures and requirements.

#### Sec. 2.3.2.2 TEMPORARY COMMERCIAL SALES

- A. *Generally.* Temporary retail uses involve the outdoor sales of retail products on a temporary basis. Illustrative temporary commercial sales uses include seasonal holiday sales (*e.g.*, pumpkins and Christmas trees), outdoor sales by a single itinerant vendor (*e.g.*, poster or framed art sale, carpet sales). International Wildland Urban Interface Code (“IWUIC”) standards may apply in addition to the standards of this Section.
- B. *Exceptions and Prohibitions.*
  1. This Section does not apply to farm stands, garage sales, or sales at temporary special events that are permitted pursuant to Section 2.3.2.1., *Special Events*.
  2. Fireworks stands are prohibited.
- C. *Standards for Approval of Temporary Use Permits for Temporary Retail Uses.*
  1. Frequency and Duration. No subject property shall host a temporary retail use more than 100 days per year, and no individual event shall be longer than 14 days.
  2. General Site Requirements. The temporary retail use shall occur on a subject property that is suitable for safely accommodating its scale. Temporary retail

uses may be conducted from vacant property or property that is used for nonresidential purposes.

3. Setbacks. Retail displays and temporary structures shall be set back not less than 10 feet from all property lines.
4. Structure Height. Temporary structures shall not exceed 15 feet in height.
5. Access and Circulation.
  - a. The street from which access is taken must have adequate capacity to serve the temporary retail use. The Director may require a traffic management plan that ensures safe access and safe operation of adjacent roads.
  - b. Safe on-site vehicular and pedestrian circulation routes shall be identified and unobstructed emergency access shall be provided. If the temporary retail use is located on a subject property that includes operating permanent uses, the temporary retail use shall not interfere with access to the permanent uses.
6. Parking.
  - a. Four parking spaces shall be provided for each 1,000 square feet of land area occupied by temporary retail displays. Such parking spaces shall not be spaces that are required for operating permitted uses on the subject property.
  - b. Fewer parking spaces may be allowed if the applicant demonstrates that the reduced number is justified based on the nature of the event, the provision of alternative transportation (*e.g.*, buses), or the close association of the event with a permanent use that provides parking for customers who are likely to visit the permanent use and the temporary retail use in the same trip.
  - c. Parking may be provided in remote locations, provided that if parking is provided more than 800 feet from the boundaries of the temporary retail use, an appropriate level of shuttle service is provided between the event and the parking area.
  - d. Truck parking and loading areas shall be provided as necessary to service the temporary retail use and provide for storage of trucks and trailers that will remain on-site. Trucks shall be routed away from local residential streets.
7. Site Restoration and Cleanup. The subject property and the abutting right-of-way shall be cleared of all litter and debris from the temporary retail use (including temporary signage), not more than two days after the last day of the sales event.

Sec. 2.3.2.3 TEMPORARY BUILDINGS AND TEMPORARY CONSTRUCTION USES

- A. *Generally.* Temporary buildings and temporary construction uses are those uses that relate to construction activities or the temporary expansion of an existing permanent use into a portable building. There are two classes of temporary buildings and temporary construction uses:
1. Class A Temporary Building/Construction Uses. Class A temporary building/construction uses are temporary heavy construction uses, such as batch plants for lime, concrete, asphalt, or other materials, or areas for the bulk outdoor storage or staging of construction materials or equipment.
  2. Class B Temporary Building/Construction Uses. Class B temporary building/construction uses are:
    - a. Temporary buildings that are used on construction sites as contractor offices, sales offices, security buildings, sanitary facilities, or storage buildings;
    - b. Storage containers that are larger than eight feet wide by eight feet tall by 20 feet long (except that temporary storage containers do not include shipping containers that are temporarily stored at a light industrial, heavy industrial, or heavy logistics use, provided that they are used to transport goods or materials in the normal course of business);
    - c. Dumpsters with a total capacity of more than 30 cubic yards; and
    - d. Manufactured buildings that are used to temporarily expand the capacity of an existing use, including portable classrooms on school campuses, either in advance of and during permanent construction or to accommodate a temporary increase in capacity.
- B. *Standards for Approval of Temporary Use Permits for Temporary Buildings and Temporary Construction Uses.* The standards that apply to approvals of temporary use permits for temporary buildings and temporary construction uses are set out in Table 2.3.2.3., *Standards for Approval of Temporary Building and Temporary Construction Uses.* International Wildland Urban Interface Code (“IWUIC”) standards may apply in addition to the standards set out in this Section.

**Table 2.3.2.3., Standards for Approval of Temporary Building and Temporary Construction Uses**

<b>Temporary Use</b>	<b>Location of Use</b>	<b>Operational Requirements</b>	<b>Duration of Use</b>
Class A Temporary Building / Construction Uses	Must be located at least 600 feet from property lines of lots that are used for residential purposes (measured as the shortest linear distance from the edge of the operation and the boundary or property line). Must be set back at least 25 feet from all other property lines. Alternative locations may be approved if it is demonstrated that the setback requirements are not feasible and the proposed location, design, and operation will minimize impacts on residential uses within 600 feet.	Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. if any residential use is located within 1,000 feet; 6:00 a.m. to 10:00 p.m. in all other locations.	Established by approval, but will coincide with the use of the facility for a specified construction project.
Class B Temporary Building / Construction Uses			
Temporary manufactured buildings	The building shall be set back as required for principal buildings, if possible. Alternative locations may be approved as part of a construction staging plan if there is no reasonable alternative location that complies with the required setbacks.	May be used by construction superintendent, construction workers, contractors, and other personnel on a construction team; a security office; or as temporary office or classroom space.	No limit for public schools; construction-related facilities shall be removed prior to certificate of occupancy for last building; other buildings shall be removed within two years from date of permit.
Model homes and on-site real estate offices	The building shall be set back as required for principal buildings.	Sales from model homes and on-site real estate offices shall be limited to dwelling units located on the subject property; sales offices within model homes shall meet applicable building code criteria.	Temporary buildings shall be removed upon completion of the model home(s) or suitable permanent floor area on-site.
Containers and Dumpsters	The building shall be set back as required for principal buildings, if possible. Alternative locations may be approved as part of a construction staging plan if there is no reasonable alternative location that complies with the required setbacks.	N/A	If used for construction or renovation, may remain in place for 1 week after the permit is closed. If used for other purposes, up to 10 days.

**C. Sanitation Facilities, Grading, Erosion, and Stormwater Controls, and Site Restoration.**

1. For model homes and on-site real estate offices, and for temporary building / construction uses wherein any individual employee or contractor will be on the subject property more than 30 hours per week, the applicant shall provide appropriate sanitation facilities, as determined by the Director.
2. For temporary building / construction uses that involve grading activities or comparable land disturbances, the applicant shall provide a grading, erosion, and stormwater control plan that shows initial BMPs, BMPs during the term of the temporary building / construction use, and permanent BMPs (site restoration) after the term of the temporary building / construction use is concluded.

**D. Extension of Approvals.** Approvals pursuant to this Section may be extended upon demonstration of good cause, appropriate maintenance, extension of any required surety, and diligent pursuit of the purposes for which the uses were



established. All applications for renewal of a temporary use permit issued pursuant to this section shall be submitted to the Director at least seven days before the permit expires.

Sec. 2.3.2.4 TEMPORARY STORAGE CONTAINERS AND DUMPSTERS.

- A. *Generally.* Temporary storage containers and dumpsters are used for temporary outdoor storage of household or business property in shipping containers during remodeling, landscaping, cleaning, or moving; or the temporary placement of a roll-off dumpster or comparable solid waste container (*e.g.*, disposable containers that require collection service other than standard household garbage collection) for household waste, construction waste, or landscaping debris.
- B. *Exceptions.* Temporary storage containers do not include shipping containers that are temporarily stored at a light industrial, heavy industrial, or heavy logistics use, provided that they are used to transport goods or materials in the normal course of business.
- C. *Differentiation from Class B Temporary Building / Construction Uses.* To qualify as a temporary storage container or temporary dumpster, as opposed to a class B temporary building/construction use:
  1. Storage containers may not be larger than eight feet wide by eight feet tall by 20 feet long in dimension; and
  2. Dumpsters may not have a capacity that is larger than 30 cubic yards.
- D. *Placement on Public Rights-of-Way.* Temporary storage containers or dumpsters shall not be placed on the public rights-of-way without prior approval by the Chaffee County Road and Bridge Department ("CCRBD"). (Updated 10-5-2024)
- E. *Standards for Temporary Storage Containers and Dumpsters.* The standards that apply to temporary storage containers and dumpsters are set out in Table 2.3.2.3., Standards for Temporary Storage Containers and Dumpsters. International Wildland Urban Interface Code ("IWUIC") standards may apply in addition to the standards of this Section. (Updated 10-5-2024 to remove approval requirement)

**Table 2.3.2.3., Standards for Temporary Storage Containers and Dumpsters**

Temporary Use	Location of Use	Operational Requirements	Duration of Use
Temporary storage containers	On a subject property that is served by the temporary storage container. No encroachment onto lawn areas or sidewalks is permitted. On nonresidential parcels, containers must be set back 20 ft. from all property lines unless the Director determines a lesser setback is appropriate due to the configuration of the site.	N/A	If used for construction or renovation, may remain in place for 1 week after the permit is closed. If used for other purposes, up to 10 days.
Temporary dumpsters	Must be located on a hard surface on the subject property, set back at least one ft. from the property line. Dumpsters shall not obstruct required parking areas.	All refuse shall be contained within the dumpster, and shall be secured if necessary to prevent it from being removed from the dumpster by wind or wildlife. Dumpsters shall be WPRCs.	If used for construction or renovation, may remain in place for 1 week after the permit is closed. If used for other purposes, up to 10 days.



**DIVISION 2.3.3 ACCESSORY DWELLING UNITS**

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**Sec. 2.3.3.1 PURPOSE AND APPLICATION**

- A. *Purpose.* The purpose of this Division is to allow for accessory dwelling units (“ADUs”) to increase and diversify potential housing options in the County, improve the security of certain commercial, residential, and civic operations, create a more flexible housing stock, and address the local housing shortfall while avoiding the negative impacts of expanded development in rural areas.
- B. *Application.* ADUs may be accessory to single-unit detached dwellings, campgrounds and RV parks, seasonal employee campgrounds, outfitter, indoor kennels, outdoor kennels, large animal veterinarians, small animal veterinarians, wildlife rehabilitation, places of assembly, salvage yards, and self-storage facilities.

**Sec. 2.3.3.2 DIMENSIONAL LIMITATIONS**

ADUs shall comply with all dimensional limitations of the associated zoning district.

**Sec. 2.3.3.3 LOCATION WITH RESPECT TO PRINCIPAL BUILDING**

ADUs shall be detached from the principal building for single-unit detached dwellings, campgrounds and RV parks, seasonal employee campgrounds, and salvage yards. ADUs may be incorporated into the principal building or detached if the principal use is outfitter, indoor kennel, outdoor kennel, large animal veterinarian, small animal veterinarian, wildlife rehabilitation, place of assembly, or self-storage facilities. The maximum distance between the principal building and the ADU shall not exceed 75 feet, unless the Director finds that a greater separation will improve compliance with the standards in Chapter 3.6, *Natural Resource Stewardship*, or Chapter 3.7, *Natural and Man-Made Hazards*.

**Sec. 2.3.3.4 MAXIMUM FLOOR AREA**

Each ADU shall not exceed the maximum size per Table 2.3.3.4., *Maximum ADU Floor Area*.

**Table 2.3.3.4., Maximum ADU Floor Area**

Zoning District	Maximum Individual ADU Floor Area
AR or RR	smaller of 1,500 sf. or floor area of principal building
RS, RM, MUR, or MUC	smaller of 1,000 sf. or floor area of principal building

**Sec. 2.3.3.5 WATER AND WASTEWATER SERVICE**

- A. Each ADU shall include be served with an adequate potable water supply and wastewater sanitation facilities in conformance with Colorado Department of Public Health and Environment (“CDPHE”), Colorado Division of Water Resources

("CDWR"), and Chaffee County Onsite Wastewater Treatment System ("OWTS") standards, as applicable.

- B. The applicant shall provide verification of availability of water and wastewater sanitation facilities for the ADU at time of building permit application.

#### Sec. 2.3.3.6 PARKING

An off-street parking space shall be provided for each ADU. A new parking space is not required if an existing off-street parking space (which may be a tandem space, a garage space, or a driveway space) or on-street parking space is available to serve the ADU.

#### Sec. 2.3.3.7 MULTIPLE ADUS

One ADU may be allowed per subject property in accordance with the standards of this Division. One additional ADU (up to a maximum of two ADUs per subject property), may be allowed if:

1. The principal use is a single-unit detached dwelling, and the principal use and both ADUs are connected to public water and sewer services; and
2. The proposed development does not exceed the density requirements of the zoning district in which the subject property is located.

#### Sec. 2.3.3.8 PRINCIPAL CONVERSION

Existing principal dwelling units may be re-designated as accessory to a new principal dwelling unit if the new principal dwelling unit complies with applicable requirements of this Code, and the existing dwelling unit to be converted complies with the applicable requirements of this Division.

### DIVISION 2.3.4 AGRICULTURAL WORKFORCE HOUSING

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#### Sec. 2.3.4.1 PURPOSE AND APPLICATION [ADDED 10-6-2024]

- A. *Purpose.* The purpose of this Division is to facilitate the provision of on-farm or on-ranch agricultural workforce housing for agricultural and ranching operations with a demonstrated need for such housing, in order to increase and diversify potential housing options for agricultural labor in the County, and to support the County's agricultural and ranching operations.
- B. *Application.* Agricultural workforce housing may be developed in the AR and RR zoning districts, on a subject property that is used for commercial agricultural or ranching purposes, or on property under common ownership that adjoins property that is used for commercial agricultural or ranching purposes, upon a demonstration of need and compliance with the requirements of this Division.

Sec. 2.3.4.2 LOCATION ON SUBJECT PROPERTY [ADDED 10-6-2024]

- A. *Generally.* Agricultural workforce housing shall be located to avoid natural resources and natural hazards, as provided in Chapter 3.6., *Natural Resource Stewardship*, and Chapter 3.7., *Natural and Man-Made Hazards*.
- B. *Setbacks.* Agricultural workforce housing shall be set back not less than 20 feet from property lines, or as required for compliance with the IWUIC.
- C. *IWUIC Compliance.* Agricultural workforce shall be constructed in compliance with the IWUIC, and defensible space shall be maintained as required by the IWUIC.

Sec. 2.3.4.3 DESIGN, CONSTRUCTION, AND OPERATION [ADDED 10-6-2024]

Agricultural workforce housing shall be designed, constructed, and operated in accordance with the standards set out in 20 C.F.R. § 654.404, *et seq.*

DIVISION 2.3.5 ACCESSORY USES TO AGRICULTURE AND RANCHING

Sec. 2.3.5.1 COMMERCIAL PRIVATE LANDS CAMPING

- A. *Generally.* The standards of this Section apply to applications for camping in designated areas on private property for commercial purposes as a major accessory use to a principal agricultural use. Private lands camping as a commercial accessory use to agriculture is subject to approval of a major accessory use license.
- B. *Applicability.* Properties with a principal use of agriculture or agritourism (*see* Table 2.1.3.2, *Agricultural Land Uses*), shall be allowed to develop campsites as an accessory use as provided in this Section.
- C. *Supervision.* The property owner or designated caretaker shall be available within a 60-minute drive-time radius of the subject property at all times when campsites are occupied, to keep the property, its facilities, and equipment in a clean, orderly and sanitary condition.
- D. *Layout and Design Requirements.*
  - 1. Lot Size and Campsite Density.
    - a. The minimum lot size for a commercial private lands campsite is five acres.
    - b. The maximum gross density of campsites shall be as follows:
      - i. Properties 5 - 9.999 acres: one campsite.
      - ii. Properties 10 – 19.999 acres: two campsites.
      - iii. Properties 20-100 acres: two campsites, plus one campsite per 20 acres, rounded down.

- iv. Properties larger than 100 acres: one campsite per 20 acres, rounded down.
    - c. The denominator for the maximum gross density calculation shall be the area of properties that are in contiguous common ownership, including by lessees of long-term land leases.
  - 2. Campsite Size.
    - a. RV and Van Sites. The minimum size of each RV or van campsite shall be 900 square feet that is free of vegetation to minimize fire risk and include space to park one motor vehicle, one RV, van, or camping vehicle, or pull-behind trailer, and space for one additional camping tent.
    - b. Tent Sites. The minimum size of each tent campsite shall be 600 square feet that is free of vegetation to minimize fire risk and include space to park a minimum of one motor vehicle and space for a minimum of one camping tent.
  - 3. Minimum Setbacks. All campsites shall comply with the following setbacks:
    - a. Perimeter Setbacks. All campsites shall be setback a minimum of 50 feet from all property lines of the subject property.
    - b. Adjacent Dwellings. All campsites shall be setback a minimum of 100 feet from all dwelling units on adjacent properties, including accessory dwelling units.
  - 4. Waterway and Wetland Setbacks. All campsites, as well as any provided sanitary facilities, shall be setback a minimum of:
    - a. 100 feet from the ordinary high water mark of any stream or river;
    - b. 50 feet from the edge of any floodway; and
    - c. 100 feet from the boundary of any wetland.
  - 5. Ditch Setbacks. All campsites, as well as any provided or dedicated sanitary facilities, shall be setback a minimum of 50 from the edge of any ditch easement boundary, or 75 feet from the toe of the ditch bank, whichever is more distant.
  - 6. Special Flood Hazard Zones, Fluvial Hazard Areas, and Airport Overlay District. Campsites are prohibited in the 100-year floodplain, floodway, fluvial hazard areas, and airport overlay district.
  - 7. Fire Pits. All fire pits shall include a permanent structure with fire grate to meet County standards and comply with all fire bans and restrictions.
- E. *Utilities and Services.*
- 1. Sanitary Facilities. Sewage shall be disposed of off-site by way of personal waste facilities such as wag bags, RV holding tanks, or portable toilets. Should the property owner choose to provide on-site sanitary facilities, they

must be permitted or approved by the Building Department in conformance with Colorado State Regulation 43 and all On-site Wastewater Treatment System Regulations as adopted and amended by the County. The applicant shall provide verification of approval and is responsible for any fees associated with reviews.

2. Fire Protection. The applicant is required to obtain approval by the local fire protection district of the proposed campsite locations. An annual inspection by the fire protection district may be required.
  3. Refuse Collection. Trash collection, storage, and removal shall comply with county standards.
- F. *Seasonal Limits*. If the portion of the subject property to be used for camping is located within the top 50 to 100 percent of production or winter habitat as defined by the Planning for Wildlife Maps in the Chaffee County Outdoor Recreation Management Plan, then the campsites shall not be utilized during the period(s) identified as “most sensitive” to avoid interference with wildlife habitat.
- G. *Quiet Hours*. All campsites shall adhere to quiet hours between 10:00 PM and 7:00 AM.
- H. *Signage*. All campsites shall include signage to educate guests on current fire ban status, campfire safety, Leave No Trace principles, and quiet hours.

Sec. 2.3.5.2 AGRICULTURAL PRODUCTS PROCESSING [ADDED 10-3-2024]

The processing of agricultural products that are produced on the subject property (*e.g.*, brewing beer on a farm that produces hops, distilling whisky on a farm that produces suitable grains, cheesemaking on a dairy cattle ranch or goat farm, or meat processing on a ranch) is allowed as an accessory use on property used for agricultural or ranching purposes upon proof of adequate, sufficient, and reliable water supply and appropriate wastewater treatment. Such accessory uses may also be subject to applicable federal and state law and County health department regulations.

DIVISION 2.3.6 ACCESSORY BUSINESS USE OF THE HOME

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Sec. 2.3.6.1 HOME OCCUPATIONS GENERALLY

- A. *Purpose*. The purpose of this Section is to ensure that an occupation or business that is conducted within a dwelling unit is incidental to or secondary to the residential use and does not disrupt the physical character or quality of life of the surrounding area.
- B. *Intent*. It is the intent of this Section to permit home occupations that do not adversely affect the character and quality of the surrounding area and the subject property on which the home occupation is located. It is the further intent of this Section to limit the types of business activities that may be allowed as home occupations, because locating certain businesses within residential areas tends to

have adverse effects upon the character or quality of life of in the areas in which they are located.

- C. *Applicability.* This Section applies to all business uses of dwelling units, except:
1. The use of dwelling units for child care (*see* Section 2.3.6.2., *Child Care Homes*)
  2. The use of a dwelling unit by a medical marijuana caregiver (*see* Section 2.3.6.3., *Medical Marijuana Caregivers*); and
  3. Uses that involve dwelling units but are otherwise identified as principal uses (*e.g.*, live-work unit or bed and breakfast).
- D. *General Limitations on Home Occupations.* The following standards apply to all home occupations:
1. If the home occupation requires water or wastewater services that exceed typical domestic use, the applicant shall provide proof of adequate, sufficient, and reliable water supply and appropriate wastewater treatment. (Updated 10-3-2024)
  2. The home occupation shall not result in an increase in the life safety hazard rating of the subject property as defined in the building code.
  3. No chemicals or substances that are physical or health hazards as defined in the fire code shall be used, sold or stored in conjunction with a home occupation in quantities that are larger than typical for household use.
  4. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail or parcel delivery service, or sales are transacted on the premises no more than one time per calendar month. However, this restriction does not apply to incidental sales of products in conjunction with the provision of services (*e.g.*, hair care products sold in conjunction with a beauty salon, or instructional books sold in conjunction with music lessons).
  5. There shall be no deliveries to or from the subject property using a vehicle longer than 16 feet or rated over 8,000 pounds gross vehicle weight, except that larger vehicles are permitted for the purpose of delivering or removing household or office furnishings.
  6. No clients, customers, pupils, employees shall be on the premises for business purposes between the hours of 10:00 PM and 7:00 AM.
  7. No additional off-street parking shall be created on the subject property for the home occupation.
  8. The home occupation shall not generate, in excess of levels customarily found in residential neighborhoods, any vibration, smoke, dust, odors, noise, electrical interference with radio or television transmission or reception, or heat or glare that is noticeable at or beyond the property line of the subject property.

9. There shall be no exterior activity, or exterior alteration of the home that would in any way indicate that the subject property is being used for a home occupation.
  10. The home occupation shall occupy not more than 25 percent of the combined total floor area of the dwelling unit and any accessory buildings, included but not limited to the basement, garage, and upper floors of the dwelling unit.
  11. A person who is involved in the conduct of the home occupation shall reside on the subject property.
  12. Home occupations shall be conducted entirely within the dwelling unit or associated accessory building.
- E. *Prohibited Home Occupations.* The following uses, regardless of whether they meet the performance standards of subsection D., above, are not permitted as home occupations:
1. Veterinary offices or clinics, animal hospitals or kennels;
  2. Equipment rental;
  3. Funeral chapels, mortuaries, or funeral homes;
  4. Wedding chapels;
  5. Medical or dental clinics;
  6. Repair or painting of automobiles, motorcycles, trailers, boats, or other vehicles;
  7. Repair of large appliances (*e.g.*, stoves, refrigerators, washers, and dryers);
  8. Repair of power equipment (*e.g.*, lawn mowers, snow blowers, chain saws, string trimmers, and the like);
  9. Restaurants;
  10. Welding or metal fabrication shops;
  11. Dispatching of vehicles to and from residential premises (*e.g.*, taxi services or towing services); and
  12. The retail sale of firearms.
- F. *Minor Home Occupations.* A home occupation shall be classified as a minor home occupation and allowed without a business occupancy permit in all residential districts, provided that the home occupation complies with the requirements and limitations of subsections D. and E., and the following standards are met:
1. Only persons who reside on the premises are involved in the conduct of the home occupation.
  2. No commercial vehicle shall be used in conjunction with the home occupation.



3. No more than one client or pupil shall be served at one time on the subject property.
  4. Business deliveries and business shipments (other than by mail or comparable parcel delivery services), on the average, may not occur more than once per month, and such deliveries and shipments shall occur only on weekdays between the hours of 8:00 AM and 5:00 PM.
- G. *Major Home Occupations.* A use shall be classified as a major home occupation, and allowed by major accessory use permit in all residential districts, provided that the home occupation complies with the requirements and limitations of Subsections D. and E., and the following standards are met:
1. The home occupation employs not more than one person who works at the subject property but does not live on the subject property.
  2. Business deliveries and business shipments (other than by mail or comparable parcel delivery services), on the average, may not occur more than once per week, and such deliveries and shipments shall occur only on weekdays between the hours of 8:00 AM and 5:00 PM.
  3. No more than one commercial vehicle that is stored or parked on the subject property shall be used in conjunction with the home occupation.
  4. The addition of a secondary entrance to the home shall be the only permitted exterior alteration to accommodate the home occupation.
  5. No more than four persons at one time may avail themselves of the services provided by the home occupation, or more than 12 people during a 24-hour period. Barber and beauty shops shall have no more than two stations.

[Updated 10-9-2024]

Sec. 2.3.6.2 CHILD CARE HOMES [ADDED 10-3-2024]

- A. *Generally.* The following home child care uses are allowed in all dwelling units, provided that such licenses that are required by Colorado law (*see* 8 CCR § 1402-1), if any, are obtained prior to establishment of the use, and thereafter maintained:
1. Family child care homes, as defined in C.R.S. § 26.5-5-303(7), and including:
    - a. Three under 18 months (2) family child care homes, as described in 8 CCR § 1402-1:2.307;
    - b. Infant/toddler family child care homes, as described in 8 CCR § 1402-1:2.308;
    - c. Experienced family child care provider, as described in 8 CCR § 1402-1:2.309;
    - d. Respite child care centers, as defined in C.R.S. 26-6-903(31), that provide services to eight or fewer children;

- e. Exempt family child care home providers, as defined in C.R.S. § 26.5-5-303;
  - f. Foster care homes, as defined in C.R.S. § 26-6-903(10); and
  - g. Licensed host family homes, as defined in 12 CCR § 2509-8:7.710.
- B. *Large Child Care Homes.* In addition to any state regulatory requirements, large child care homes, as described in 8 CCR § 1402-1:2.310, shall be spaced from each other so that there are not two or more such facilities located within 750 feet of each other, measured between the nearest property lines.

Sec. 2.3.6.3 MEDICAL MARIJUANA CAREGIVERS

- A. *Generally.* Medical marijuana caregivers are subject to the standards for home occupations and the standards of this Section.
- B. *Limitations.* Medical marijuana caregivers are subject to the following limitations:
1. There shall not be more than one primary caregiver per dwelling unit cultivating, storing, manufacturing, or providing medical marijuana in any form to patients in accordance with Article XVIII, Section 14 of the Colorado Constitution and C.R.S. § 25-1.5-106;
  2. The primary caregiver shall not grow more than 30 medical marijuana plants on the subject property at any given time;
  3. Areas of the subject property that are used for marijuana cultivation shall be secured as required by Colorado law; and
  4. A primary caregiver providing medical marijuana in any form to patients in accordance with Article XVIII, Section 14 of the Colorado Constitution and C.R.S. § 25-1.5-106, shall not provide such medical marijuana to patients in or on the subject property, except for those patients who reside on the subject property.

DIVISION 2.3.7 OTHER ACCESSORY USES

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Sec. 2.3.7.1 OTHER ACCESSORY USES IN GENERAL [UPDATED 10-11-2024]

- A. *Generally.* Except as specifically addressed in Division 2.3.3., *Accessory Dwelling Units*, Division 2.3.4., *Agricultural Workforce Housing*, Division 2.3.5., *Accessory Uses to Agriculture and Ranching*, Division 2.3.6., *Accessory Business Use of the Home*, Section 2.3.7.2., *Personal Camp Sites*, and Section 2.3.7.3., *Family Burial Sites*, accessory uses are allowed, subject to the general, dimensional, operation, and use-specific regulations that apply to the principal use, as well as the standards of this Section.
- B. *Standards.* All accessory uses must be:
1. Reasonably associated with, and either subordinate to or incidental to, the principal use; and

2. Located on the same lot or parcel as the principal use.

#### Sec. 2.3.7.2 PERSONAL CAMP SITES

- A. *Generally.* Non-commercial camping on private property is allowed as provided in this Section. Camping is intended as a temporary, recreational, or leisure activity by the landowner for the private enjoyment of the landowner and their association by permission. Camping equipment (including tents, RVs, camper vans, park models, tiny homes that are not installed according to Colorado Division of Housing requirements, yurts, tipis, and comparable shelters) shall not be used as permanent habitation. [For regulations addressing commercial private lands camping as an accessory to agricultural uses, see Section 2.3.5.2., Commercial Private Lands Camping.](#) [For regulations addressing campgrounds and RV parks, refer to Table 2.1.3.4., Hospitality, Recreation, and Entertainment Land Uses.](#)
- B. *Improved Properties.* Owners or occupants of improved property that includes a principal building with a permanent water supply, wastewater treatment system, sanitary facilities, and refuse collection facilities that are accessible to the owner or occupant, may camp on their property without limitation. Such camping shall not be conducted in any manner that causes a nuisance. For the purposes of this subsection, an “occupant” means a lessee of the property whose lease term is 30 days or longer.
- C. *Vacant Property.* Owners of vacant property may camp on their property for up to 90 days (cumulatively) per calendar year without prior approval by the County in the form of a landowner camping permit. [See Section 5.2.9.5., Landowner Camping Permits.](#)

#### Sec. 2.3.7.3 FAMILY BURIAL SITES

Family burial sites are allowed, provided that:

1. The subject property is at least 35 acres in area;
2. No body is interred less than 50 feet from a public right-of-way and 10 feet from any other property line;
3. No body is interred within a 500-year floodplain or fluvial hazard zone; and
4. The requirements of C.R.S. § 25-2-111 are met.

## CHAPTER 2.4 Development Density and Intensity

### DIVISION 2.4.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 2.4.1.1 PURPOSE OF CHAPTER

The purpose of this Chapter is to set out the standards for calculating the maximum development yield of a subject property in terms of density or floor area.

Sec. 2.4.1.2 APPLICATION OF CHAPTER

- A. *Generally.* This Chapter provides standards to calculate development yield, that is, how much physical development may occur on a subject property. Individual sections of this Chapter contain applicability provisions that may exempt certain types of development.
- B. *Development Yield.* The number of dwelling units that may be allowed within a particular land area and standards that affect the intensity of nonresidential development are set out in Division 2.4.2, *Development Yield*. Details for calculations of residential density are set out in Section 6.1.3.4, *Residential Density*.
- C. *Limitations.* Not all properties will be able to achieve the maximum development yield due to factors such as parcel geometry; physical conditions such as ditches, soils, or natural hazards; infrastructure limitations; or restrictions on proposed uses. Accordingly, the application of the other standards of this Code may, in some cases, limit the development potential of a subject property to less than what is otherwise allowable by this Chapter.

DIVISION 2.4.2 DEVELOPMENT YIELD

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Sec. 2.4.2.1 RESIDENTIAL DENSITY, OPEN SPACE, AND RESOURCE STEWARDSHIP AREAS

- A. *Generally.*
  - 1. The maximum number of dwelling units that may be constructed in a residential development is based on the zoning district (or overlay zoning district) in which it is proposed. The maximum density of new residential development in each zoning district is established by this Section.
  - 2. Once the maximum number of dwelling units and the minimum open space or resource stewardship area is determined, the specifications for individual lots shall comply with the requirements of Division 2.4.4, *Lot and Bulk Standards by Housing Format*, for the housing formats that will be developed. See Section 2.1.3.3, *Residential and Special Residential Land Use Table* for permissible housing formats in each zoning district.
- B. *Applicability.*
  - 1. All subdivisions or re-subdivisions of property that create a net new residential lot on a subject property shall comply with the standards of this Section. In cases where replat or plat amendment affects only a portion of the land area covered by a final plat, compliance with this Section is based on the resulting density and open space that are provided within the total land area covered by the final plat (including the area affected by the replat or plat amendment). [Updated 10-5-2024]

2. Development that is exempt from this Section due to number of lots or dwelling units proposed is subject to the requirements of Division 2.4.4., *Lot and Building Standards by Housing Format*, but not this Section.
- C. *Density and Open Space*. The maximum density and minimum open space for each zoning district is as set out in Table 2.4.2.1, *Maximum Density and Minimum Open Space by Zoning District*, below. [Updated 10-5-2024]

**Table 2.4.2.1, Maximum Density and Minimum Open Space by Zoning District [Updated 10-5-2024]**

Density and Open Space	Zoning District							
	AR	RR	RS	RM	MUR	MUC	IN	PCR
Max. Density: Generally	35 a/u	20 a/u	4 u/a	4 u/a	2 u/a	4 u/a	N/A	N/A
Min. Open Space / Resource Stewardship Area: Generally	N/A	N/A	20%	10%	10%	10%	N/A	N/A
Max. Density: Qualifying Mixed-Use Development	N/A	N/A	N/A	16 u/a	16 u/a	16 u/a	N/A	N/A
Min. Open Space / Resource Stewardship Area: Qualifying Mixed-Use Development	N/A	N/A	N/A	5%	5%	5%	N/A	N/A
Max. Density: Qualifying Affordable Housing Project	35 a/u	20 a/u	4 u/a	16 u/a	16 u/a	16 u/a	N/A	N/A
Min. Open Space / Resource Stewardship Area: Qualifying Affordable Housing Project	N/A	N/A	20%	5%	5%	5%	N/A	N/A
Max. Density: Rural Land Use Cluster	17.5 a/u	17.5 a/u	N/A	N/A	N/A	N/A	N/A	N/A
Min. Open Space / Resource Stewardship Area: Rural Land Use Cluster	67%	67%	N/A	N/A	N/A	N/A	N/A	N/A
Max. Density: Rural Open Space Incentive <sup>1</sup>	8.75 a/u	5 a/u	N/A	N/A	N/A	N/A	N/A	N/A
Min. Open Space: Rural Open Space Incentive	67%	67%	N/A	N/A	N/A	N/A	N/A	N/A

**Table Note:**

<sup>1</sup> Additional density bonuses may apply. See Section 3.1.4.1., *Types of Conservation Subdivisions*.

**Sec. 2.4.2.2 DENSITY ADJUSTMENTS FOR SPECIFIC HOUSING TYPES [UPDATED 10-5-2024]**

For the purposes of Table 2.4.2.1, *Maximum Density and Minimum Open Space by Zoning District*:

1. Principal dwelling units that do not exceed 400 square feet in floor area are counted as 0.5 dwelling units; and
2. Accessory dwelling units are counted as:
  - a. 0.5 dwelling units if connected to a water well and OWTS; or
  - b. 0 dwelling units if connected to a public water system, regardless of whether connected to an OWTS.

**Sec. 2.4.2.3 MINIMUM LANDSCAPE SURFACE RATIO FOR NONRESIDENTIAL AND MIXED-USE DEVELOPMENT [ADDED 10-5-2024]**

- A. *Generally*. The standards of this Section apply to nonresidential and mixed-use development, except:

1. The adaptive re-use of a residential building for nonresidential purposes, where the adaptive re-use does not involve expanding the footprint of the building; and
  2. Agricultural and ranching uses.
- B. *Minimum Landscape Surface Ratio and Maximum Building Coverage.* The required landscape surface ratios (“**LSRs**”) for each zoning district are set out in Table 2.4.2.3., *Landscape Surface Ratio by Zoning District*. If other requirements of this Code, including Chapter 3.6, *Natural Resource Stewardship*, and Chapter 3.7, *Natural and Man-Made Hazards*, result in a larger LSR, the larger LSR shall control.

Standard	Zoning District							
	AR	RR	RS	RM	MUR	MUC	IN	PCR
Min. LSR	92.5%	85%	70%	20%	15%	10%	10%	97.5%
Max. Building Coverage	2.5%	5%	10%	20%	20%	50%	50%	0.5%

## CHAPTER 2.5 Lot and Building Standards

### DIVISION 2.5.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 2.5.1.1 PURPOSE OF CHAPTER

The purpose of this Chapter is to provide standards for the creation of new lots and the adjustment of lot boundaries and the design and placement of buildings on individual lots.

#### Sec. 2.5.1.2 APPLICATION OF CHAPTER

- A. *Generally.* This Chapter provides standards related to individual lots, buildings, and structures.
- B. *Residential Format Lot and Building Standards.* Division 2.5.2., *Lot and Bulk Standards by Housing Format*, provides standards for the housing formats that are set out in Table 2.1.3.3.A., *Residential Formats*. The housing types that are described in Division 2.5.2. are allowed in each zoning district as provided in Table 2.1.3.3.A., *Residential Formats*.
- C. *Nonresidential and Mixed-Use Lots.* Division 2.5.3., *Nonresidential and Mixed-Use Lot and Bulk Standards by Zoning District*, provides standards for the creation of new nonresidential or mixed-use lots, the adjustment of their lot boundaries, and the placement and bulk of buildings within them.

### DIVISION 2.5.2 LOT AND BULK STANDARDS BY HOUSING FORMAT

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#### Sec. 2.5.2.1 APPLICATION OF DIVISION

- A. *Generally.*

1. This Division provides lot and building standards so that a variety of different housing types may be constructed with different lot configurations in the same zoning district. The Division allows an applicant to provide a variety of lot sizes and product types, but does not require a minimum floor area for any particular building (minimum floor area is established by applicable building codes).
  2. After the number of dwelling units that are allowed on a subject property is calculated pursuant to Division 2.4.2., *Development Yield*, and after required dedications and open spaces are set aside, the applicant may design the buildable areas of a subject property to include any of the housing formats that are allowable for the subject property.
  3. The design of development is subject to the applicable provisions of Article 3, Site Design, Hazard Mitigation, and Resource Stewardship, and Article 4, Development Impact Mitigation and Dedication Requirements, as provided therein.
- B. *Differentiating Among Single-Unit Detached Dwelling Formats.* Section 2.4.4.2., *Single-Unit Detached Dwelling*, sets out six lot types for single-unit detached housing. To meet the requirements for any lot type, both the lot area and the lot width minimums must be met. For example:
1. If an applicant proposes a 4,000 sf. lot that is 45 ft. wide, the lot would be classified as an “urban” lot.
  2. If an applicant proposes a 7,000 sf. lot that is 50 ft. wide, the lot would be classified as a “townsite” lot.
- C. *Alternative Standards for Condominium Ownership or Alternative Lotting Patterns.*
1. The standards of this Division with respect to lot area, lot width, and setbacks relate to the development of residential buildings on conventional lots that are intended to be owned in fee-simple by the owners of the buildings. However, the standards are not intended to preclude other ownership types, such as condominiums (in which the land is owned in common by the owners of the condominium units), or common maintenance communities (in which fee simple ownership is limited to the land under the building, and, in some cases, a small area around it).
  2. Alternative standards for lot area, lot width, and setbacks may be approved, provided that the proposed development could be approved pursuant to this Code using conventional fee-simple ownership arrangements. That applicant must demonstrate that it would comply with the density, open space, and applicable setback requirements of this Code if the proposed development was platted with lots that meet the minimum requirements of this Division for each of the proposed housing types.
- D. *Alternative Lot Type for Existing Subdivisions.* For subdivisions that were platted and developed prior to the adoption of the Code, the Director may establish a lot



type category for the existing homes and any remaining vacant lots based on the established setback pattern in the subdivision.

Sec. 2.5.2.2 SINGLE-UNIT DETACHED DWELLING

- A. *Generally.* Single-unit detached dwellings are typically located on a privately-owned lot, with private yards on each side of the unit. See Figure 2.5.2.2., *Illustrative Single-Unit Detached Dwelling.*

Figure 2.5.2.2., Illustrative Single-Unit Detached Dwelling

(to be provided)

- B. *Lot and Building Standards.* The lot and building standards for single-unit detached dwellings are set out in Table 2.5.2.2., *Single-Unit Detached Dwelling Lot and Building Standards.* There are six lot types, which are classified based on their area and width.

Table 2.5.2.2., Single-Unit Detached Dwelling Lot and Building Standards

Lot Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback	Building Coverage	Height
Urban <sup>1</sup>	2,500 sf.	25 ft.	5 ft.	3 ft.	5 ft.	3 ft., but if greater than 3 ft., 20 ft.	55%	35 ft.
Townsite	5,000 sf.	50 ft.	20 ft.	5 ft.	10 ft.	15 ft.	50%	35 ft.
Small Suburban	0.25 ac.	65 ft.	25 ft.	5 ft.	10 ft.	20 ft.	45%	35 ft.
Large Suburban	2 ac.	175 ft.	25 ft.	20 ft.	25 ft.	25 ft.	15%	35 ft.
Estate	20 ac.	600 ft.	30 ft.	50 ft.	50 ft.	50 ft.	2%	35 ft.
Farmstead	35 ac.	800 ft.	30 ft.	50 ft.	50 ft.	50 ft.	1.5%	35 ft.

**Table Notes:**

<sup>1</sup> Urban lot types require alley or shared driveway access.

Sec. 2.5.2.3 DUPLEX

- A. *Generally.* There are two types of duplexes: side-by-side duplexes and over-under duplexes:
1. In the side-by-side duplex, the dwelling units are separated by a shared wall with no penetrations, and each unit has a separate outside door.
  2. In the over-under duplex, units are separated by a floor. Individual dwelling units may be accessed from an interior foyer with a staircase, separate front doors at street level, or by a street-level front door and an exterior staircase (oriented parallel to the building wall upon which it is located) that provides access to the second-floor unit.

See Figure 2.5.2.3., *Illustrative Duplexes*

Figure 2.5.2.3., Illustrative Duplexes

(to be provided)

- B. *Lot and Building Standards.* The lot and building standards for duplexes are set out in Table 2.5.2.3., *Duplex Lot and Building Standards.* There are six lot types, which are classified based on the format of the duplex building and the area and width of the duplex lots.

**Table 2.5.2.3., Duplex Lot and Building Standards**

Lot Type	Minimum						Maximum	
	Lot Area <sup>1</sup>	Lot Width <sup>1</sup>	Front Setback	Interior Side Setback <sup>2</sup>	Street Side Setback	Rear Setback	Building Coverage <sup>1</sup>	Height
Side-by-Side								
Urban <sup>4</sup>	2,200 sf.	22 ft.	5 ft.	5 ft.	5 ft.	3 ft., but if greater than 3 ft., 20 ft.	55%	35 ft.
Townsite	4,000 sf.	40 ft.	20 ft.	5 ft.	10 ft.	15 ft.	50%	35 ft.
Farmstead	5,000 sf. <sup>4</sup>	50 ft. <sup>4</sup>	30 ft.	50 ft.	50 ft.	50 ft.	1.5%	35 ft.
Over-Under								
Urban <sup>4</sup>	4,000 sf.	40 ft.	5 ft.	5 ft.	5 ft.	3 ft., but if greater than 3 ft., 20 ft.	55%	35 ft.
Townsite	7,500 sf.	75 ft.	20 ft.	5 ft.	10 ft.	15 ft.	50%	35 ft.
Farmstead	35 ac.	800 ft.	30 ft.	50 ft.	50 ft.	50 ft.	1.5%	35 ft.

**Table Notes:**

<sup>1</sup> Except in the case of side-by-side farmstead duplexes (see note 4, below), lot area, lot width, and building coverage are measured per dwelling unit for side-by-side duplexes and per building for over-under duplexes. Interior lot lines along the common wall of side-by-side duplexes are optional, but lot area, lot width, and building coverage shall be measured as if they are provided.

<sup>2</sup> No interior side setback is required for the common wall of a side-by-side duplex.

<sup>3</sup> Urban lot types require alley or shared driveway access.

<sup>4</sup> One of the dwelling units of a farmstead side-by-side duplex may be located on a lot that is not less than 5,000 sf. in area and 50 ft. in width; however, the minimum land area required for the duplex building is 35 acres (e.g., if a duplex is constructed on a 35-acre parcel, and a 5,000 sf. lot is created for one of the dwelling units, then the other dwelling unit's lot must be at least 1,519,600 sf. in area (approximately 34.89 acres)). Access to the smaller lot may be provided by easement.

**Sec. 2.5.2.4 TOWNHOME**

- A. *Generally.* Townhomes are an attached housing type in which units are attached to each other in groups of three to 12, with common side walls that do not have penetrations, and ground floor exterior access to each unit. *See Figure 2.5.2.4., Illustrative Townhome Building.*

**Figure 2.5.2.4., Illustrative Townhome Building**

(to be provided)

- B. *Lot and Building Standards.* The lot and building standards for townhomes are set out in Table 2.5.2.4., *Townhome Lot and Building Standards.* There are two lot types, which are classified based on their area and width.

**Table 2.5.2.4., Townhome Lot and Building Standards**

Lot Type	Minimum						Maximum		
	Lot Area <sup>1</sup>	Lot Width <sup>1</sup>	Front Setback	Street Side Setback	Interior Side Setback <sup>2</sup>	Rear Setback	Dwelling Units per Building	Building Coverage <sup>1</sup>	Height
Urban <sup>3</sup>	1,360 sf.	18 ft.	5 ft.	5 ft.	5 ft.	3 ft., but if greater than 3 ft., 20 ft.	8	75%	35 ft.

Lot Type	Minimum						Maximum		
	Lot Area <sup>1</sup>	Lot Width <sup>1</sup>	Front Setback	Street Side Setback	Interior Side Setback <sup>2</sup>	Rear Setback	Dwelling Units per Building	Building Coverage <sup>1</sup>	Height
Townsite	1,650 sf.	20 ft.	20 ft.	5 ft.	5 ft.	10 ft.	6	62.5%	35 ft.

**Table Notes:**

<sup>1</sup> Lot area, lot width, and building coverage are measured per dwelling unit. Interior lot lines along common walls are optional, but lot area, lot width, and building coverage shall be measured as if they are provided.

<sup>2</sup> Applies to the outside walls of townhome buildings (not to lot lines under common walls). For developments that include more than one townhome building, the separation between buildings (regardless of the positioning of lot lines) shall be 10 ft. (2 x the required interior side setback).

<sup>2</sup> Urban lot types require alley access, shared driveway access, or common parking lots.

**Sec. 2.5.2.5 MULTIPLEX**

- A. *Generally.* Multiplexes are buildings that are constructed to resemble large single-unit detached dwellings, but that contain three to five dwelling units. See Figure 2.5.2.5., *Illustrative Multiplex Building.*

**Figure 2.5.2.5., Illustrative Multiplex Building**

(to be provided)

- B. *Lot and Building Standards.* The lot and building standards for single-family detached homes are set out in Table 2.5.2.5., *Multiplex Lot and Building Standards.* There are three lot types, which are classified based on the number of dwelling units in the multiplex building.

**Table 2.5.2.5., Multiplex Lot and Building Standards**

Lot Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback	Building Coverage	Height
Triplex (3 dwelling units)	8,000 sf.	80 ft.	25 ft.	6 ft.	10 ft.	20 ft.	45%	35 ft.
Quadplex <sup>1</sup> (4 dwelling units)	10,000 sf.	100 ft.	25 ft.	8 ft.	10 ft.	20 ft.	45%	35 ft.
Five-plex <sup>1</sup> (5 dwelling units)	12,000 sf.	120 ft.	25 ft.	10 ft.	10 ft.	20 ft.	42.5%	35 ft.

**Table Notes:**

<sup>1</sup> Quadplex and Five-plex lot types require alley access or shared driveway access to the interior sides or rear of the building lots.

**Sec. 2.5.2.6 MULTIFAMILY**

- A. *Generally.* Multifamily buildings are residential buildings that include six or more dwelling units, separated by walls or floors, and may include interior or exterior access to individual units. See Figure 2.5.2.6, *Illustrative Multifamily Building.*

**Figure 2.5.2.6, Illustrative Multifamily Building**

(to be provided)

- B. *Lot and Building Standards.* The lot and building standards for single-family detached homes are set out in Table 2.5.2.6., *Multifamily Lot and Building*

*Standards.* There are two lot types, which are classified based on the number of dwelling units in the multiplex building.

**Table 2.5.2.6., Multifamily Lot and Building Standards**

Lot Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback	Building Coverage	Height
Urban	14,000 sf.	140 ft.	5 ft.	10 ft.	10 ft.	3 ft., but if more than 3 ft., 20 ft.	55%	35 ft.
Suburban	15,000 sf.	150 ft.	25 ft.	15 ft.	15 ft.	20 ft.	40%	35 ft.

**Table Note:**

<sup>1</sup> Urban lot types require alley access or parking lots that are located behind the building.

**Sec. 2.5.2.7 MANUFACTURED HOME PARK OR SUBDIVISION**

**A. Generally.**

1. Manufactured homes are a type of single unit detached dwelling that is constructed in factories according to federal standards, and designed to be transported in one or more sections. There are three widths of manufactured homes:
  - a. Single-wide (transported in one section);
  - b. Double-wide (transported in two sections); and
  - c. Triple-wide (transported in three or more sections).
2. Tiny homes are factory-built homes that are less than 400 square feet in floor area and certified for compliance with state regulations promulgated by the Division of Housing within the Department of Local Affairs.

See Figure 2.5.2.7., *Illustrative Manufactured Homes and Tiny Home.*

**Figure 2.5.2.7., Illustrative Manufactured Homes**

(to be provided)
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**B. Lot and Building Standards.** [Updated 10-6-2024 to add Tiny Homes to table name]

1. The lot and building standards for manufactured homes and tiny homes are set out in Table 2.5.2.7., *Manufactured and Tiny Home Lot and Building Standards.* The standards of this section apply to manufactured homes and tiny homes that are located in new manufactured home parks and manufactured home subdivisions, or expanded areas of existing manufactured home parks and manufactured home subdivisions.
2. In existing manufactured home parks and subdivisions, manufactured homes or tiny homes may be placed on existing lots or spaces that do not comply with this section, provided that they are spaced a minimum of 10 feet apart and 10 feet from property lines.

**Table 2.5.2.7., Manufactured and Tiny Home Lot and Building Standards**

Lot Type	Parking Location	Minimum						Maximum Height
		Lot Area	Lot Width	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback	
Tiny Home	front of unit	1,500 sf.	22 ft.	20 ft.	6 ft.	6 ft.	10 ft.	20 ft.
	side of unit	1,700 sf.	28 ft.	10 ft.	6 ft.	10 ft.	10 ft.	20 ft.
	off-lot (centralized)	1,300 sf.	22 ft.	10 ft.	6 ft.	10 ft.	10 ft.	20 ft.
Single-Wide	front of unit	4,000 sf.	30 ft.	25 sf.	5 ft.	10 ft.	10 ft.	20 ft.
	side of unit	4,000 sf.	40 ft.	10 ft.	6 ft.	10 ft.	10 ft.	20 ft.
	off-lot (centralized)	3,750 sf.	30 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.
Double-Wide	front of unit	5,000 sf.	40 ft.	25 sf.	5 ft.	10 ft.	10 ft.	20 ft.
	side of unit	5,000 sf.	50 ft.	10 ft.	6 ft.	10 ft.	10 ft.	20 ft.
	off-lot (centralized)	5,000 sf.	40 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.
Triple-Wide	front of unit	6,000 sf.	60 ft.	25 sf.	5 ft.	10 ft.	10 ft.	20 ft.
	side of unit	6,600 sf.	66 ft.	10 ft.	6 ft.	10 ft.	10 ft.	20 ft.
	off-lot (centralized)	6,000 sf.	60 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.

**DIVISION 2.5.3 NONRESIDENTIAL AND MIXED-USE LOT AND BULK STANDARDS BY ZONING DISTRICT**

**Sec. 2.5.3.1 STANDARDS FOR NEW NONRESIDENTIAL AND MIXED-USE LOTS**

- A. *Generally.* The standards of this Section apply to new lots that are intended for nonresidential or mixed-use development.
- B. *Minimum Standards.* The minimum dimensional standards for new nonresidential and mixed-use lots in each zoning district are set out in Table 2.5.3.1., *Dimensional Standards for New Nonresidential and Mixed-Use Lots.*

**Table 2.5.3.1., Dimensional Standards for New Nonresidential and Mixed-Use Lots [Updated 10-6-2024]**

District	Min. Lot Area	Min. Lot Width	Min. Lot Frontage
AR	35 acres	600 ft.	600 ft.
RR	20 acres	450 ft.	450 ft.
RS	2 acres	150 ft.	100 ft.
RM	1 acre	100 ft.	80 ft.
MUR	1 acre	100 ft.	80 ft.
MUC	No minimum	No minimum	Based on access spacing requirements
IN	2 acres	150 sf.	80 ft.
PCR	35 acres	600 ft.	600 ft.

- C. *Modifications to Minimum Standards.*
  1. Additional lot area, lot width, or lot frontage may be required if necessary to meet other standards set out in this Code or other applicable laws or regulations.
  2. Lot area, lot width, and / or lot frontage may be reduced:

- a. If the affected lots are part of a nonresidential or mixed-use development that:
  - i. In the aggregate, meets the minimum lot area, minimum lot width, and minimum lot frontage requirements of Table 2.5.3.1., *Dimensional Standards for New Nonresidential and Mixed-Use Lots*;
  - ii. Utilizes shared access to limit curb cuts to the number that would be allowed for a single parcel; and
  - iii. Provides shared parking resources if necessary to meet off-street parking requirements on the smaller lots; or
- b. The reduction allows for the creation of a separate lot for the installation of a minor utility, solar garden, recreation use, or comparable facility, and the lot is restricted to such use.

Sec. 2.5.3.2 SETBACK AND BUILDING STANDARDS FOR NONRESIDENTIAL AND MIXED-USE LOTS

- A. *Generally.* The standards of this Section apply to new lots that are intended for nonresidential or mixed-use development.
- B. *Minimum Standards.* The minimum dimensional standards for new nonresidential and mixed-use lots in each zoning district are set out in Table 2.5.3.2., *Setback and Building Standards for Nonresidential and Mixed-Use Lots*. If the standards of the table conflict with use-specific standards set out in Division 2.2.2., *Use-Specific Standards*, the standard with the larger setback, shorter maximum height, and lesser building coverage applies. Maximum building coverage and minimum landscape surface ratio shall be as provided in Section 2.4.2.3., *Minimum Landscape Surface Ratio for Nonresidential and Mixed-Use Development*.

**Table 2.5.3.2., Setback and Building Standards for Nonresidential and Mixed-Use Lots**

District	Min. Building Setbacks				Max. Height		Max. Building Coverage
	Front	Interior Side	Road Side	Rear	Principal Buildings	Accessory Buildings	
AR	25 ft.	15 ft.	25 ft.	20 ft.	35 ft.	35 ft.	2.5%
RR	25 ft.	15 ft.	25 ft.	20 ft.	35 ft.	35 ft.	5%
RS	25 ft.	15 ft.	25 ft.	20 ft.	35 ft.	28 ft.	10%
RM	25 ft.	15 ft.	25 ft.	20 ft.	35 ft.	28 ft.	20%
MUR	25 ft.	15 ft.	25 ft.	20 ft.	35 ft.	28 ft.	20%
MUC	25 ft.	15 ft.	25 ft.	20 ft.	35 ft.	28 ft.	50%
IN	25 ft.	15 ft.	25 ft.	20 ft.	35 ft.	35 ft.	50%
PCR	25 ft.	15 ft.	25 ft.	20 ft.	35 ft.	35 ft.	0.5%

- C. *Maximum Building Coverage Allocation.* Maximum building coverage and minimum landscape surface ratio may be modified as to particular lots if the nonresidential or mixed-use subdivision includes tracts that are set aside for open space, natural resource protection, or hazard mitigation, and building envelopes set out on the subdivision plat, in the aggregate, demonstrate that the

maximum building coverage for the underlying zoning district will not be exceeded.

## CHAPTER 2.6 Supplemental Standards

### DIVISION 2.6.1 SUPPLEMENTAL STANDARDS FOR ALL USES

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#### Sec. 2.6.1.1 FENCES AND WALLS

- A. *Generally.* It is the purpose of the provisions of this Section to establish requirements for the height, location, and maintenance of fences, walls, and other screening structures in all zoning districts. The standards of this Section shall be implemented in a manner that complies with Section 3.2.4.6., *Sight Triangles*.
- B. *Applicability.* The standards of this section shall apply to all fences, garden walls, perimeter walls, and other screening structures that are located within required building setback areas. As a condition of development approval, the County may require a covenant, enforceable by the County, regarding to the location, design, installation, and ongoing maintenance of fencing.
- C. *Wildlife Fencing.* Wildlife fencing is required:
1. In locations where wildlife fencing is indicated by an approved wildlife report (see Division 3.6.3., *Wildlife Corridors, Ranges, and Habitat*);
  2. Between residential lots smaller than 10 acres and adjoining agricultural property, in areas that are not otherwise enclosed with privacy fencing, chain-link fencing, garden walls, or perimeter walls pursuant to subsection D.1., below;
  3. Between nonresidential lots adjoining agricultural property, in areas that are not otherwise enclosed with privacy fencing, chain-link fencing, garden walls, or perimeter walls pursuant to subsection D.2., below; and
  4. In areas to be enclosed by fencing that are larger than two acres, unless:
    - a. The Director finds that there is a demonstrated security need that justifies an alternative type of fencing for the enclosed area; and
    - b. The enclosed area is not within a high quality or very high quality habitat or natural resource setback.
- D. *Other Fencing, Garden Walls, and Perimeter Walls.* Unless otherwise indicated in an approved wildlife report (see Division 3.6.3., *Wildlife Corridors, Ranges, and Habitat*):
1. On lots used for single-unit detached dwelling units, duplexes, or multiplexes that adjoin agricultural uses, privacy fencing, chain-link fencing, garden walls, or perimeter walls between six and eight feet in height, with a design that is sufficient to contain domestic dogs and cats, shall be installed to enclose not less than 500 square feet and not more than two acres of the



rear yard. If a detached accessory dwelling unit is present, it shall be located within the enclosed area.

2. Privacy fencing, chain-link fencing, garden walls, and perimeter walls are allowed outside of high quality and very high quality habitat area and natural resource setback areas:
  - a. To enclose an area of up to two acres on a lot used for single-unit detached dwelling units, duplexes, or multiplexes;
  - b. To enclose a multifamily development; and
  - c. To enclose outdoor storage areas, fleet parking lots, sports fields and courts, potentially hazardous facilities (*e.g.*, electrical substations, waste transfer stations, outdoor shooting ranges, etc.), and other land uses that have comparable needs for a secure perimeter.

#### Sec. 2.6.1.2 RETAINING WALLS

- A. *Generally.* In all zoning districts, retaining walls that are taller than six feet in height shall be terraced such that no individual wall segment is taller than six feet in height above the terrace level upon which it is installed.
- B. *Design.* The design of retaining walls may be further specified in a wildlife report, scenic resource analysis, or natural hazards analysis, in order to protect wildlife habitat, facilitate wildlife movement, protect scenic resources, or avoid, minimize, or mitigate natural hazards.

#### Sec. 2.6.1.3 REFUSE, RECYCLING, AND COMPOST MATERIAL CONTAINERS

- A. *Centralized Solid Waste Facilities.* Centralized solid waste facilities that include refuse, recycling, and compost containers may be provided through the use of dumpsters or containers (which in the case of residential and special residential uses, shall be located in common areas), if it is demonstrated that:
  1. The facilities are located no more than 200 feet (walking distance) from the individual residential units that they are intended to serve;
  2. Access to the facilities is configured to meet the requirements of the refuse service provider;
  3. The enclosures are either wildlife-proof dumpster enclosures (“WPDEs”), or:
    - a. Are designed with service gates and covers that remain closed at all times except when the refuse containers are being serviced;
    - b. Separate pedestrian access gates or a pedestrian access opening that screens the refuse containers from view;
    - c. All containers within the enclosures are wildlife-proof refuse containers (“WPRCs”) or wildlife-resistant refuse containers (“WRRCs”); and

4. The facilities are located in a side or rear yard of the subject property, unless it is not possible to provide service access in such locations; and
  5. If an enclosure must be located in a front yard to meet the requirements of the refuse service provider, it shall be designed and constructed to be consistent and compatible with principal building in terms of materials and architecture.
- B. *Individual Refuse, Recycling, and Compost Material Containers.* Individual refuse, recycling, and compost material containers must be WPRCs or WRRCs, and shall be screened from public view except when placed at the curbside.
  - C. *Adequacy of Refuse, Recycling, and Compost Containers.* The Director shall determine the adequacy of refuse containers and refuse container enclosures based upon the type of use, number of employees/patrons/dwelling units, and the frequency of refuse pickup, and may require additional information from the applicant to verify such adequacy.
  - D. *Frequency of Refuse, Recycling, and Compost Material Pickup.* The applicant shall provide for pickup of refuse, recyclable materials, and compostable materials (if separate facilities are provided for such materials) on a regular schedule, appropriate to the use of the subject property, that prevents overflow, the growth of bacteria or mold, the generation of objectionable odors, and the attraction of wildlife or pests.

Sec. 2.6.1.4 PLATFORMS, DECKS, BALCONIES, AND PORCHES

- A. *Generally.* No platforms, decks, balconies, and porches shall be permitted in utility easements or public rights-of-way.
- B. *Uncovered Decks, Balconies, Patios, Porches, and Platforms.* [Updated 10-6-2024 to add cross-references and remove exception from subsection C.]
  1. Reduced setbacks are available for some uncovered decks, balconies, and patios. See **Section 6.1.2.5., Setbacks**. Platforms are subject to setbacks for accessory structures.
  2. No deck shall have a surface that is elevated higher than the level of the second floor of the principal building. Balconies may be located above the second floor. Platforms shall not be taller than the height allowed for accessory structures.
  3. Uncovered decks and patios may, in the aggregate, occupy a footprint of the smaller of 25 percent of the footprint of the principal building, or 50 percent of the rear yard of property that is developed for single-unit detached or duplex buildings. In areas where the footprints of decks and patios overlap, only one of the overlapping footprints is counted.
- C. *Covered Decks, Balconies, Patios, Porches, and Platforms.* Covered decks, balconies, patios, and porches are subject to the same requirements as the building to which they are attached. Covered platforms are considered accessory buildings.

Sec. 2.6.1.5 SOLAR COLLECTORS

- A. *Generally.* The standards of this Section apply to solar collectors. If a photovoltaic array is to be interconnected to the electric utility grid, proof of an executed interconnect agreement shall be provided before the system is interconnected. Systems approved pursuant to this Section shall not generate power as a commercial enterprise.
- B. *Roof-Mounts.* Solar collectors may be roof-mounted on any building or structure in any zoning districts. Roof mounted arrays may project up to:
  - 1. One foot above the ridge line of a sloped roof of 4:12 or greater pitch;
  - 2. Four feet above the ridge line of a sloped roof of up to 4:12 pitch; and
  - 3. Five feet above the surface of a flat roof.
- C. *Ground-Mounts.* Ground or structure-mounted photovoltaic arrays (not mounted on buildings) shall be set back in the same manner as detached accessory buildings.

Sec. 2.6.1.6 SMALL WIND ENERGY CONVERSION SYSTEMS

- A. *Generally.* The standards of this Section apply to small wind energy conversion systems. If a small wind energy conversion system is to be interconnected to the electric utility grid, proof of an executed interconnect agreement shall be provided before the system is interconnected. Systems approved pursuant to this Section shall not generate power as a commercial enterprise.
- B. *Prohibitions.* Small wind energy conversion systems are not allowed in the treeline overlay zone.
- C. *Setbacks.*
  - 1. Small wind energy conversion systems on parcels that are less than five acres in area shall be located behind principal buildings (either in the rear yard or in the building envelope) and set back from the building envelopes of abutting properties a distance equal to one foot for each foot in height.
  - 2. Small wind energy conversion systems on parcels that are five acres or more in area shall be set back from property lines one foot for every two feet in height.
- D. *Blade Clearance.* The vertical clearance of the blades of tower-mounted horizontal axis turbines shall be not less than 15 feet when the blades are at their lowest point.
- E. *Noise.* Documentation provided by the manufacturer shall demonstrate that noise will not exceed 50 dB(A) at any property line at peak generation, based on the proposed location of the turbine.
- F. *Reflections and Shadows.* Turbine blades shall be coated to minimize reflection. Turbines shall be installed in locations that will prevent flickering shadows from being cast into the windows of buildings on nearby properties.

G. *Tower Height.*

1. Except as may be further restricted by proximity to an airport, the maximum height of towers is:
  - a. 120 ft. on lots that are 10 acres in area or more;
  - b. 85 ft. on lots that are at least five acres in area, but less than 10 acres in area; and
  - c. 50 ft. on lots that are less than five acres in area.
2. Tower height shall be measured as follows:
  - a. For horizontal axis systems, to the highest point on the rotor blade at its highest point of rotation.
  - b. For vertical axis systems, to the highest point of the tower or turbine, whichever is higher.

H. *Durability Requirements.* Small wind energy conversion systems that become inoperable shall be repaired or removed within 45 days.

Sec. 2.6.1.7 SATELLITE DISHES AND ANTENNAE

- A. *Generally.* The standards of this Section apply to satellite dishes and antennae that are typically (but not always) associated with residential uses. They are not applicable to facilities that are used for commercial purposes (*e.g.*, cable television operators or commercial television or radio broadcasters) or the provision of personal wireless telecommunications services to people who do not occupy the subject property.
- B. *TV Antennae, DTV Antennae, Wireless Cable Antennae, and Satellite Dishes.*
  1. TV antennae, DTV antennae, wireless cable antennae; and satellite dishes that are one meter or less in diameter are permitted if they are attached to a building or mounted on a mast that extends not more than 12 feet above the highest peak of the roof of the tallest building on the subject property.
  2. Masts that are larger than the limits set out in subsection B.1., above, are permitted if it is demonstrated that:
    - a. An adequate signal cannot be obtained at a lower height; and
    - b. The mast and antenna are lower than overhead power lines, or set back from overhead power lines such that a collapse of the mast will not result in contact with the lines.
  3. Satellite dishes that are more than one meter in diameter are permitted if:
    - a. They are located on the ground in the rear yard and not visible from ground-level views from public rights-of-way or abutting properties;
    - b. If the satellite dish cannot be located in the rear yard, it is located on the ground within the permitted building envelope on the side of the

building and the dish or antenna is fully screened from view from public rights-of-way with:

- i. A masonry wall; or
- ii. An evergreen hedge or shrub and understory trees; or
- c. The subject property is larger than five acres and the satellite dish is set back at least 30 feet from public rights-of-way and 10 feet from interior property lines.

C. *Amateur Radio Antennae.* Amateur radio antennae are permitted if the following standards are met:

- 1. Maximum height and minimum setbacks for the antenna structure shall be as provided in Table 2.6.1.7., *Amateur Radio Antennae.*

**Table 2.6.1.7, Amateur Radio Antennae**

Lot Area	Max. Height	Min. Front Setback	Min. Side and Rear Setbacks
> 5 ac.	120 ft.	20 ft. behind principal building	Greater of required building setback or ½ tower height
> 12,000 sf., to 5 ac.	75 ft.	15 ft. behind principal building	Greater of required building setback ½ tower height
12,000 sf. or less	40 ft.	10 ft. behind principal building	Greater of required building setback or ½ tower height

- 2. Related structures that are not attached to the antenna structure shall be treated as accessory structures for the purposes of height, setbacks, and screening.

**DIVISION 2.6.2 RESIDENTIAL SUPPLEMENTAL STANDARDS**

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Sec. 2.6.2.1 RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES (ADDED 10-5-2024)

- A. *Generally.* The standards of this Section apply to accessory buildings and structures within subject properties that are used for residential or group home purposes, unless specifically addressed elsewhere in this Code. The standards of this Section do not apply to accessory buildings or structures on property used for agricultural or ranching purposes.
- B. *Setbacks.* Accessory buildings and structures that are larger than three feet in height and smaller than 500 square feet in footprint shall be set back from the applicable lot lines as follows:
  - 1. Front: The actual front setback for the principal building.
  - 2. Street Side: Same as required for the principal building, unless a larger setback is required by the IWUIC.
  - 3. Interior Side: The lesser of five feet, or as required for the principal building, unless a larger setback is required by the IWUIC.
  - 4. Interior Rear: The lesser of five feet, or as required for the principal building, unless a larger setback is required by the IWUIC.
  - 5. Alley: Five feet, unless a larger setback is required by the IWUIC.

- C. *Common Buildings.* Common buildings that are accessory to residential developments (*e.g.*, clubhouses, common laundry facilities, and leasing offices) shall be set back in the same manner as principal buildings.

Sec. 2.6.2.2 OUTDOOR STORAGE (ADDED 10-5-2024)

- A. *Generally.* Areas used for outdoor storage that is accessory to residential uses shall be located in a back yard or side yard, except as provided in subsection C., below. Outdoor storage areas shall not be located in areas that are used for parking, landscaped setbacks, or stormwater conveyance or detention areas, or within natural resource or natural hazard areas or buffer areas.
- B. *Single-Unit Detached, Duplex, Townhome, and Multiplex Uses.* Accessory outdoor storage to single-unit detached dwellings, duplexes, and multiplexes shall be enclosed with a privacy fence of at least five feet in height.
- C. *Common Outdoor Storage Facilities.* All residential developments (whether subdivided or not) may provide for common outdoor storage, as follows:
  - 1. The common outdoor storage areas shall be enclosed by a fence or perimeter wall that is at least five feet in height, or a landscape buffer that is at least ten feet wide and planted with evergreen trees spaced 25 feet on center;
  - 2. Access to the common outdoor storage area shall be provided from a road or private access drive within the subdivision or subject property, as applicable;
  - 3. The common outdoor storage areas shall not be located such that they adjoin property outside of the subject property that is used for agricultural, ranching, or residential purposes; and
  - 4. The common outdoor storage areas shall be surfaced and maintained in a manner that prevents windblown particulates.

Sec. 2.6.2.3 SWIMMING POOLS, HOT TUBS, AND SPAS

- A. *Generally.* The standards of this Section apply to outdoor swimming pools, hot tubs, and spas that utilize pumps.
- B. *Timing of Construction.* No residential swimming pool, hot tub, or spa shall be constructed unless the principal building has already been constructed, or is under construction simultaneously; or the swimming pool, hot tub, or spa is an amenity that is provided for residential occupants of a residential or mixed-use development and the approved development phasing plan addresses the timing of installation of the swimming pool, hot tub, or spa.
- C. *Setbacks.* Setbacks for in-ground installations shall be measured from the outer edge of the coping of the pool or spa and the outer edge of any associated pump equipment. Setbacks for above-ground installations shall be measured from the outer walls of the pool or spa and the outer edge of any associated pump equipment. Setbacks shall be provided as set out in Table 2.6.2.3, *Swimming Pool and Spa Setbacks*.

**Table 2.6.2.3, Swimming Pool and Spa Setbacks**

Setback or Spacing	On-Lot Swimming Pool	Community Swimming Pool <sup>1</sup>
Front and Street Side Setback <sup>2</sup>	Behind principal building	Same as principal building
Interior Side Setback <sup>2</sup>	10 feet	3 feet clearance to fence enclosure
Rear Setback <sup>2</sup>	10 feet	3 feet clearance to fence enclosure
Building Spacing	5 feet	10 feet

**TABLE NOTES:**

<sup>1</sup> Owned by Property Owners' Association for benefit of owners, or amenity to multifamily rental development.

<sup>2</sup> No pool shall be located closer than 2 ft. to a utility easement or 10 ft. (measured horizontally) to an overhanging utility line.

**DIVISION 2.6.3 NONRESIDENTIAL AND MIXED-USE SUPPLEMENTAL STANDARDS**

**Sec. 2.6.3.1 ACCESSORY BUILDINGS AND STRUCTURES [ADDED 10-6-2024]**

- A. *Generally.* Accessory buildings (e.g., detached garages, stables, workspaces, storage buildings) and covered structures (e.g., pergolas, shade structures, run-in sheds, parking shelters, gazebos) shall comply with all setback and height requirements that are applicable to principal buildings, except that side and rear setbacks may be reduced to five feet if it is demonstrated that:
  - 1. The footprint of the accessory building or structure is less than 250 square feet;
  - 2. The height of the accessory building or structure is 12 feet or less; and
  - 3. The use of accessory building or structure does not generate noise, vibration, glare, odors, or other impacts that will be exacerbated by the reduced setback.
- B. *Exception.* This Section does not apply to accessory buildings and covered structures that are used for agricultural or ranching purposes.
- C. *Spacing.* Accessory buildings shall be spaced from the principal building and other accessory buildings and structures as required by the applicable building code and IWUIC.

**Sec. 2.6.3.2 DRIVE-THROUGH, DRIVE-IN, AND DRIVE-UP STATIONS [ADDED 10-5-2024; UPDATED 10-6-2024]**

- A. *Generally.* Drive-through, drive-in, and drive-up stations are allowed only in the MUC zoning district, subject to the standards set out in this Section.
- B. *Limitations.* The following limitations apply to drive-through, drive-in, and drive-up stations:
  - 1. Where facilities are on the side of the building that adjoins property used for residential, group home, agricultural, or ranching purposes, the ordering station shall be buffered with a six foot masonry wall to reduce noise transmission; and



2. Facilities shall be designed and configured such that the service area and outdoor speakers are directed away from any adjoining properties that are used for residential, group home, agricultural or ranching purposes.

Sec. 2.6.3.3 OUTDOOR STORAGE [ADDED 10-5-2024]

- A. *Generally.* Outdoor storage is allowed as an accessory use to nonresidential and mixed-use development in conformance with the standards of this Section, unless:
  1. Outdoor storage areas are addressed in an applicable use-specific standard in Division 2.2.2., *Use-Specific Standards*;
  2. Outdoor storage areas are addressed in an alternative way by conditions of approval attached to a conditional use permit; or
  3. The principal use is agriculture or agritourism.
- B. *Limitations.* The following limitations apply to accessory outdoor storage:
  1. The area of a subject property used for accessory outdoor storage areas shall not exceed 50 percent of the total footprint of buildings on the subject property.
  2. Stored inventory, machinery, supplies, and equipment shall not exceed 16 feet in height.
  3. The following materials shall not be stored outside or disposed of on-site:
    - a. Hazardous materials (including explosives and motor fuels);
    - b. Liquids, gels, or pastes;
    - c. Unsecured materials or debris that may be subject to movement off-site by wind or water; and
    - d. Wastes.
  4. The outdoor storage area shall be screened using one (or a combination) of the following methods:
    - a. A eight foot tall opaque fence or wall; or
    - b. A 10 ft. wide vegetated buffer with hedge composed of coniferous hedge-forming five-gallon shrubs that grow to a height of at least eight feet within two years after planting, planted at a maximum of 10 ft. on center for the length of the buffer, with security fencing located on the interior side of the buffer;
  5. The outdoor storage area shall be maintained at all times in an orderly manner; and
  6. If the outdoor storage area is used for the storage of heavy equipment:
    - a. Loading and unloading activity shall not be conducted on any public right-of-way;

- b. Repair and maintenance activity requiring use of equipment that will generate noise, odors, or glare beyond the property boundaries shall not be conducted outdoors between 6:00 PM and 8:00 AM on the following day.

Sec. 2.6.3.4 OUTDOOR DISPLAY OF MERCHANDISE [ADDED 10-5-2024]

- A. *Generally.* This Section sets out the standards that are applicable to permanent outdoor merchandise display areas. These standards do not apply to sales or rental of motor vehicles or heavy equipment.
- B. *Display Areas that are Attached to Principal Buildings.* Outdoor display areas that are attached to principal buildings are allowed if they are:
  - 1. Configured as a walled or decoratively fenced area that attaches to the outer building wall of the principal building, providing complete enclosure except at points of ingress and egress;
  - 2. Set back from property lines as required for the principal building; and
  - 3. Not larger than the 50 percent of the floor area of the principal building to which they are attached.

Sec. 2.6.3.5 VENDING AND REVERSE VENDING MACHINES [ADDED 10-5-2024]

- A. *Generally.* Generally, vending machines and reverse vending machines shall be located inside of buildings.
- B. *Exceptions.* Vending machines and reverse vending machines may be provided outside at transit facilities; active parks; outdoor stadiums, arenas, amphitheaters, or drive-in theaters; outdoor commercial recreation and amusement uses; outdoor shooting ranges; and campgrounds and RV parks; provided that:
  - 1. They are located under a roofed structure that provides cover from rain and snow;
  - 2. If internally illuminated, they do not face a public street or residential, group home, agricultural, or ranching use or property unless:
    - a. They are screened from view by fences, walls, topography, or landscaping; or
    - b. They are at least 50 feet away from the property line; and
  - 3. For vending machines that dispense food or beverages, trash and recycling containers are located within 30 feet of the vending machines.

Sec. 2.6.3.6 UNATTENDED DONATION COLLECTION BOXES [ADDED 10-5-2024]

- A. *Generally.* Unattended donation collection boxes (“UDCBs”) may be located in parking and loading areas of nonresidential uses, according to the standards of this Section.

- B. *Location.*
  - 1. UDCBs shall be set back at least five feet from front property lines.
  - 2. UDCBs shall not obstruct parking or vehicular circulation.
- C. *Construction.* UDCBs shall be constructed of waterproof and rustproof materials, and shall be secured against wildlife and scavenging.
- D. *Maintenance.* Materials that are deposited in UDCBs shall be collected on a regular schedule that is sufficient to prevent the boxes from overflowing.

## CHAPTER 2.7 Signs

### DIVISION 2.7.1 PURPOSE, PUBLIC INTERESTS, FINDINGS, AND APPLICATION OF CHAPTER

#### Sec. 2.7.1.1 PURPOSE

*See Section 1.1.2.3., Purposes Regarding Signs.*

#### Sec. 2.7.1.2 PUBLIC INTERESTS

The County has a legitimate, important, substantial, or compelling interest in:

- 1. Preventing the proliferation of signs of generally increasing size, dimensions, and intrusiveness (also known as “sign clutter”) that tends to result from property owners competing for the attention of passing motorists and pedestrians, because sign clutter:
  - a. Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
  - b. May involve physical obstruction of streets, sidewalks, bike lanes or trails, creating public safety hazards;
  - c. Degrades the aesthetic quality of the County, particularly in rural and natural areas, making the County a less attractive place for residents, business owners, visitors, and private investment; and
  - d. Dilutes or obscures messages on individual signs due to the increasing intensity of competition for attention.
- 2. Protecting the health of the County’s tree canopy, an important community asset that contributes to the character, environmental quality, and economic health of the County and the region; and
- 3. Maintaining a high-quality aesthetic environment to protect and enhance property values, leverage public investments in roads, sidewalks, trails, plazas, parks, and landscaping, and enhance community pride.

#### Sec. 2.7.1.3 FINDINGS

The County finds that:

1. Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in Section 2.7.1.2, *Public Interests*, and the constitutionally-protected right to free expression.
2. The regulations set out in this Chapter are unrelated to the suppression of constitutionally-protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
3. The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this Chapter is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced herein.
4. Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.
5. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the County's roads if they are not removed.
6. Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.
7. This Chapter represents the County's best effort to advance the its legitimate, important, substantial, and compelling interests while ensuring consistency with an evolving legal framework.

#### Sec. 2.7.1.4 APPLICATION

- A. *Generally.* The provisions of this Chapter shall apply to the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs within the County that are not specifically exempt from such application pursuant to Section 2.7.1.5, *Exemptions and Partial Exemptions*.
- B. *Permit Requirements.*
  1. No sign shall be displayed, constructed, installed, erected, or altered within the unincorporated areas of the County until the County has issued a sign permit, unless the sign qualifies as an exception to the permit requirements pursuant to Section 2.7.1.6, *Permit Exceptions*.
  2. At the applicant's request, building and electrical permits (if required by the applicable building or electrical code) may be processed concurrently with the application for sign permit. However, no building or electrical permit shall issue for a sign for which a sign permit is required until the sign permit is issued.

Sec. 2.7.1.5 EXEMPTIONS AND PARTIAL EXCEPTIONS

- A. *Exemptions.* This Chapter does not apply to signs of any type installed or posted (or required to be installed or posted) by the Federal government, the State of Colorado, Chaffee County, School Districts, and Title 32 special districts (collectively, "Governmental Entities") that are in whole or in part within the County, on property owned or controlled by the Governmental Entity. Such signs include but are not limited to street signs and permanent traffic control devices, temporary signs that are used in conjunction with traffic control, and other signs that said entities display or require to be displayed upon property that they own or control, in furtherance of their governmental purposes.
- B. *Partial Exemptions.* The following signs are subject only to Subsections B.2., D., and F. of Section 2.7.2.1., *Prohibitions*, and (as applicable), Division 2.6.4., *Standards for Temporary Signs*, and do not require a sign permit prior to installation:
1. Signs that are not visible from any of the following areas due to the configuration of the building(s) or structure(s) or the topography of the site upon which the signs are located: lots used for residential or special residential purposes, adjoining property not under common ownership, public rights-of-way, or property located at a higher elevation than the property upon which the sign is displayed.
  2. Signs that are not legible from abutting property or rights-of-way due to the configuration of the building(s) or structure(s) or the topography of the subject property or the orientation or setback or typeface of the sign, provided that the sign area is not more than 32 square feet.
  3. Signs that are applied to or painted on a utility cabinet or pedestal, provided that:
    - a. The cabinet or pedestal is in use for its principal purpose as a utility cabinet or pedestal and the sign does not interfere with such use;
    - b. The cabinet or pedestal is not larger than four feet in horizontal dimension and five feet in vertical dimension; and
    - c. The owner of the utility cabinet or pedestal consents to the installation of the sign.

Sec. 2.7.1.6 PERMIT EXCEPTIONS

- A. *Signs Maintenance.* No permit is required for routine sign maintenance, painting, replacing a panel in a cabinet sign (except that the installation of a new manual changeable copy message center or electronic message center does require a permit), or replacing light sources with lighting of comparable character and brightness.
- B. *Exceptions by Sign Type.* The following signs may be displayed without a sign permit, but are not exempt from other applicable provisions of this Chapter.

1. Required Signs. Signs that are required by applicable building codes (*e.g.*, address numbers) or health and safety regulations (*e.g.*, the Occupational Safety and Health Act (“OSHA”)); or to comply with other laws or regulations.
2. Optional Residential Signs. One wall sign, affixed to a residential building on its front elevation, provided that the sign area does not exceed two square feet.
3. Flags. All flags that are hung from not more than three rigid, straight, building-mounted or ground-mounted flagpoles per 100 feet of property frontage or fraction thereof, provided that:
  - a. No more than three flags are flown from any one flagpole;
  - b. No flag obstructs pedestrian, bicycle, or vehicular traffic, or a required sight triangle;
  - c. No flag exceeds 32 square feet in area; and
  - d. The maximum height of any flagpole is 20 feet for residential and 40 feet for nonresidential or mixed-use.
4. Small Signs.
  - a. Signs that are affixed to a building or structure, that do not exceed one square foot in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and
  - b. Signs that are less than one square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets.
5. Temporary Seasonal Decorations. Decorations that are clearly incidental, customary, and commonly associated with a holiday.
6. Temporary Signs. Temporary signs that comply with the applicable requirements for permit-exempt temporary signs, set out in Division 2.7.4., *Standards for Temporary Signs.*

#### Sec. 2.7.1.7 SIGN DISTRICTS

For the purposes of this Chapter, there are two sign districts, which correspond to zoning districts as follows:

1. Rural Sign District (“RSD”): AR, RR, PCR, and PUDs in areas with average residential lot sizes of two acres or more.
2. Suburban Sign District (“SSD”): RS, RM, MUR, MUC, IN, and PUDs in areas with nonresidential development or average residential lots sizes of less than two acres.

Sec. 2.7.1.8 RELATIONSHIP TO OTHER LAWS

- A. *Generally.* In addition to the regulations set out in this Chapter, signs may also be subject to applicable State laws and regulations (*e.g.*, 2 CCR § 601-3, *Rules Governing Outdoor Advertising in Colorado*), Federal laws and regulations, and applicable adopted building and electrical codes. Exemptions and partial exemptions from this Article that are set out in Section 2.7.1.5, *Exemptions and Partial Exemptions*, and exceptions to the sign permit requirement that are set out in Section 2.7.1.6, *Permit Exceptions*, do not constitute exceptions or exemptions from other applicable codes or permit requirements.
- B. *No Defense to State or Federal Enforcement.* Where any provision of this Chapter covers the same subject matter as other regulations of the State of Colorado or the United States, the applicant is advised that nothing in this Chapter shall be construed as a defense to a violation of applicable state or federal law except as may be provided in the state or federal law.

DIVISION 2.7.2 GENERAL DESIGN STANDARDS

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Sec. 2.7.2.1 PROHIBITIONS

- A. *Generally.* The prohibitions in this Section apply to temporary and permanent signs in all areas of the County.
- B. *Prohibited Sign Structures.* The following sign structures are not allowed, whether temporary or permanent:
  - 1. Portable signs, except as specifically allowed by Section 2.7.4.1, *Standards for Free-Standing Temporary Signs*.
  - 2. Abandoned signs.
- C. *Prohibited Design Elements.* The following elements shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:
  - 1. Animated or moving parts, including any moving, swinging, rotating, or spinning parts or flashing, blinking, scintillating, fluctuating, or otherwise animated light, except electronic message centers, standard flags, feather flags, banners, temporary holiday displays, and clocks that are in compliance with this Chapter.
  - 2. Cardboard, card stock, or paper, except when laminated or used as a window sign.
  - 3. Motor vehicles, unless:
    - a. The vehicles are operational, and either:
      - i. Automobile dealer inventory; or
      - ii. Regularly used as motor vehicles, with current registration and tags;



- b. The display of signage on the motor vehicle would not interfere with the immediate operation of the motor vehicle (*e.g.*, signs that are held in place by an open hood or trunk are not allowed; signs that cover windows are not allowed; and signs that would fall off of the vehicle if the vehicle were in motion are not allowed); and
        - c. The motor vehicle is legally parked in a designated parking space.
  4. Semi-trailers, shipping containers, rail cars, or portable storage units, unless they are:
    - a. Are structurally sound and capable of being transported;
    - b. Are used for their primary purpose (*e.g.*, storage, pick-up, or delivery);
    - c. If subject to registration, have current registration and tags;
    - d. Display signage only incidentally to their primary purpose; and
    - e. Are parked or placed in a designated loading area or on a construction site in an area that is designated on an approved construction staging plan.
  5. Stacked products (*e.g.*, tires, soft drink cases, bagged soil or mulch).
  6. Unshielded bare light bulbs that are larger than C9 format or brighter than 50 lumens per bulb, except that neon tubing shall not be considered a “bare light bulb” for the purposes of this standard (note that illumination of signs in any manner is subject to Section 2.7.2.2, *Sign Illumination*).
  7. Materials with a high degree of specular reflectivity, such as polished metal, installed in a manner that creates substantial glare from headlights, street lights, or sunlight. This prohibition does not include retroreflective materials that comply with the standards set forth in the Manual on Uniform Traffic Control Devices (“MUTCD”).
- D. *Prohibited Obstructions.* In no event shall a sign, whether temporary or permanent, obstruct the use of:
1. Building ingress or egress, including doors, egress windows, and fire escapes.
  2. Operable windows (with regard to movement only; obstruction of transparency is allowed within the limits set out in Section 2.7.3.2.D).
  3. Equipment, structures, or architectural elements that are related to public safety, building operations, or utility service (*e.g.*, standpipes, downspouts, fire hydrants, electrical outlets, lighting, vents, valves, and meters).
  4. Any required sight distance triangle.
- E. *Prohibited Mounts.* No sign, whether temporary or permanent, shall be posted, installed, mounted on, fastened, or affixed to any of the following:
1. Any tree or shrub.

2. Any utility pole or light pole, unless:
    - a. The sign is a banner or flag that is not more than 10 square feet in area;
    - b. The owner of the utility pole or light pole consents to its use for the display of the banner or flag;
    - c. The banner or flag is mounted on brackets or a pole that extend not more than 30 inches from the utility pole or light pole;
    - d. The banner or flag is either situated above an area that is not used by pedestrians or vehicles, or the bottom of the banner or flag has a clearance of at least eight feet; and
    - e. The requirements of Subsection F. are met, if applicable.
  3. Utility cabinets or pedestals (except signs that are applied by or with the consent of the owner of the utility cabinet or pedestal).
- F. *Prohibited Locations.* In addition to applicable setback requirements, and the other restrictions of this Section, signs shall be subject to the following locational restrictions:
1. Off-premises signs are prohibited.
  2. No sign shall be located in or over public rights-of-way (which, in addition to streets, may include sidewalks, parkways, trails, bike lanes, multi-use pathways, retaining walls, utility poles, traffic calming devices, medians, and center islands that are within public rights-of-way), except:
    - a. Signs painted on or affixed to transit shelters and bus benches as authorized by the provider of the shelter or bench, but not extending beyond the physical structure of the shelter or bench; or
    - b. Signs that are the subject of a revocable license agreement with the County, installed and maintained in accordance with the terms of that agreement.
  3. Wall signs shall not be located within 12 inches from building corners, cornice or eave lines, or ground planes, or within six inches of doors, windows, downspouts, or dimensional architectural details, except that a sign located within a sign band that is 18 inches or less in height may extend to within two inches of the border of the sign band.

Sec. 2.7.2.2 SIGN ILLUMINATION

- A. *Generally.* Illumination of signs using internal or external light sources is subject to the provisions and limitations of this Section, and Division 3.9.2, *Dark Skies*.
- B. *Internal Illumination.*
  1. Internal illumination is not allowed in the Rural Sign District.

2. In the Suburban Sign District, internally illuminated signs shall not exceed a luminance of 5,000 nits when lit during daylight hours and 100 nits when lit during nighttime hours.
- C. *External Illumination.*
1. External illumination of signs shall not exceed an illuminance of more than 500 lux on any part of the sign face or surrounding surfaces.
  2. External light sources shall be shielded and directed to prevent glare.
- D. *Hours of Illumination.* All illuminated signs shall be turned off each day by the later of 10:00 p.m. or 30 minutes after closing of the associated land use. Signs may be turned back on at 5:00 a.m.

Sec. 2.7.2.3 ELECTRONIC MESSAGE CENTERS

- A. *Generally.* Electronic message centers (“EMCs”) are subject to the applicable standards of Section 2.7.2.2, *Sign Illumination*, and the standards of this Section.
- B. *Prohibitions.* EMCs are not allowed:
1. In the Rural Sign District;
  2. On nonconforming sign structures;
  3. On temporary or portable signs; or
  4. On signs that also include manual changeable copy message centers.
- C. *Number of EMCs.* Not more than one sign per subject property may contain EMC components.
- D. *Design and Technical Requirements.*
1. EMC displays shall be enclosed on all sides with a finish of brick, stone, stucco, finished metal, or other durable material that is not less than four inches in width, unless the EMC is a component of a window sign.
  2. EMC displays shall have a pixel pitch of not more than 16 mm.
  3. EMC displays shall be equipped and programmed to:
    - a. Automatically dim when ambient light levels drop; and
    - b. Turn off (or turn black) in the event of a display malfunction.
- E. *Operation.* EMCs shall be programmed, maintained and/or operated as follows:
1. Images (*e.g.*, messages and graphics) shall be static (without motion, flashing, animation, frame effects or transitions).
  2. Images shall be displayed continuously for a period of not less than 10 seconds.

Sec. 2.7.2.4 MANUAL CHANGEABLE COPY MESSAGE CENTERS

- A. *Generally.* Manual changeable copy message centers are subject to the applicable standards of Section 2.7.2.2, *Sign Illumination*, and the standards of this Section.
- B. *Maximum Area.* The area of the manual changeable copy message center, including its frame, shall not exceed the lesser of 50 percent of the sign area of the sign face in which the manual changeable copy message center is incorporated, or:
  - 1. In the Rural Sign District, except as provided in subsection B.2., below, 12 square feet; or
  - 2. In the Rural Sign District, on subject properties that adjoin CR 291, U.S. 285, U.S. 50, or U.S. 24, or in the Suburban Sign District, 24 square feet

DIVISION 2.7.3 STANDARDS FOR PERMANENT SIGNS

Sec. 2.7.3.1 STANDARDS FOR FREE-STANDING PERMANENT SIGNS

Free-standing signs are subject to the standards set out in Table 2.7.3.1., *Free-Standing Signs*.

**Table 2.7.3.1., Free-Standing Signs**

Sign District: Land Use	Max. No. of Signs	Max. Sign Height	Max. Sign Area	Other Limitations
RSD: Agricultural, Residential (Except Multifamily), or Special Residential	1 per subdivision entrance or improved access to farm or ranch or special residential property	6 ft. (monument sign format); or 18 ft. (gateway sign format)	32 sf.	Signs must be installed at subdivision entrances on commonly-owned property or improved farm / ranch access; not allowed in other locations.
RSD: Nonresidential or Multifamily	1 per road frontage	6 ft.	32 sf.	N/A
SSD: Agricultural, Residential (Except Multifamily), or Special Residential	1 per subdivision entrance or improved access to farm or ranch or special residential property	6 ft.	32 sf.	Signs must be installed at subdivision entrances on commonly-owned property or improved farm / ranch access; not allowed in other locations.
SSD: Nonresidential or Multifamily	1 per road frontage	18 ft.	32 sf. for the first 200 lf. of each frontage, then 1 sf. per 3 lf. of road frontage in excess of 200 lf., not to exceed 150 sf.	N/A

Sec. 2.7.3.2 STANDARDS FOR ATTACHED PERMANENT SIGNS

- A. *Wall Signs.* Wall signs are subject to the standards set out in Table 2.7.3.2.A., *Wall Signs*.

**Table 2.7.3.2.A, Wall Signs**

Sign District: Land Use	Max. No. of Signs	Max. Total Wall Sign Area (Measured Cumulatively Per Elevation)
RSD: Agricultural, Residential (Except Multifamily), or Special Residential	one per road frontage	10 percent of the surface area of the wall upon which the sign is located, except that cabinet signs and channel letters shall not exceed six square feet

Sign District: Land Use	Max. No. of Signs	Max. Total Wall Sign Area (Measured Cumulatively Per Elevation)
RSD: Nonresidential or Multifamily	not limited	Painted or applied walls signs: 25 percent of the surface of the wall upon which the sign is located; Cabinet signs or channel letters: five percent of the area of the vertical elevation upon which the sign is located
SSD: Agricultural, Residential (Except Multifamily), or Special Residential	one per road frontage	10 percent of the surface area of the wall upon which the sign is located, except that cabinet signs and channel letters shall not exceed six square feet
SSD: Nonresidential or Multifamily	not limited	Painted or applied walls signs: 45 percent of the surface of the wall upon which the sign is located, measured cumulatively, for front and road-side walls, 90 percent of the surface of the wall upon which the sign is located, measured cumulatively, for side walls; Cabinet signs or channel letters: five percent of the area of the vertical elevation upon which the sign is located,

B. *Roof Signs.* Roof signs are subject to the standards set out in Table 2.7.3.2.B., Roof Signs.

**Table 2.7.3.2.B, Roof Signs**

Sign District: Land Use	Max. No. of Signs	Max. Roof Sign Area	Other Limitations
RSD: Agricultural, Residential, or Special Residential	not allowed	N/A	N/A
RSD: Nonresidential	1 per subject property	1 sf. per lf. of building frontage along road from which access is taken, not to exceed 30 sf.	Vertical projection shall not exceed the height of the peak of the roof.
SSD: Agricultural, Residential, or Special Residential	not allowed	N/A	N/A
SSD: Nonresidential	1 per subject property	2 sf. per lf. of building frontage along road from which address is taken, not to exceed 60 sf.	Vertical projection shall not exceed the height of the peak of the roof.

C. *Canopy Signs, Awning Signs, Projecting Signs, and Suspended Signs.* Canopy signs, awning signs, projecting signs, and suspended signs are subject to the standard set out in Table 2.7.3.2.C., *Canopy Signs, Awning Signs, Projecting Signs, and Suspended Signs.*

**Table 2.7.3.2.C., Canopy Signs, Awning Signs, Projecting Signs, and Suspended Signs**

Sign District: Land Use	Max. No. of Signs	Max. Sign Area (Per Sign)	Other Limitations
RSD: Agricultural or Residential (Except Multifamily)	not allowed	N/A	N/A
RSD: Nonresidential, Multifamily, and Special Residential	Canopy or Awning Signs: 1 per canopy fascia; Projecting Signs: 1 per principal building entrance if no suspended sign at same entrance; Suspended Signs: 1 per principal building entrance if no projecting sign at same entrance.	Canopy or Awning Signs: 40 percent of surface of canopy or awning; Projecting Signs: 6 sf. Suspended Signs: 4 sf.	Awnings shall extend not more than 6 ft. from building wall; backlit awning signs are not allowed.
SSD: Agricultural or Residential (Except Multifamily)	not allowed	N/A	N/A

Sign District: Land Use	Max. No. of Signs	Max. Sign Area (Per Sign)	Other Limitations
SSD: Nonresidential, Multifamily, and Special Residential	Canopy or Awning Signs: 1 per canopy fascia; Projecting Signs: 1 per principal building entrance if no suspended sign at same entrance; Suspended Signs: 1 per principal building entrance if no projecting sign at same entrance.	Canopy or Awning Signs: 80 percent of surface of canopy or awning; Projecting Signs: 6 sf. Suspended Signs: 4 sf.	Awnings shall extend not more than 6 ft. from building wall; backlit awning signs are not allowed.

- D. *Window Signs.* In the RSD and the SSD, window signs may cover up to 50 percent of the area of any ground floor window, and 20 percent of the area of any window above the ground floor.

#### DIVISION 2.7.4 STANDARDS FOR TEMPORARY SIGNS

##### Sec. 2.7.4.1 STANDARDS FOR FREE-STANDING TEMPORARY SIGNS

- A. *Generally.* The standards of this Section apply to temporary signs that are not attached to buildings. Temporary signs that are attached to buildings are subject to the standards of Section 2.7.4.2., *Standards for Attached Temporary Signs.* The standards of this Section are applied in conjunction with all other applicable standards of this Chapter. Duration of display is limited by Section 2.7.4.3., *Duration of Display of Temporary Signs.*
- B. *Temporary Sign Covers.* Temporary sign covers are permitted in all sign districts, provided that they are used during a period not to exceed 90 days in which a new permanent sign or sign component that is permitted by this Chapter is being fabricated and installed in accordance with this Chapter.
- C. *Number of Signs.* The number of free-standing temporary signs for residential (except multifamily), special residential, and agricultural uses is not limited. The number of temporary signs for all other uses is limited to three, plus one per 100 lf. of road frontage of the subject property.
- D. *Standards.*
1. No subject property shall display more than two formats of temporary sign simultaneously.
  2. Permissible formats and maximum sign areas for temporary signs are as set out in Table 2.7.4.1., *Detached Temporary Sign Standards.* For the purposes of the table:
    - a. "Category A" refers to residential uses (except multifamily) and group homes.
    - b. "Category B" refers to multifamily, special residential uses, and agricultural uses (except agritourism).
    - c. "Category C" refers to nonresidential and agritourism uses.
- E. *Maximum Height, Minimum Setback, and Other Standards.* The maximum height and minimum setbacks for temporary signs is as set out in.

**Table 2.7.4.1., Detached Temporary Sign Standards.**

Sign Format	Where Allowed <sup>1</sup>	Max. Height	Max. Sign Area <sup>1</sup>	Min. Setback <sup>2</sup>	Other Standards
Yard Sign	A and B	4 ft.	3 sf.	2 ft.	Must be installed in an area of permeable ground that is not less than 4 ft. in any horizontal dimension from the outer edges of the sign.
Swing Sign	A	6 ft.	6 sf.	2 ft.	Must be installed in an area of permeable ground that is not less than 4 ft. in any horizontal dimension from the outer edges of the sign.
Site Sign	A (if subject property is larger than 5 ac.)	6 ft.	A and B: 16 sf. C (RSD): 16 sf. C (SSD): 32 sf.	2 ft.	Must be installed in an area of permeable ground that is not less than 4 ft. in any horizontal dimension from the outer edges of the sign.
Banner	B and C	6 ft.	B: 16 sf. C (RSD): 16 sf. C (SSD): 32 sf.	2 ft.	Must be securely attached to a fence or perimeter wall to avoid movement in the wind; or installed using vertical stakes in an area of permeable ground that is not less than 4 ft. in any horizontal dimension from the outer edges of the banner, with sufficient tension on the banner to minimize movement in the wind.
Feather Flag	B and C	10 ft.	B: 16 sf. C (RSD): 16 sf. C (SSD): 32 sf.	height of feather flag	Must be installed in an area of permeable ground that is not less than 8 ft. in any horizontal dimension from the stake. Weighted feather flag bases are not allowed.
Inflatable	C (SSD only)	12 ft.	120 sf.	height of inflatable	Must be secured using stakes to prevent movement in the wind. Wind-dancer formats are not allowed.
A-Frame	C (SSD only)	4 ft.	6 sf.	2 ft.	Number of A-frame signs is limited to the lesser of 1 per principal building entrance or maximum number set out in subsection C., above. Signs must be weighted to avoid movement in the wind.

**Table Notes:**

<sup>1</sup> Letters refer to categories. See Subsection D.2., above.

<sup>2</sup> Measured from all property lines.

**Sec. 2.7.4.2 STANDARDS FOR ATTACHED TEMPORARY SIGNS**

- A. *Generally.* The standards of this Section apply to temporary signs that are attached to buildings. Temporary signs that are not attached to buildings are subject to the standards of Section 2.7.4.1., *Standards for Free-Standing Temporary Signs*. The standards of this Section are applied in conjunction with all other applicable standards of this Chapter. Duration of display is limited by Section 2.7.4.3., *Duration of Display of Temporary Signs*.
- B. *Temporary Sign Covers.* Temporary sign covers are permitted in all sign districts, provided that they are used during a period not to exceed 90 days in which a new permanent sign or sign component that is permitted by this Chapter is being fabricated and installed in accordance with this Chapter.
- C. *Attached Banners.* Banners may be installed on building walls for nonresidential, multifamily, special residential (except group homes), and agricultural uses in any sign district. All attached banners are also subject to the following requirements and limitations:
  - 1. Attached banners are considered painted or applied wall signs for the purposes of the sign area allowed for painted or applied wall signs in Section 2.7.3.2.A. Banners are not allowed if they would result in a violation of the sign area standards in Section 2.7.3.2.A.



2. Attached banners must be fastened to the building in a manner that obscures fasteners and ties.
3. Attached banners are not allowed if:
  - a. One or more detached banners are present on the subject property;
  - b. One or more feather flags are present on the subject property; or
  - c. An electronic message center is present on the subject property.
- D. *Window Signs.* Temporary window signs are allowed for all uses in all sign districts. Temporary window signs are considered window signs for the purposes of the sign area allowed for window signs in Section 2.6.3.2.D. Temporary window signs are not allowed if they would result in a violation of the sign area standards in Section 2.6.3.2.D.

#### Sec. 2.7.4.3 DURATION OF DISPLAY OF TEMPORARY SIGNS

- A. *Generally.* Temporary signs shall be removed upon the earliest to occur of:
  1. Becoming an abandoned sign; or
  2. Obvious damage or disrepair; or
  3. As provided in Subsection C., below.
- B. *Temporary Sign Durability.*
  1. The duration of display of individual temporary signs is related to their durability. For the purposes of Table 2.7.4.3., *Duration of Display of Temporary Signs*, there are five categories of materials:
    - a. "Category 1" refers to paper, card stock, foam core board, or cardboard.
    - b. "Category 2" refers to laminated paper or cardstock and polyethylene bags.
    - c. "Category 3" refers to cloth, canvas, nylon, polyester, burlap, and flexible vinyl.
    - d. "Category 4" refers to inflexible vinyl, hard plastic or composite materials, corrugated plastic ("coroplast"), and metal that is not rust-resistant.
    - e. "Category 5" refers to wood or rust-resistant metal.
  2. When a material is proposed that is not listed in subsection B.1., above, the Director shall determine the category of the new material with which the new material based on the new material's appearance, durability, and colorfastness. No temporary sign shall be displayed for a longer period than the longest permitted period in this Section, regardless of the material.
- C. *Duration of Display.*
  1. Temporary signs may be displayed for the durations set out in Table 2.7.4.3., *Duration of Display of Temporary Signs*. The table shall not be construed to

authorize sign formats in a manner that is less restrictive than set out in Section 2.7.4.1., *Standards for Free-Standing Temporary Signs*, or Section 2.7.4.2., *Standards for Attached Temporary Signs*.

**Table 2.7.4.3., Duration of Display of Temporary Signs**

Sign Format	1 <sup>1</sup>	2 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	5 <sup>1</sup>	Max. Posting Days / Year <sup>2</sup>
Window Sign	180 days	180 days	Not allowed	180 days	365 days	365 days
Yard Sign	Not allowed	45 days	Not allowed	150 days	180 days	180 days
Swing Sign	Not allowed	Not allowed	Not allowed	150 days	180 days	180 days <sup>3</sup>
Site Sign	Not allowed	Not allowed	Not allowed	150 days	180 days	180 days <sup>3</sup>
Banner	Not allowed	Not allowed	30 days	Not allowed	Not allowed	120 days
Feather Flag	Not allowed	Not allowed	30 days	Not allowed	Not allowed	60 days
Inflatable	Not allowed	Not allowed	14 days	Not allowed	Not allowed	45 days
A-Frame	Not allowed	Not allowed	Not allowed	6 AM to 10 PM daily	6 AM to 10 PM daily	365 days

**Table Notes:**

<sup>1</sup> Heading numbers refer to categories of materials. See Subsection B.1., above. Display limitations are measured "per sign."

<sup>2</sup> Maximum posting days per year refers to all temporary signage of the referenced sign format.

<sup>3</sup> Alternatively, the sign format may be displayed 360 days every two calendar years.

2. Required temporary signs (*e.g.*, posted notices that are required by this Code, temporary traffic controls, signs required for safety on construction sites, etc.) shall be removed within seven calendar days after the conclusion of the activity to which they relate.

**DIVISION 2.7.5 SIGN MAINTENANCE**

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**Sec. 2.7.5.1 MAINTENANCE REQUIRED**

Signs and sign structures of all types (attached, detached, and temporary) must be structurally sound and maintained in good repair, and may not constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, reflectivity, glare, or electrical shock.

**Sec. 2.7.5.2 MAINTENANCE STANDARDS**

- A. *Paint and Finishes.* Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.
- B. *Mineral Deposits and Stains.* Mineral deposits and stains shall be promptly removed.
- C. *Corrosion and Rust.* Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements is not considered rust.
- D. *Level Position.* Signs that are designed to be level, whether temporary or permanent, shall be installed and maintained in a level position.

# ARTICLE 3. SITE DESIGN, HAZARD MITIGATION, AND RESOURCE STEWARDSHIP

## CHAPTER 3.1 Site Layout

### DIVISION 3.1.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 3.1.1.1 PURPOSE

The purpose of this Chapter is to establish requirements and standards for the planning and design of development in order to ensure that the nature, scale, and intensity of the proposed development is physically and functionally compatible with existing or planned land uses and will not result in a significant adverse impact to, adjacent land.

#### Sec. 3.1.1.2 APPLICATION (UPDATED 10-7-2024)

All new development (individual properties and subdivisions) shall comply with Division 3.1.2., *Site and Subdivision Design Principles*. All new subdivisions, PDs, proposed modifications to PDs, and proposed modifications to subdivisions shall be designed in accordance with Division 3.1.3., *General Subdivision Design Principles*. Divisions 3.1.4., *Conservation Subdivision Design Principles*, through Division 3.1.7, *Standards for Nonresidential and Mixed-Use Subdivisions*, inclusive, apply to new subdivisions, PDs, proposed modifications to PDs, and proposed modifications to subdivisions of the types indicated therein.

### DIVISION 3.1.2 SITE AND SUBDIVISION DESIGN PRINCIPLES

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#### Sec. 3.1.2.1 ORIENTATION OF DEVELOPMENT

Development on a subject property shall be oriented in a way that considers the relationship to roads, lots, utilities, and topography. The design and scale of development shall not cause unnecessary or excessive site disturbance.

#### Sec. 3.1.2.2 NATURAL RESOURCE STEWARDSHIP

Sites and subdivisions shall be designed with natural resource stewardship as a central objective. If a subject property to be subdivided into three or more lots is located within a high value or highest value habitat or critical wildlife corridor, then conservation subdivision design according to the principles of Division 3.1.4., *Conservation Subdivision Design Principles*, is required. In other locations, conservation subdivision design may be required in order to mitigate impacts to natural resources or reduce natural or man-made hazard risks.

#### Sec. 3.1.2.3 GRADING (ADDED 10-3-2024)

- A. *Generally*. Cut and fill shall be avoided, but where permitted, shall be minimized or mitigated (in order of descending priority) according to the standards of this

Section and applicable provisions of the Chaffee County Engineering Criteria Manual (“ECM”).

- B. *Minimization.* Where avoidance of cut and fill is not practicable, cut and fill shall be minimized in one or more of the following ways:
1. Roads, Driveways, and Hard-Surfaced Trails. Roads, driveways, and hard-surfaced trails shall follow existing contours, and shall be designed to minimize cuts and fill in a manner that is consistent with safe geometric design.
  2. Building Foundations. Where feasible, building foundations shall be stepped to follow significant contours of the subject property. Building foundations may be used as retaining walls.
  3. Limitations on Extent. On hillsides, grading shall be limited to the area within not more than 10 feet (horizontally) from the building foundation, to minimize the impact of construction on existing slopes and vegetation.
- C. *Mitigation.* Where avoidance and minimization of cut and fill is not practicable, the impacts of cut and fill slopes shall be mitigated according to the following standards:
1. Regrading.
    - a. Where feasible, the subject property shall be regraded as a stable slope with a natural appearance and function.
    - b. Within 200 feet of the banks of the Arkansas River or a tributary thereof, grading shall be consistent with natural contouring and vegetation.
  2. Final Slope of Fill Surfaces. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes with a grade that is steeper than 50 percent shall be justified by soils reports or engineering data.
  3. Benching / Terracing. Large-scale grade changes shall be divided into a series of benches and / or terraces, as follows:
    - a. Terraces that are at least six feet in width shall be provided at not more than 30-foot vertical intervals on all cut or fill slopes, in order to control surface drainage and debris.
    - b. Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet in width.
    - c. Terraces shall be accessible for cleaning and maintenance. Swales or ditches shall be provided on terraces as necessary to provide drainage.
    - d. Parking areas that are planned for steep slopes shall be located on terraces that are designed to follow site contours.
  4. Screening. Where cuts are necessary, they shall be screened in one or more of the following ways:

- a. Rock walls;
  - b. Landscaping;
  - c. Building walls; or
  - d. Building placement.
5. Stabilization and Planting. Exposed areas of cut and fill shall be planted with a diversity of native plants that are selected for their ability to stabilize the slope and prevent erosion.

#### Sec. 3.1.2.4 SNOW STORAGE

- A. *Generally*. Adequate areas for snow storage shall be provided for all development that includes new roads or parking lots.
- B. *Location and Configuration*. Snow storage areas shall be located and configured to safely and efficiently melt snow, and to minimize and manage the impacts of pollutants from the resulting runoff, as follows:
  1. Snow storage areas shall be located to drain away from pedestrian and vehicular use areas, and into vegetated buffer strips or other appropriate best management practices (“BMPs”), such that water quality is improved and off-site drainage impacts are mitigated.
  2. Snow storage areas shall be configured so that stored snow does not obstruct any of the following:
    - a. Sight triangles at driveways and intersections;
    - b. Emergency access routes;
    - c. Required parking spaces (although snow storage areas may be used for parking when snow is not present);
    - d. Pedestrian routes; and
    - e. Drain inlets.
  3. To the greatest extent feasible, snow storage areas shall be located in areas with solar exposure, and separated from roads, sidewalks, trails, and multi-use pathways a sufficient distance to prevent icing or obstruction of same.

#### Sec. 3.1.2.5 MOVEMENT OF LIVESTOCK

If an agricultural operator can demonstrate an historical easement for moving livestock across a subject property, the applicant may be required to include an appropriate easement to allow for the continued movement of livestock. (Added 10-6-2024; current Code § 3.1.5.)

## DIVISION 3.1.3 GENERAL SUBDIVISION DESIGN PRINCIPLES

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### Sec. 3.1.3.1 LOTS AND BLOCKS

#### A. Lots.

1. Access. All lots and parcels shall have direct access to a public right-of-way or dedicated private right-of-way. Access to and from the lots or parcels shall be safe and in conformance with access standards set forth in the Chaffee County Road Standards or State Highway Access Code, as applicable.
2. Size and Shape.
  - a. Generally, lots shall be dimensioned to meet all applicable zoning requirements, and shall be regular in shape unless irregular shapes are necessary to avoid or accommodate natural features or hazards, topography, natural boundaries, or the outer boundaries of the subject property to be subdivided.
  - b. Flag lots may be allowed if the narrow strip of land connecting the main portion of a flag lot to the road is not less than 30 feet wide, and provides for practical vehicular, emergency, and utility access, adequate utility service line separations, and:
    - i. The physical conditions of landform (including natural resource and hazard areas), existing lot pattern, or unusual size or shape of parcel(s) make regular lot shapes impracticable; or
    - ii. The lot is created by agricultural subdivision exemption.
  - c. The “flagpole” portion of a flag lot:
    - i. Does not count towards lot area; and
    - ii. May be part of the same lot as the “flag” portion of the lot or, if created by agricultural subdivision exemption, may alternatively be established by permanent access, emergency access, and utility easement.
3. Avoidance of Hazards, Natural Resources, and Ridgelines.
  - a. In major subdivisions, lots shall be designed and configured to avoid unmitigated hazards and protect natural resources and ridgelines, as provided in Chapter 3.7, *Natural and Man-Made Hazards*, and the Chaffee County Floodplain Management and Flood Damage Prevention Resolution (*see Appendix I, Resolution [TBD] Regarding Floodplain Management and Flood Damage Prevention*), and such hazards and resources shall be situated within tracts. [Updated 10-6-2024]
  - b. In minor subdivisions and subdivision exemptions, building envelopes that provide an adequately sized area for development outside of hazard and resource areas shall be identified on each lot.

4. Lot Frontage. The minimum lot frontage shall be the least of the minimum lot width required by this Code for the residential format for which the lot is (or will be) used; or (if the lot is not used for residential purposes) the lesser of:
    - a. 50 feet for lots that do not front on a cul-de-sac; or
    - b. 35 feet for lots that front on a cul-de-sac.
  5. Double-Frontage Lots. Double-frontage lots are prohibited except:
    - a. Where they are essential to provide separation from arterial streets or state highways; or
    - b. Where lots that span an existing block are assembled for nonresidential or mixed-use development.
  6. Political Subdivision and Road Boundaries. Lots shall not be divided by roads, municipal or County boundaries, special district boundaries, or school district boundaries.
- B. *Blocks.* All contiguous lots bounded by right-of-way, boundaries of the subject property, or designated or dedicated open space or resource protection areas shall be grouped and labeled as distinct blocks. The County may require one or more easements through a block for the purpose of access. [Added 10-6-2024]

Sec. 3.1.3.2 UTILITY EASEMENTS

- A. *Dimensional Requirements.* Unless otherwise specified by the utility provider:
  1. Easements centered on common rear or side lot lines shall be at least 16 feet wide (eight feet on either side of the lot line).
  2. Easements on the perimeter of the subject property, or along lot frontages, shall be 10 feet wide.
  3. Where easements are adjacent to a topographic or natural feature, water course, drainage way, channel, or stream, an additional utility easement of at least 10 feet in width shall be provided in an alternate location to ensure adequate area for the utility.
- B. *Multiple Use.* Multiple uses of utility easements are encouraged to minimize easements, provided that the multiple uses are compatible with each other (e.g., power lines and telecommunications lines).
- C. *Encumbrances.* Easements shall be free from conflicting legal encumbrances.

Sec. 3.1.3.3 BUILDING ENVELOPES [ADDED 10-6-2024]

- A. *Generally.* The County may require the designation of building envelopes on preliminary plans, final plats, final PD plans, subdivision exemptions, and site plans in cases where:



1. Building setback lines are insufficient to ensure that impacts to natural resources or risks from natural or man-made hazards are avoided; or
  2. Building envelopes are more suitable than building setback lines in order to promote solar access (*e.g.*, where a specific arrangement of building mass that cannot be ensured using building setbacks alone would facilitate solar access on an ongoing basis).
- B. *Designation.* Building envelopes shall be designed and configured to:
1. Achieve the purpose for which they were required;
  2. Allow for full utilization of allowable building coverage, except in locations where the lot is so constrained by natural resources and natural or man-made hazards that full utilization is not possible, in which case allow for not less than 800 square feet of building coverage; and
  3. Maintain compliance with building setback and all applicable IWUIC requirements.

#### DIVISION 3.1.4 CONSERVATION SUBDIVISION DESIGN PRINCIPLES

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##### Sec. 3.1.4.1 TYPES OF CONSERVATION SUBDIVISIONS [UPDATED 10-6-2024]

- A. *Generally.* There are two types of conservation subdivisions: rural land use cluster and the rural open space incentive. All conservation subdivisions are subject to the design principles set out in this Division.
- B. *Rural Land Use Cluster.* The rural land use cluster (“Statutory Cluster”), is authorized by C.R.S. §§ 30-28-101(10)(c)(X) and 30-28-401, *et seq.* A development approved pursuant to the statutory rural land use process is eligible for the cluster well exemption set forth in C.R.S. § 30-28-404. The rural land use process is described in Section 5.2.6.12., *Rural Land Use Process*. Criteria specific to the rural land use cluster are as follows:
1. Resource Stewardship Area. The minimum open space / resource stewardship area is set out in Table 2.4.2.1, *Maximum Density and Minimum Open Space by Zoning District*. Said area shall be preserved as contiguous open space to be used as wildlife habitat, grazing or crop land, critical natural areas or similar uses, for a minimum of at least 40 years from the date the plan is approved.
  2. Density. The maximum residential density is set out in Table 2.4.2.1, *Maximum Density and Minimum Open Space by Zoning District*.
  3. Ratio of Wells to Lots. Unless otherwise provided by Colorado law, where well water is used, the annual withdrawal rate shall not exceed the rate of one acre-foot for each 35 acres within the rural land use cluster unless a water augmentation plan is approved.
- C. *Rural Open Space Incentive.* The rural open space incentive (“ROSI”) is intended to encourage land and water conservation and preservation of open areas through

clustering of residential subdivision parcels at higher densities than the rural land use cluster allows. ROSI subdivisions are processed as minor subdivisions or major subdivisions, depending upon the number of lots created. Criteria specific to ROSI subdivisions are as follows:

1. Resource Stewardship Area. The minimum open space / resource stewardship area is set out in Table 2.4.2.1, *Maximum Density and Minimum Open Space by Zoning District*. Said area shall be preserved in perpetuity as contiguous open space, to the extent practicable, to be used as wildlife habitat, grazing land, critical natural areas or similar uses. Further development and subdivision of the subject property shall be restricted so that the maximum number of building lots allowed shall not exceed the number approved through the ROSI process.
2. Density. The maximum residential density is set out in Table 2.4.2.1, *Maximum Density and Minimum Open Space by Zoning District*.
3. ROSI Remainder Parcel Density Bonus.
  - a. A density bonus of one residential unit shall be granted for each 50 acres included in a remainder parcel. If contiguity of remainder parcel is broken by a significant natural feature, topographic break, river, lake or other physical boundary such as roads or railroads, smaller remainder parcels may be considered in calculating the density bonus.
  - b. One building envelope of up to five acres per single remainder parcel shall be allowed as one of the lots from the density bonus, if desired by the applicant.
  - c. Areas set aside for trail easements and peripheral roads may be considered part of the remainder parcel.
  - d. The following areas shall not be counted towards the area for calculating the Remainder Parcel density bonus:
    - i. Existing public roads.
    - ii. Land subject to a pre-existing agreement prohibiting development (*e.g.*, a conservation easement).
4. ROSI Irrigation Retention Density Bonus. One bonus lot will be allowed per 17.5 irrigated pre-development acres, provided that the applicant reserves a water right for the remainder parcel as irrigated for beneficial use, or constructs aquifer recharge ponds. Adequate proof of decreed water rights or water shares must be provided and the water right must be dedicated to the subdivision lands in perpetuity (*i.e.*, through annual irrigation or aquifer recharge ponds), pursuant to a water use and maintenance agreement to be developed as part of the subdivision approval process, which designates the entity responsible for ensuring continued irrigation. The remainder parcel shall be held in ownership as a single parcel, and include a covenant that

shall stipulate that the water rights will be conserved for continued use on the land.

5. Individual Well and OWTS Envelopes. Individual wells and OWTS are allowed on lots greater than one-half acre in size if they meet applicable well and OWTS permitting requirements. The preliminary plan and final plat shall designate specific well and OWTS envelopes within each lot to ensure minimum separations between wells and septic systems can be met.

#### Sec. 3.1.4.2 MINIMUM REQUIREMENTS FOR CONSERVATION SUBDIVISIONS

- A. *Minimum Area of Subject Property*. A minimum subject property of 35 acres is required for a conservation subdivision.
- B. *Clustered Development*. Buildable lots and building envelopes shall be clustered to the extent practicable, and so as not to detract from development on surrounding properties and the natural characteristics of the subject property. The lots shall be clustered to make efficient use of land and water resources and infrastructure.
- C. *Resource Protection Priorities*. Conservation subdivisions shall be designed to further an articulated set of resource protection priorities. However, as to all natural resources and natural and man-made hazards, designs shall seek first to avoid impacts and risks, then minimize impacts and risks, then mitigate impacts and risks. As to particular resources:
  1. Agricultural and Ranch Lands. Irrigated agricultural and ranching landscapes and areas with the most productive soils shall be prioritized for preservation.
  2. Wildlife. High value and highest value habitat, big game migration corridors, and big game winter range to be designated for protection shall be selected and configured for continuing value to wildlife, as follows:
    - a. Elements of habitat or range that are interdependent shall not be separated in ways that materially compromise the overall habitat.
    - b. Protected areas of big game migration corridors and big game winter ranges shall provide a continuous connection to off-site big game migration corridors and big game winter ranges, such that large-scale regional wildlife movements are not impeded by the proposed development.
    - c. Roads, fencing, improvements, and grading shall not materially interfere with wildlife movement across habitats, big game migration corridors, and big game winter ranges. [Added subsection C. 10-7-2024]
- D. *Preservation of Rural Character and Agricultural Land*. The subdivision and development of the subject property shall avoid, minimize, and mitigate the impacts of residential development on agricultural and ranch lands and agricultural and ranching operations, natural resources, and natural hazards, and

maintain the rural character of the area in which the subject property is located. To that end, the subdivision shall be designed so that:

1. The proposed development maintains the opportunity for agricultural production on the most productive and viable areas of land, and protects upland grazing areas needed for agricultural uses.
2. The proposed development protects areas of irrigated hay meadow, especially those that connect with or are adjacent to other irrigated meadows. Adequate water supply will be reserved to ensure continued irrigation. Decreed water rights shall not be severed from the land during the length of time designated by the type of development.
3. To the extent practicable, the proposed development avoids crossing and dividing irrigated lands with roads, fences, development, and utilities.

E. *Site Design.* To effectuate the preservation objectives of subsection C., above:

1. The subdivision may utilize any residential format that is allowed in the applicable zoning district to which appropriate water and wastewater services can be provided (*i.e.*, larger lots may be required for dwelling units that are served by domestic wells and OWTS).
2. Topographic breaks shall be used, where available and appropriate, to shield building envelopes and roads from view and minimize the visual impacts of the development. Sites shall be developed so that healthy trees, native vegetation, and natural or significant rock outcroppings and other valuable features are preserved and integrated within the overall plan.
3. Where consistent with the design objectives of the subdivision, native landscapes shall be used to screen development from view from public roads outside of the subject property. In addition or in the alternative, appropriately compatible landscaping treatments may be used to mitigate visual impacts that cannot be avoided or minimized by the existing landscape.
4. Building lots and building envelopes shall be sited in a manner that keeps buildings and structures off of highly visible places (*e.g.*, ridgelines or open fields), or use of natural blending features, colors, and materials, or of traditional farmhouse architectural designs, is required to minimize or mitigate the impacts.
5. The internal transportation system design shall be appropriate to the scale of the development, the existing and planned capacities of the connected road network, and the need for emergency access and all-season access.

F. *Resource Stewardship Area / Remainder Parcel.*

1. The resource stewardship area / remainder parcel may include natural areas, floodplains, and all or part of the following: aquifer recharge areas; significant wildlife habitat and migration corridors; unique vegetation and critical plant communities; prime farm and ranch land; historic

archaeological or cultural features; and ridgelines and scenic view corridors. The conservation area shall also include buffers around natural areas to the extent necessary to protect the relevant resources.

2. The resource stewardship area / remainder parcel shall be situated on the subject property to maximize the preservation of open space with agricultural, ranching, or natural resource value, including but not limited to agricultural areas, existing trees and vegetation, wildlife habitat and sensitive environmental areas such as riparian corridors, hazard areas, wetlands, fluvial hazard zones, and floodplains.
3. To the extent feasible given the topography and features of the subject property, the property to be reserved as resource stewardship area / remainder parcel should be contiguous and undivided, and connected to comparable resources off-site, where such resources exist adjacent to the subject property.
4. To the extent practicable, roadways and utilities shall be positioned in a manner to avoid traversing or significantly impacting the qualities of the resource stewardship area / remainder parcel.
5. If the intended use of the resource stewardship area / remainder parcel(s) requires access, there shall be physically feasible, legal access to public roads that is appropriate to the likely uses of the parcel.
6. The resource stewardship area / remainder parcel may be approved for uses that enhance the resource stewardship objectives of the ROSI subdivision, subject to the appropriate approval process and standards applicable to the proposed use. [Updated 10-6-2024]

### DIVISION 3.1.5 ADDITIONAL STANDARDS FOR RESIDENTIAL SUBDIVISIONS

#### Sec. 3.1.5.1 PURPOSE AND APPLICATION OF DIVISION [ADDED 10-6-2024]

- A. *Purpose.* The purpose of this Division is to provide additional standards for residential subdivision, to be applied in conjunction with the standards set out in Division 3.1.2., *Site and Subdivision Design Principles*, Division 3.1.3., *General Subdivision Design Principles*, and, if applicable, Division 3.1.4., *Conservation Subdivision Design Principles*.
- B. *Application.* This Division applies to subdivisions that are intended for residential use.

#### Sec. 3.1.5.2 CREATION OF NEIGHBORHOODS [ADDED 10-6-2024]

Residential subdivisions in the RS, RM, or MUC zoning districts shall be designed to create identifiable "neighborhoods." If the development includes more than 150 dwelling units, it shall be designed as multiple "neighborhoods" with distinct boundaries and identities. If the development includes less than 30 dwelling units, it shall connect to an existing adjoining neighborhood (if possible), or be designed for

connection to a future adjoining neighborhood (if the configuration, future land use, and zoning of adjoining property makes such use likely).

Sec. 3.1.5.3 ACCESS TO COMMON OPEN SPACE AND AMENITIES [ADDED 10-6-2024]

Lots and blocks shall be configured to maximize the number of lots that are within 800 feet of outdoor amenities such as common open space, parks, or trails.

Sec. 3.1.5.4 CONFIGURATION OF LOTS AND BLOCKS ALONG ARTERIAL ROADS AND STATE HIGHWAYS [ADDED 10-6-2024]

Double-frontage single-unit detached dwelling unit, duplex, townhome, and multiplex residential lots are prohibited along arterial and state highway frontages, unless there is no feasible alternative.

Sec. 3.1.5.5 MITIGATION OF WILDFIRE RISKS [ADDED 10-6-2024]

All residential subdivisions within the wildland-urban interface shall be designed to accommodate defensible space for each principal building and accessory dwelling unit.

#### DIVISION 3.1.6 STANDARDS FOR MANUFACTURED HOME PARKS

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Sec. 3.1.6.1 PURPOSE AND APPLICATION OF DIVISION [ADDED 10-6-2024]

- A. *Purpose.* The purpose of this Division is to provide additional standards for manufactured home parks, to be applied in conjunction with the standards set out in Division 3.1.2., *Site and Subdivision Design Principles*, Division 3.1.3., *General Subdivision Design Principles*, and, if applicable, Division 3.1.4., *Conservation Subdivision Design Principles*. Divisions 3.1.2., 3.1.3., and 3.1.4. shall be applied with regard to the arrangement of manufactured home spaces within the manufactured home park as if those spaces were “lots,” but shall not be construed to require platting of manufactured home or tiny home spaces.
- B. *Application.* This Division applies to the design of manufactured home parks.

Sec. 3.1.6.2 MANUFACTURED HOME PARK DESIGN

- A. *Generally.* The layout of manufactured home spaces shall respond to variations in natural terrain and preserve unique natural features of the subject property, such as tree stands, water courses, and rock outcrops, to the extent practicable and feasible.
- B. *Manufactured Home Spaces and Internal Setbacks.*
  - 1. Manufactured home spaces shall conform to the minimum standards for manufactured home subdivision lots with respect to area and dimensions, and manufactured homes shall conform to minimum height and setback requirements in Section 2.4.4.7., *Manufactured Home Park or Subdivision*.
  - 2. Accessory building setback measurements may be 50 percent of those required for the manufactured home except, that no accessory building may



have less setback to the street or park boundary line than specified above and no structures shall be constructed on platted or otherwise recorded easements.

- C. *Perimeter Setbacks.* All buildings (including accessory buildings) shall be set back at least 25 feet from perimeter streets that are not part of the manufactured home park and 20 feet from perimeter property lines that are not bounded by streets.
- D. *Utilities.* Each manufactured home space shall be provided with adequate hookups to water, sewage disposal, electric power, and telecommunications.

#### Sec. 3.1.6.3 CERTIFICATION OF MANUFACTURED HOMES AND TINY HOMES

All manufactured homes and tiny homes that are installed in manufactured home parks after the effective date of this Code shall bear such certifications as are required by C.R.S. § 24-32-3311.

#### Sec. 3.1.6.4 INSTALLATION OF MANUFACTURED HOMES AND TINY HOMES

All installations of manufactured homes and tiny homes after the effective date of this Code shall be authorized by the Colorado Division of Housing as provided in C.R.S. § 24-32-3317 and installations shall be subject to rules promulgated by the Colorado Division of Housing.

#### Sec. 3.1.6.5 SUPERVISION

An authorized attendant or caretaker shall be available at all times to keep the manufactured home park, including its facilities and equipment, in a clean, orderly, operational, and sanitary condition.

### DIVISION 3.1.7 STANDARDS FOR NONRESIDENTIAL AND MIXED-USE SUBDIVISIONS

#### Sec. 3.1.7.1 PURPOSE AND APPLICATION OF DIVISION [ADDED 10-6-2024]

- A. *Purpose.* The purpose of this Division is to provide additional standards for nonresidential and mixed-use subdivisions, to be applied in conjunction with the standards set out in Division 3.1.2., *Site and Subdivision Design Principles*, Division 3.1.3., *General Subdivision Design Principles*, and, if applicable, Division 3.1.4., *Conservation Subdivision Design Principles*.
- B. *Application.* This Division applies to the design of subdivisions and subdivision exemptions that are intended for nonresidential or mixed-use purposes.

#### Sec. 3.1.7.2 CONFIGURATION OF LOTS [ADDED 10-6-2024]

- A. *Generally.* The lot area, frontage, width, depth, shape, and orientation (collectively, "lot geometry") shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and for future reconfiguration, where appropriate. Lot geometry is appropriate if:



1. The lot is suitable for its intended use in consideration of:
    - a. Lot and building standards (lot area, lot frontage, lot width, and setback requirements) of the applicable zoning district;
    - b. Areas needed for off-street parking and loading, internal vehicular circulation, and emergency access;
    - c. The presence of natural resources or natural or man-made hazards that must be avoided;
    - d. Any applicable use-specific standards that affect the lot geometry;
    - e. Land areas needed for setbacks from wells and OTWS; and
    - f. Appropriate buffering and transition between nonresidential and mixed-use development and less intense development on adjoining property; and
  2. Lot frontages are sufficient to provide for the safe spacing of access, or where lot frontages are narrow, shared access easements provide for safe spacing of access.
- B. *Through-Lots.* Subdivisions shall be designed to avoid the creation of through-lots that are smaller than five acres.

## CHAPTER 3.2 Roads, Trails, Access, and Circulation

### DIVISION 3.2.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 3.2.1.1 PURPOSE

The purpose of these standards is to promote safe, efficient, and effective road system within the County. These standards provide design guidelines and minimum criteria for all roads to be constructed for public use, and for private roads and driveways within the County.

#### Sec. 3.2.1.2 APPLICATION

These standards apply to all new roads or improvements to existing roads in Chaffee County, including private roads and driveways.

### DIVISION 3.2.2 ROADS

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#### Sec. 3.2.2.1 ROAD LAYOUT AND DESIGN

- A. *Generally.* New roads shall be designed according to standards set out in the Chaffee County Engineering Criteria Manual and the provisions of this Section. [Updated 10-6-2024]
- B. *Design for Safe Passage Wildlife.* Where road impacts to habitats, big game migration corridors, and big game winter ranges cannot be avoided, the impacts

of roads shall be minimized and mitigated using contextually appropriate design techniques to provide for safe passage of wildlife (*e.g.*, depending upon the nature of the resource, signage, reduced design speeds, narrow widths, traffic calming, wildlife passage structures, wildlife fencing, at-grade crossings, and periodic or seasonal closures). [Added 10-7-2024]

- C. *Transportation Master Plan.* When a County-adopted master plan contemplates the establishment, realignment, or widening of a road that traverses a subject property that is proposed for subdivision, the applicant must, at the applicant's expense, dedicate the necessary right-of-way for the establishment, realignment, or widening of the road.
- D. *Connections to Existing Roads.* Where roads outside a subdivision must be constructed to establish a connection between the subdivision and the existing state highway system (or existing roads which that will be used for such connection) must be upgraded to accommodate added traffic from the subdivision, the applicant must:
  - 1. Secure the necessary rights-of-way for required improvements; and
  - 2. Include such right-of-way on the plat or otherwise provide for a legal means of access per another legal mechanism approved by the County.
- E. *Intersection Spacing.* Road intersections shall be spaced as provided in the Engineering Standards or State Highway Access Code, as applicable.
- F. *Extension of Roads to Property Boundaries.* Certain proposed roads, as determined by the Director, shall be extended to the boundary of the subject property in order to provide for safe and efficient future traffic circulation within the vicinity. Stub-outs and temporary turn-arounds may be required as provided in the Engineering Standards.
- G. *Half-Roads.* New subdivisions shall not include new perimeter half roads unless satisfactory assurance for dedication of the other half is provided. Where an existing half-road is adjacent to a new subdivision, the other half of the road shall be dedicated and constructed by the subdivider.
- H. *Secondary Access.* Applications for development of parcels larger than 10 acres in area shall show an alternate access road (fire-trail or two-track) in addition to a primary access road or driveway. The alternate access road shall be reviewed and approved by the fire protection district with jurisdiction. In locations where steep slopes or narrow lots prevent compliance with this standard, the applicant shall consult with the fire protection district to provide a site design or access design that is acceptable to the fire protection district.

#### Sec. 3.2.2.2 REQUIRED ROAD IMPROVEMENTS

Roads shall be improved in accordance with the Chaffee County Engineering Criteria Manual. [Updated 10-6-2024]

Sec. 3.2.2.3 ROAD NAMING CONVENTIONS

A. *Generally.*

1. All proposed road names shall be submitted to the County for approval. Local subdivision roads shall be suffixed with appropriate designation names such as “Trail, Lane, Drive,” and the like, but shall not use a suffix of “Road,” which shall be reserved for collector roads.
2. Generally, road names shall be consistent with the names of existing roads and streets in the same alignment; otherwise there shall be no duplication of street names in the County.

B. *Renaming and Readdressing.* The County may, as a result of new developments, road names, or public safety factors, require the renaming and readdressing of all properties along a road. Notice of such action shall be provided by mail to all affected property owners at the applicant’s expense, postmarked not less than 60 days prior to such change.

DIVISION 3.2.3 TRAILS AND WALKWAYS

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Sec. 3.2.3.1 TRAIL AND WALKWAY STANDARDS [UPDATED 10-7-2024 TO ADD CROSS-REFERENCE]

A. *Generally.* The type and construction of trails and walkways shall be compatible with the anticipated use.

B. *Trail Right-of-Way Standards.* Trail rights-of-way for dedicated open space/amenities as set forth in Division 4.5.2., *Open Space/Amenities Dedication Requirements*, shall conform to the following criteria:

1. The land required for trail rights-of-way shall be platted as an easement or as a separate lot. The width for trail easement shall be adequate to handle the proposed use based on the needs of the trail, its location, the surrounding terrain, and the anticipated usage.
2. The trail easement may overlap and include property previously included in other easements such as ditch, canal, utility, and conservation easements and public or private open space, subject to a written agreement with the underlying easement rights owner. However, the trail easement shall not compromise the functional use of any other easement.

C. *Trail or Walkway Service Comparable to Sidewalks.* A system of trails and walkways may be used as an alternative to sidewalks (where sidewalks would otherwise be required) provided that the level of service provided by the proposed trail or walkway system shall be comparable to that of applicable sidewalk requirements.

1. Safety. Unsafe road crossing locations shall be avoided. Special structures or traffic control devices may be required at road crossings for safety.

2. Maintenance. Suitable provisions for maintenance of trail and walkway systems shall be established through a perpetual association, corporation, or other means acceptable to the County.
- D. *Connections through Parking Lots*. Sidewalks, multi-use pathways, and trails shall not be routed through parking lots (except to make connections to buildings) if other practical alternatives exist. Where sidewalks, multi-use pathways, or trails must be routed through parking lots, they shall be located between parking modules and protected by curbs.

#### Sec. 3.2.3.2 TRAILS MASTER PLAN IMPLEMENTATION

Trails within a public right-of-way shall meet the standards identified in any adopted County Trails Master Plan.

### DIVISION 3.2.4 ACCESS AND CIRCULATION

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#### Sec. 3.2.4.1 ACCESS REQUIRED

All lots and parcels created by subdivision shall have access to the state highway system in conformance with the State Highway Access Code (2 CCR § 601-1). [See C.R.S. § 30-28-133.1; C.R.S. § 43-2-147.](#)

#### Sec. 3.2.4.2 ACCESS STANDARDS

- A. *Generally*. Easements for all private access, including shared driveways, private alleys, or other access ways shall be shown on final plats if they are pre-existing or are established at the time of the final plat to provide for access or circulation within the subdivision.
- B. *Number*. The number of access points shall be limited to the minimum that will allow:
  1. The subject property to accommodate the projected traffic; and
  2. The road network to safely accommodate vehicular ingress to and egress from the subject property.
- C. *Width*. Easements or other areas designated for shared driveways, alleys, or other access ways shall include, at a minimum, the width of the travel surface, two feet on either side, any associated cut and fill slopes, and any drainage improvements. The appropriate width of any such easement shall be determined by the Director, taking into account the minimum standards of this Division and referral comments from the fire protection district with jurisdiction, the Chaffee County Sheriff's Department, and utility providers.
- D. *Design*.
  1. Access to off-street parking shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic ingress and egress, and maximum safety for pedestrians and vehicular traffic on the subject property.

2. Access points shall be:
  - a. Clearly and permanently marked and defined; and
  - b. Not more than 24 feet in width (measured on the property side of the curb return) unless the Director determines that a wider access is necessary (*e.g.*, for tractor-trailers or additional access lanes)
- E. *Separation of Driveway Connections.* Driveway connections shall be spaced from each other and from road intersections as provided in the ECM.
- F. *Cross Access/External Connections.*
  1. Cross-access shall be provided among nonresidential and mixed-use parcels where practicable, to manage the number of access points along County and State roads, and to balance the need for mobility with the need for access to lots and buildings.
  2. Proposed development shall connect to existing and planned roads where necessary to complete planned roads networks.

Sec. 3.2.4.3 ADDRESS MARKERS

All developed properties shall have a permanently posted, reflective, address sign with minimum four-inch letters that is placed at each driveway entrance above snow-line and visible from both directions of travel along the road that intersects with the driveway. If the letter-size requirement is not feasible as determined by the local fire protection agency, the minimum size shall be as advised by the local fire protection agency. For the purpose of emergency response, in all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter by the property owner.

Sec. 3.2.4.4 SHARED RESIDENTIAL DRIVEWAYS [ADDED 10-7-2024]

- A. *RS, RM, MUR, and MUC Zoning Districts.* In the RS, RM, MUR, and MUC zoning districts, driveways that are shared by two single-unit detached dwellings are allowed according to the following standards:
  1. The minimum lot width for a lot that is served by a shared driveway is 40 feet.
  2. Garage doors shall be either:
    - a. Side-facing; or
    - b. Set back at least 30 feet behind the front building line.
  3. If the garage is located behind the principal building, the driveway is set back at least two feet from the sides of the principal building.
  4. If the garage is located in front of the principal building, then the turnout from the shared driveway to the garage shall have a radius of at least five feet.

5. An easement and maintenance agreement for the shared driveway shall be recorded.
- B. *AR and RR Zoning Districts.* In the AR and RR zoning districts, shared driveways may serve up to four single-unit detached dwellings or two duplexes (not more than four total dwelling units), according to the following standards:
1. The minimum width of a shared driveway shall be a 22 foot wide paved driving surface, or an 18 foot paved driving surface with two-foot gravel shoulders on each side, or as approved by the fire protection district with jurisdiction, if different;
  2. Pullouts and turnarounds are required if requested by the fire protection district with jurisdiction;
  3. Individual driveways that connect to the shared driveway shall be at least 22 feet long;
  4. Access easements shall be provided for lot owners who take access from the shared driveway, and for law enforcement and emergency responders; and
  5. An easement and maintenance agreement for the shared driveway shall be recorded.

Sec. 3.2.4.5 ALLEYS [ADDED 10-7-2024]

- A. *Generally.* Alleys may be used to provide access in residential developments where the lot width along the block face is less than 50 feet, and to provide access in nonresidential and mixed-use developments in the RM and MUC zoning district.
- B. *Dimensions.* Alleys shall be dimensioned to meet the requirements of reasonably anticipated service and utility providers. However, no alley right-of-way shall be less than 24 feet wide, which shall include 18 feet of pavement width.
- C. *Surfacing.* All alleys shall be hard-surfaced with asphalt, recycled asphalt, or concrete.
- D. *Maintenance.* Alleys shall be maintained at no cost to the County. The County may require the applicant to provide for perpetual maintenance by way of CCRs or other legally binding document that provides comparable assurances.
- E. *Parking.* Parking may be accessed from alleys, but shall not be allowed within alleys.

Sec. 3.2.4.6 SIGHT TRIANGLES

- A. *Road Intersections.* No building, fence, wall, sign, hedge, shrub, planting, tree, or other sight obstruction between two and one-half feet and nine feet above the elevation of the crown of the road shall be located within the triangular area formed by the nearest outer lane boundaries of intersecting roads and a line connecting them at points 35 feet from their point of intersection.

- B. *Driveway Connections.* No building, fence, wall, sign, hedge, shrub, planting, tree, or other sight obstruction between two and one-half feet and nine feet above the elevation of the crown of the road shall be located within the triangular area formed by the points along the nearest outer lane boundary of a road and the centerline of a connecting driveway that are situated 20 feet from the intersection of said lines. See Figure 3.2.4.4, *Illustrative Driveway Sight Triangle*.

Figure 3.2.4.4, Illustrative Driveway Sight Triangle

[To Be Provided]

Sec. 3.2.4.7 SITE CIRCULATION [UPDATED 10-7-2024]

- A. *Design Objectives.* The internal circulation system shall be designed to:
1. Provide for logical and efficient interconnections;
  2. Provide necessary sight distances, stacking space, and traffic control devices to ensure the safest and most predictable system of parking and circulation;
  3. Include clearly defined points of ingress and egress that promote the orderly, safe, and logical movement of traffic within the subject property and on adjoining streets;
  4. Provide for emergency vehicle access (unobstructed by parking or loading areas), and sufficient areas to allow the staging of emergency rescue or fire-fighting efforts;
  5. Logically connect to adjoining properties where appropriate;
  6. Minimize the number of vehicular turning movements and points of vehicular conflict (particularly at access points); and
  7. Minimize points of potential conflict between pedestrian and vehicular traffic.
- B. *Pedestrian Routes.* Pedestrian routes shall be located along (or visible from) roads, except that, where road connections are not feasible or the County determines that they are undesirable, off-street trails and multi-use paths may be used instead to provide pedestrian connections among buildings and land uses, and among abutting properties.
- C. *Alternative Travel Routes.* If proposed development includes more than one street or more than 50 parking spaces, then the internal circulation system (*e.g.*, new streets, sidewalks, trails, or multi-use paths) shall be designed such that alternative travel routes are provided through the development.

Sec. 3.2.4.8 STACKING [ADDED 10-7-2024]

- A. *Generally.* Stacking spaces are used to measure the capacity of a drive-through lane to hold motor vehicles while transactions are taking place. Stacking spaces measure eight feet wide by 20 feet long and provide direct access to a service



window, ATM, or station at a drive-through bank (collectively, for the purposes of this section, a “station”).

- B. *Requirements.* Uses that include drive-through services shall provide a traffic impact study that addresses the number of stacking spaces that are necessary for safe circulation on-site and for safe ingress and egress from the adjacent road.
- C. *Design.*
  - 1. Stacking lanes shall be clearly marked and shall not interfere with on-site or off-site traffic circulation or parking access.
  - 2. Generally, stacking areas shall not be situated between the facade of a building and a road frontage. If such a configuration is necessary for safe on-site circulation, ingress, and egress, then the drive-through lane shall be set back at least 10 feet from the road, and the setback area shall be planted with one tree and three shrubs per 30 linear feet of frontage occupied by the drive-through lane.

## CHAPTER 3.3 Parking and Loading

### DIVISION 3.3.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 3.3.1.1 PURPOSE

The purposes of this Chapter are to ensure that:

- 1. Adequate off-street motor vehicle parking is provided for uses that are approved pursuant to this Code, in order to:
  - a. Promote economic development;
  - b. Prevent undue congestion in parking lots, access points, and adjacent streets;
  - c. Protect the character and quality of life in residential neighborhoods that may be impacted by overflow parking; and
  - d. Prevent unlawful overflow parking on public rights-of-way;
- 2. The use of parking resources may be optimized based on shared parking programs that allow for the utilization of a parking lot or structure by different uses that have different peak demands for parking;
- 3. Appropriate parking areas and accessible routes will be provided for persons with disabilities when parking lots or structures are developed, expanded, or reconfigured;
- 4. Adequate loading areas and (where appropriate) stacking areas are provided that do not interfere with the function of adjoining streets or on-site vehicular use areas; and

5. Sites that are used for infill, adaptive re-use, or redevelopment have flexibility and multiple alternatives for compliance with this Chapter, such that investments in upgrades to real property are promoted.

#### Sec. 3.3.1.2 APPLICATION

##### A. *Number of Required Parking and Loading Spaces.*

1. Section 3.3.2.1., *Calculation of Required Parking Spaces*, establishes the methodology for calculating the number of required parking spaces, including measurement of independent variables and application of available credits and reductions.
2. Section 3.3.2.2., *Required Off-Street Parking Spaces (Parking Tables)*, sets out the number of required parking spaces for each land use set out in the use tables, based on the parking district in which the use is located.
3. Section 3.3.2.3., *Required Accessible Parking Spaces*, sets out the number of parking spaces that must be designed, located, and configured as accessible parking spaces to meet the requirements of the Americans with Disabilities Act.
4. Section 3.3.2.4., *Required Loading Spaces*, sets out the number of loading spaces that must be provided for the use of the subject property.
5. Section 3.3.2.5., *Special Studies*, sets out the requirements for special parking studies, which are generally used to determine parking requirements for certain land uses.
6. Section 3.3.2.6., *Parking Credits and Reductions*, provides alternative circumstances and methodologies by which the required number of parking spaces for a land use, or mix of land uses, may be reduced.

##### B. *Parking, Loading, and Stacking Design.* [Updated 10-7-2024]

1. Section 3.3.3.1., *Parking Space and Aisle Standards*, sets out requirements for parking lot design, including the minimum dimensions for parking spaces and drive aisles.
2. Section 3.3.3.2., *Marking of Parking Spaces and Traffic Control Devices*, sets out the standards for how parking spaces must be delineated, and cross-references standards for traffic control devices.
3. Section 3.3.3.3., *Off-Street Loading*, sets out standards for the design of truck loading areas.
4. Section 3.3.3.4., *Stacking Requirements*, sets out standards for stacking lanes for drive-through uses.
5. Section 3.3.3.5., *All-Season Circulation in Parking Areas*, sets out minimum standards for parking and circulation improvements to ensure year-round access and availability.

6. Section 3.3.3.6., *Operation and Maintenance of Parking Areas*, sets out standards for the construction, operation, and maintenance of parking lots.
  7. Section 3.3.3.7., *Remote Parking*, sets out the standards and conditions under which required off-street parking may be provided off-site.
- C. *Relationship to Certificate of Occupancy.*
1. Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the building inspector.
  2. The building inspector may grant an extension of time for completion of parking if:
    - a. The parking space is not required for immediate use;
    - b. The applicant executes a development agreement for the parking spaces and provides appropriate security in the form a cash deposit equaling 125 percent of the cost to complete the improvements as estimated by a professional engineer and approved by the building inspector; and
    - c. The development agreement provides that in event the parking spaces are not constructed within one year after the date of extension, the County may apply the security to complete the parking spaces.

## DIVISION 3.3.2 PARKING AND LOADING CALCULATIONS

### Sec. 3.3.2.1 CALCULATION OF REQUIRED PARKING SPACES

- A. *Generally.* Section 3.3.2.2., *Required Off-Street Parking Spaces (Parking Tables)*, sets out the number of parking spaces that are required for each land use that is listed in Division 2.1.3., *Land Use by Zoning District*. The number of parking spaces is based on one or more independent variables, which are measured as provided in this section.
- B. *Exemption.* The minimum parking requirements set out in Section 3.3.2.2., *Required Off-Street Parking Spaces (Parking Tables)* do not apply within the AR, RR, or PCR zoning districts.
- C. *Independent Variables.* The independent variables for parking calculations are measured as follows:
  1. Floor Area. Where the independent variable is square feet ("sf."), the number of parking spaces is based on the number of square feet occupied by the use (or occupied by a component of the use that is specified in the table).
  2. Dwelling Unit. Where the independent variable is a dwelling unit ("d.u."), the number of parking spaces is calculated based on the number of dwelling units.

3. Guest Room. Where the independent variable is a guest room, the number of parking spaces is calculated based on the number of rooms, suites, or private cabins that are made available for overnight accommodations for guests.
  4. Sleeping Room. Where the independent variable is a sleeping room, the number of parking spaces is calculated based on the number of rooms (or suites) that are available for residents of the facility to sleep (*e.g.*, for nursing homes, a “sleeping room” is a room that includes one or two beds, while in an assisted living facility, a “sleeping room” could be an apartment-style accommodation).
  5. Bed. Where the independent variable is “bed,” the number of parking spaces is based on the number of beds in the facility instead of the number of bedrooms or some other measure. Per-bed calculations are typically applied to uses that offer residential care or overnight accommodations with shared rooms.
  6. Employee. Where the independent variable is “per employee” the number of parking spaces is based on the number of employees (full-time and part-time equivalent) on the maximum shift, that is, the work shift in which the maximum number of employees are present.
  7. Seat/Seat Design Capacity. If the independent variable is “seat,” the number of parking spaces is based on the number of seats that are provided to guests (patrons, members, etc.). If the independent variable is “seat design capacity,” the number of parking spaces is based on the maximum seating capacity of the use as established by applicable fire code.
  8. Maximum Capacity. If the independent variable is “maximum capacity,” the number of parking spaces is based on the lesser of:
    - a. The maximum number of people who may occupy the use pursuant to applicable fire code; or
    - b. The maximum number of people who may occupy the use pursuant to other applicable regulatory or operational standards.
  9. Others. Other independent variables are measured according to their common meanings.
- D. *Rounding.* When the calculation of required parking spaces results in a fractional parking space, the result of the parking calculation shall be rounded to the nearest whole number using standard rounding techniques.
- E. *Parking Reductions.* Generally, the total number of required parking spaces is equal to the sum of the required parking for each use of a subject property. However, parking requirements may be reduced according to the options set forth in Section 3.3.2.6., *Parking Credits and Reductions.*

Sec. 3.3.2.2 REQUIRED OFF-STREET PARKING SPACES (PARKING TABLES)

- A. *Agricultural Uses.* Parking standards for individual agricultural uses are set out in Table 3.3.3.2.A., *Agricultural Parking Table.*

**Table 3.3.3.2.A., Agricultural Parking Table**

Land Use	Parking Standard
Agricultural Support Services	1 sp. / 750 sf.
Agriculture	N/A
Wholesale Greenhouse	2 sp. / 1,000 sf. of office; 1 sp. / 10,000 sf. of greenhouse

- B. *Residential Formats.* Parking standards for individual residential formats are set out in Table 3.3.3.2.B., *Residential Parking Table.*

**Table 3.3.3.2.B., Residential Parking Table**

Land Use	Parking Standard
Single-Unit Detached Dwelling	2 sp. <sup>1</sup> (1 sp. if tiny house)
Duplex	2 sp. / d.u. <sup>1</sup>
Townhome	2 sp. / d.u. <sup>1</sup>
Multiplex	2 sp. / d.u. <sup>1</sup>
Multifamily	2 sp. / d.u. for 1 <sup>st</sup> 3 d.u. + 1 sp. / additional d.u. thereafter
Manufactured / Tiny Home Park	2 sp. / manufactured home <sup>1</sup> ; 1 sp. / tiny home
Manufactured / Tiny Home Subdivision	2 sp. / manufactured home <sup>1</sup> ; 1 sp. / tiny home

**Table Note:**

<sup>1</sup> Tandem parking spaces may be counted towards this requirement.

- C. *Special Residential Uses.* Parking standards for individual special residential land uses are set out in Table 3.3.3.2.C., *Special Residential Parking Table.*

**Table 3.3.3.2.C., Special Residential Parking Table**

Land Use	Parking Standard
Assisted Living or Congregate Care	2 sp. / 3 sleeping rooms
Group Home	1 sp. / 3 persons design capacity
Nursing Home, Memory Care, Alzheimer's Care	1 sp. / 3 beds
Protective Care	1 sp. / 2 beds
Special Purpose Housing	1 sp. / d.u.

- D. *Hospitality, Recreation, and Entertainment Uses.* Parking standards for individual hospitality, recreation, and entertainment land uses are set out in Table 3.3.3.2.D., *Hospitality, Recreation, and Entertainment Parking Table.*

**Table 3.3.3.2.D., Hospitality, Recreation, and Entertainment Parking Table**

Land Use	Parking Standard
Bar, Tavern, or Nightclub	1 sp. / 150 sf.
Bed and Breakfast	1 sp. + 1 sp. / guest room
Brewpub, Distillery Pub, or Limited Winery	1 sp. / 100 sf. of customer service area + 1 sp. / 1,000 sf. of other floor area
Campground	as provided in 6 CCR § 1010-9:4.0, based on the classification of campground
Commercial Lodging	1 sp. / guest room
Fairgrounds	special study
Golf Course	4 sp. / hole + 1 sp. / 300 sf. clubhouse, retail, or restaurant

Land Use	Parking Standard
Indoor Commercial Amusement, Recreation, or Entertainment	1 sp. / 200 sf.
Indoor Firing Range	1 sp. / station
Outdoor Commercial Amusement	special study
Outdoor Firing Range	1 sp. / station
Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater	special study
Outfitter	special study
Park, Active	special study
Park, Passive	special study
Park, Wilderness	special study
Race Track	special study
Rural Resort	3 sp. / 2 guest rooms
Restaurant	1 sp. / 150 sf.
RV Park	1 sp. / RV site (at RV site) + 1 sp. / 10 RV sites (at office)
Sexually-Oriented Business	1 sp. / 300 sf.

- E. *General Commercial Uses.* Parking standards for individual general commercial land uses are set out in Table 3.3.3.2.E., *General Commercial Parking Table*.

**Table 3.3.3.2.E., General Commercial Parking Table**

Land Use	Parking Standard
Convenience Lending or Pawnbroker	1 sp. / 300 sf.
Liquor Store	1 sp. / 300 sf.
Office, General	1 sp. / 300 sf.
Office, Medical	1 sp. / 300 sf.
Retail Sales and Services	1 sp. / 300 sf.

- F. *Veterinary and Domestic Animal Uses.* Parking standards for individual veterinary and domestic animal land uses are set out in Table 3.3.3.2.F., *Veterinary and Domestic Animal Parking Table*.

**Table 3.3.3.2.F., Veterinary and Domestic Animal Parking Table**

Land Use	Parking Standard
Commercial Equestrian Facilities	special study
Kennel, Indoor	1 sp. / 300 sf.
Kennel, Outdoor	1 sp. / 300 sf.
Veterinarian, Large Animal	1 sp. / 500 sf.
Veterinarian, Small Animal	1 sp. / 300 sf.

- G. *Community, Civic, Educational, Healthcare, and Institutional Uses.* Parking standards for community, civic, educational, healthcare, and institutional land uses are set out in Table 3.3.3.2.G., *Community, Civic, Educational, Healthcare, and Institutional Parking Table*.

**Table 3.3.3.2.G., Community, Civic, Educational, Healthcare, and Institutional Parking Table**

Land Use	Parking Standard
Crematorium	1 sp. + 1 sp. / 1,000 sf.
Day Care Center, Adult or Child	1 sp. / 500 sf.
Funeral Home	1 sp. / 50 sf. of principal assembly areas
Hospital	greater of 3 sp. / 2 beds or 2 sp. / exam or treatment room

Land Use	Parking Standard
Place of Assembly	1 sp. / 50 sf. of principal assembly areas
School, Boarding	special study
School, Elementary or Middle	special study
School, High	special study
School, Vocational or Trade	special study
University or College	special study

H. *Industrial, Processing, Recycling, Storage, and Disposal Uses.* Parking standards for industrial, processing, recycling, storage, and disposal land uses are set out in Table 3.3.3.2.H., *Industrial, Processing, Recycling, Storage, and Disposal Parking Table.*

**Table 3.3.3.2.H., Industrial, Processing, Recycling, Storage, and Disposal Parking Table**

Land Use	Parking Standard
Composting Facility	special study
Disposal	special study
Heavy Industry	1 sp. / 1,000 sf. + 1 sp. / acre used for outdoor manufacturing or service activities
Heavy Logistics Center	1 sp. / 5,000 sf.
Light Industry	1 sp. / 1,000 sf.
Recycling Collection Center	1 sp. / 1,000 sf.
Resource Extraction (Minerals)	N/A
Resource Extraction (Oil and Gas)	N/A
Salvage Yard	5 sp. / ac., except landscaped areas
Self-Storage	1 sp. / 300 sf. of office; 1 sp. / 50 storage units
Storage Yard	5 sp. / ac., except landscaped areas
Waste Transfer Station	1 sp. / emp.

I. *Motor Vehicle and Transportation Uses.* Parking standards for motor vehicle and transportation land uses are set out in Table 3.3.3.2.I., *Motor Vehicle and Transportation Parking Table.*

**Table 3.3.3.2.I., Motor Vehicle and Transportation Parking Table**

Land Use	Parking Standard
Airport or Heliport	special study
Fast-Charging Stations	N/A
Fueling or Service Stations	2 sp. / 8 pumps + 2 sp. / service bay + 1 sp. / 300 sf. convenience store
Helistop	2 sp.
Motor Vehicle Wash	2 sp.
Parking	N/A
Passenger Motor Vehicle Sales or Rental	1 sp. / 250 sf. office + 1 sp. / 250 sf. service area
Heavy Motor Vehicle Sales or Rental	1 sp. / 250 sf. office + 1 sp. / 500 sf. service area
Bus or Taxi Terminal, On-Demand Transportation Dispatch	special study
Truck Stop	2 sp. / 8 pumps + 2 sp. / service bay + 1 sp. / 300 sf. convenience store

J. *Utility Uses.* Parking standards for utility land uses are set out in Table 3.3.3.2.J., *Utility Parking Table.*

**Table 3.3.3.2.J., Utility Parking Table**

Land Use	Parking Standard
Battery Energy Storage System (Utility Scale)	1 sp. / 10 ac.
Solar Farm (2 MW or more)	1 sp. / 10 ac.



Land Use	Parking Standard
Wind Energy Conversion Systems (2 MW or more)	N/A
Utilities, Minor	N/A
Utilities, Major	special study

- K. *Medical Marijuana Uses.* Parking standards for medical marijuana land uses are set out in Table 3.3.3.2.K., *Medical Marijuana Parking Table.*

**Table 3.3.3.2.K., Medical Marijuana Parking Table**

Land Use	Parking Standard
Medical Marijuana Cultivation Facility	1 sp. / 1,000 sf.
Medical Marijuana Product Manufacturer	1 sp. / 300 sf.
Medical Marijuana Research and Development Facility	1 sp. / 300 sf.
Medical Marijuana Testing Facility	1 sp. / 300 sf.
Medical Marijuana Transporter (Storage Premises)	1 sp.

- L. *Retail Marijuana Uses.* Parking standards for retail marijuana land uses are set out in Table 3.3.3.2.L., *Retail Marijuana Parking Table.*

**Table 3.3.3.2.L., Retail Marijuana Parking Table**

Land Use	Parking Standard
Retail Marijuana Cultivation Facility	1 sp. / 1,000 sf.
Retail Marijuana Products Manufacturer	1 sp. / 300 sf.
Retail Marijuana Testing Facility	1 sp. / 300 sf.
Retail Marijuana Transporter (Storage Premises)	1 sp.

- M. *“Natural Medicine” Uses.* Parking standards for natural medicine land uses are set out in Table 3.3.3.2.M., *“Natural Medicine” Parking Table.*

**Table 3.3.3.2.M., “Natural Medicine” Parking Table**

Land Use	Parking Standard
“Natural Medicine” Healing Center	1 sp. / 300 sf.
“Natural Medicine” Cultivation Facility	1 sp. / 1,000 sf.
“Natural Medicine” Product Manufacturer	1 sp. / 300 sf.
“Natural Medicine” Testing Facility	1 sp. / 300 sf.

### Sec. 3.3.2.3 REQUIRED ACCESSIBLE PARKING SPACES

- A. *Generally.* Parking spaces that are accessible to persons with disabilities (“accessible parking spaces”) shall be provided as set out in this Section. Such spaces shall be counted toward the total number of spaces that are provided for the purposes of compliance Section 3.3.2.2., *Required Off-Street Parking Spaces (Parking Tables)*, after applicable reductions.
- B. *Number of Required Spaces.* Accessible parking spaces shall be provided as set out in Table 3.3.2.3., *Required Accessible Parking Spaces*, or as required by the most

current revision of the ADA Standards for Accessible Design, Section 208 (as may be amended or re-titled from time to time), whichever requires more parking spaces for disabled persons.

**Table 3.3.2.3., Number of Accessible Parking Spaces**

Parking Spaces Provided	Min. Number of Accessible Spaces	Min. Number of Van Accessible Spaces
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total number of parking spaces	1 out of 8 accessible parking spaces, rounded up
1,001 and over	20 + 1 for each 100 parking spaces in excess of 1,000 parking spaces	1 out of 8 accessible parking spaces, rounded up

**Sec. 3.3.2.4 REQUIRED LOADING SPACES**

- A. *Generally.* Land uses that require pick-ups or deliveries by trucks that are larger than 26,000 lbs. (“GVW”) shall provide sufficient loading spaces to accommodate anticipated needs of the use. Such loading spaces shall be located outside of passenger vehicle parking areas and screened from view from scenic byways and adjacent residential uses by landscaping, garden walls, building walls, retaining walls, or elevation changes.
- B. *Minimum Loading Space Requirements.* Where the proposed land use is likely to be served by the class of vehicles identified in Subsection A., the following minimum requirements shall apply:
  - 1. Facilities with up to 10,000 sf. of floor area: 1 loading space
  - 2. Facilities with greater than 10,000 sf. of floor area: 2 loading spaces

**Sec. 3.3.2.5 SPECIAL STUDIES**

- A. *Generally.*
  - 1. Some of the uses that are listed in the tables set out in Section 3.3.2.2., *Required Off-Street Parking Spaces (Parking Tables)*, have nonlinear or widely varying parking demand characteristics. Accordingly, their parking requirements are listed in the tables as “special study.” Required parking for these uses shall be established according to the standards of this section.
  - 2. Special studies may also be submitted to support a request to reduce the number of required parking spaces to less than that set out in Section 3.3.2.2., *Required Off-Street Parking Spaces (Parking Tables)*, due to the nature of the operations or specific location of a proposed use. Such special studies shall include and support all requested reductions in parking.

B. *Special Study Requirements.*

1. A special study shall be conducted by a qualified transportation planner or traffic engineer at the applicant's expense. The Director shall be responsible for determining whether the qualifications of any proposed transportation planner or traffic engineer are acceptable for this purpose.
2. The special study shall provide:
  - a. A peak parking analysis of at least three functionally comparable uses.
  - b. Documentation regarding the comparability of the referenced uses, including: name, function, location, gross floor area, parking availability, access to transportation network (including vehicular, bicycle, pedestrian, and transit), use restrictions, and other factors that could affect the parking demand.

C. *Approval of Special Study.*

1. The County may rely upon the special study or may request additional information or analysis, including, but not limited to alternative or new data points, or consideration of additional or alternative factors related to comparability or peak demand, as supported by sound engineering principles.
2. As a condition of approval of a special study, the County may require that land be reserved or land-banked for additional parking if there is a demonstrably high probability that:
  - a. The variability of the parking study may result in a materially higher parking demand than anticipated;
  - b. The use of the improvements on the subject property could change, resulting in a materially higher demand for parking.

Sec. 3.3.2.6 PARKING CREDITS AND REDUCTIONS

[Reserved]

DIVISION 3.3.3 PARKING AND LOADING DESIGN AND OPERATION

Sec. 3.3.3.1 PARKING SPACE AND AISLE STANDARDS

- A. *Minimum Dimensions of Standard Parking Spaces.* The minimum dimension of a standard parking space shall be nine feet by 20 feet. The length of a parking space may be reduced to 18 feet, including wheel stop, if an additional area of two feet in length is provided for the front overhang of the car, if the overhang does not reduce the width of an adjacent walkway to less than four feet.
- B. *Minimum Dimensions of Compact Spaces.* In parking areas containing more than 10 spaces, up to 20 percent of the number of spaces in excess of 10 spaces may be designed for compact cars. The minimum dimensions of a compact car space shall

be eight feet by 16 feet. Compact car spaces shall be designated for exclusive use by compact cars and identified by stencil signage or a raised identification sign not to exceed one square foot in area.

C. *ADA-Accessible Parking Spaces.*

1. The design, dimensions, and construction of ADA-accessible parking spaces shall conform to current versions of CABO/ANSI A117.1, and Section 1106 of the International Building Code as adopted by Chaffee County.
2. Handicapped or accessible parking spaces shall be located on the shortest possible accessible route from adjacent parking to an accessible building entrance. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.
3. ADA-accessible parking spaces shall be identified by a sign and pavement markings. Signage shall not be obscured by a vehicle parked in the space.

Sec. 3.3.3.2 MARKING OF PARKING SPACES AND TRAFFIC CONTROL DEVICES

- A. *Generally.* Paved surfaces shall be striped to demarcate the parking spaces for all commercial lots and for residential lots containing more than four contiguous parking spaces.
- B. *Exception.* Striping is not required in gravel-surfaced parking lots.

Sec. 3.3.3.3 OFF-STREET LOADING

The minimum dimension of any loading space shall be 10 feet wide by 35 feet long, with a vertical clearance of 14 feet. If the typical size of vehicles used in connection with the proposed use exceed these standards (*e.g.*, tractor-trailers), the dimensions of loading spaces shall be increased accordingly.

Sec. 3.3.3.4 STACKING REQUIREMENTS

Land uses that may result in stacking overflow onto adjacent streets (*e.g.*, automatic car washes, fueling or service stations, truck stops, heavy logistics centers, schools, and day care centers) shall provide sufficient stacking space on the subject property to avoid congestion on the adjacent road during the peak traffic hours of the adjacent road and the peak hours for ingress to the land use. Areas used for stacking space shall not block access to parking spaces or materially interrupt on-site circulation or emergency access.

Sec. 3.3.3.5 ALL-SEASON CIRCULATION IN PARKING AREAS

Off-street parking and loading areas shall have a durable, dust-free all-weather surface, comprised of materials that are suitable for the uses to which the subject property will be put, and compatible with the intensity and character of the proposed development and the surrounding land uses. Appropriate parking and loading surface materials may include asphalt, concrete, paving blocks, and gravel, depending upon the intensity and seasonality of the use. Grass ring surface may be used for temporary overflow purposes.

Sec. 3.3.3.6 OPERATION AND MAINTENANCE OF PARKING AREAS

- A. *Generally.* Required parking spaces shall be available only for the parking of operable passenger vehicles, light trucks, and motorcycles of residents, guests, customers, patrons, visitors, and employees of the use for which they are required.
- B. *Prohibitions.* The following are prohibited uses of required parking spaces in nonresidential and multifamily parking lots and parking lots located within manufactured home parks and subdivisions:
  - 1. Outdoor storage.
  - 2. Storage of inoperable vehicles.
  - 3. Fleet storage of commercial vehicles during business hours (delivery vehicles or trucks used in conducting the business or use shall not be parked in required parking spaces during business hours).
  - 4. Display of motor vehicles for sale as a commercial enterprise (the casual display of an operational vehicle for sale by its owner is not prohibited).
  - 5. Motor vehicle repair work, if the repairs render the vehicle inoperable for more than 24 hours.
- C. *Commercial Vehicles on Residential Property.* Commercial vehicles or heavy equipment used in a business operation shall not be parked in required parking spaces for a residential use, unless:
  - 1. The commercial vehicle is used for an allowed home occupation or is a company vehicle used for commuting that is parked overnight; or
  - 2. The residential use is a single-unit detached dwelling, duplex, or multiplex on a lot that is larger than five acres in area.

Sec. 3.3.3.7 REMOTE PARKING

- A. *Generally.* Remote parking may be provided in lieu of on-site off street parking, pursuant to the standards of this Section.
- B. *Location of Remote Parking.* The remote parking must be in a zoning district that allows surface parking as a principal use, and unless the land use for which the remote parking is provided involves scheduled events and provides a shuttle service to and from the remote parking area (*e.g.*, rafting trips):
  - 1. The distance from the nearest wall of the building to be served by remote parking and the nearest boundary of the remote parking lot shall not exceed three hundred (300) feet; and
  - 2. No street that is higher order than a collector shall separate the subject property from the remote parking.
- C. *Parking Plan Required.* All applicants that propose remote parking shall provide a parking plan that addresses the following:

1. The total number of parking spaces that are required for the subject property and the number of proposed remote parking spaces;
  2. The location of the remote parking area and the distance between it and the subject property; and
  3. If pedestrian access is provided between the remote parking area and the subject property, the path of pedestrian travel between the buildings or land uses and the remote parking facility, with recommended safety improvements.
- D. *Required Legal Documentation.* An executed legal agreement, in a form acceptable to the County attorney, by and among the owners of the properties for which remote parking arrangements are proposed, shall (at a minimum) include the following:
1. The parking plan;
  2. A legal description of the properties to be bound;
  3. Allocation of responsibilities for permanent improvement and maintenance of off-site parking areas;
  4. Termination only if the County consents, upon demonstration by the applicant to the Director that the affected uses fully comply with minimum parking requirements in the absence of the remote parking area(s) provided for in the agreement; and
  5. Recognition of the authority of the County to base decisions regarding development approvals for the properties that are subject to the agreement upon the remote parking provided for in the agreement, and to seek enforcement against any or all parties if the parking is not provided according to the terms of the agreement.
- E. *Recording.* A copy of the approved parking plan and fully-executed legal agreement shall be recorded at the office of county clerk, and shall thereafter be binding upon the applicants, their heirs, successors, and assigns. Such recordation shall thereafter limit and control the issuance of permits and certificates and the operation of all properties that are subject to the parking plan.

## **CHAPTER 3.4 Water, Wastewater, and Utilities**

### **DIVISION 3.4.1 PURPOSE AND APPLICATION OF CHAPTER**

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#### **Sec. 3.4.1.1 PURPOSE**

The purpose of this Chapter is to ensure that adequate water supply and wastewater treatment facilities and appropriate electrical and telecommunications utilities are provided to support development.

Sec. 3.4.1.2 APPLICATION

The requirements of this Chapter apply to all development. Adequacy determinations are made as provided in Division 4.3.2., *Water Supply; Assurances*.

DIVISION 3.4.2 WATER [RENAMED AND REWORKED 10-7-2024 TO AVOID REDUNDANCY WITH DIVISION 4.3.2]

Sec. 3.4.2.1 ADEQUATE WATER SUPPLY REQUIRED

- A. *Generally*. All land uses shall be served by a water supply that is sufficient in terms of quality, quantity, and dependability for the use, and in compliance with applicable safe drinking water standards. Calculations provided for subdivisions that will allow accessory dwelling units (“ADUs”) must address the water supply necessary to provide for full build-out, including ADUs. *See C.R.S. § 38-28-133(3)(d)*
- B. *Determination of Adequacy*. The determination of adequacy is made pursuant to Division 4.3.2., *Water Supply; Assurances*.

Sec. 3.4.2.2 WELL SPACING

Where the water supply for development is private wells, the site plan, final plat, or final PD plan, as applicable, shall account for the locations of wells and any required spacing between wells, between wells and OWTS, and between wells and ditches, natural resources, or natural hazard areas.

Sec. 3.4.2.3 WATER DISTRIBUTION SYSTEMS

Where the water supply for development is a public water system, the applicant shall install such infrastructure as is necessary, to the standards and specifications of the water service provider and the State of Colorado.

Sec. 3.4.2.4 WATER SUPPLY FOR FIRE SUPPRESSION

- A. *Generally*. All subdivisions shall provide adequate access, infrastructure, and water supply for fire suppression. Fire suppression water supply shall be sufficient to protect the lives of residents and firefighters, to protect the personal property of residents and nearby property owners, and to reduce the threat of wildfire spread. Fire protection water supply and infrastructure shall be in place prior to the commencement of vertical construction or any construction activity that the fire protection district with jurisdiction determines may create a risk of wildfire. In cases where completion of permanent infrastructure prior to commencement of vertical construction is not practicable, the fire protection district may allow for temporary supplies and infrastructure.
- B. *Water Supply*. Water used for fire suppression purposes may be non-potable water from a source that is separate from the domestic water supply. Water supply for fire protection shall be identified as part of the preliminary plan submittal for subdivisions, or the site plan approval for property that is not included within a fire protection plan (*see* Division 4.4.2., *Fire Protection Plans*), and shall meet the requirements of the fire protection district with jurisdiction.



The National Fire Protection Association (“NFPA”) National Fire Code (“NFC”), Standard 1231, *Standard on Water Supplies for Suburban and Rural Fire Fighting*, is the reference guideline for fire suppression water supplies.

- C. *Fire Protection Cisterns*. If the fire protection district with jurisdiction does not provide specific requirements, such as a payment in lieu of a fire suppression system, a fire protection cistern is required. The cistern or cisterns shall be sized, designed, installed, and spaced to meet the fire protection needs of the proposed development, as approved by the fire protection district. Unless otherwise approved by the fire protection district with jurisdiction, the following are minimum standards for the number of cisterns, as well as their capacity, location, and design:
1. Minimum Number and Capacity.
    - a. For subdivisions of four or fewer lots, or for nonresidential development of less than 75,000 square feet of floor area, one 6,000-gallon fire protection cistern shall be provided.
    - b. For subdivisions of five or more lots, for nonresidential development in excess of 75,000 square feet of floor area, one 15,000-gallon fire protection cistern shall be provided for each 30 lots (*i.e.*, 25 lots requires one cistern, 32 lots requires two), or each 100,000 sf. of nonresidential development or fraction thereof, as applicable.
  2. Location. All locations shall be subject to approval by the fire protection district with jurisdiction.
    - a. Fire protection cisterns shall be placed near subdivision entrances or access points to primary roads, unless a more suitable location is determined due to existing or potential hazards.
    - b. Cisterns may be located within easements, or on common elements (*e.g.*, common open space).
  3. Design. A fire apparatus turn-out shall be provided with minimum dimensions of 50 feet long by 8 feet wide, centered on the cistern connection, constructed in accordance with the requirements of the road accessing the cistern, and maintained for year-round access.
- D. *Dry Hydrants*. Dry hydrants may be considered as an alternative to cisterns, provided they are maintained and functional year-round. Dry hydrant approval will be based on the available supply of the water source.

#### DIVISION 3.4.3 ADEQUACY OF WASTEWATER TREATMENT

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##### Sec. 3.4.3.1 ADEQUATE WASTEWATER TREATMENT REQUIRED

All land uses shall be served by wastewater treatment system that is adequate to serve the use. Wastewater treatment may be through connection to a domestic wastewater

treatment facility or industrial wastewater treatment facility, or an on-site wastewater treatment system (“OWTS”).

#### Sec. 3.4.3.2 FORM OF WASTEWATER TREATMENT

- A. *Centralized Collection and Treatment.* Connection to a domestic wastewater treatment facility or industrial wastewater treatment facility, as applicable to the nature of the proposed use, is required if:
  - 1. The subject property is located within 400 feet of a sewer main;
  - 2. The system is available and adequate to serve the proposed development; and
  - 3. Connection is practicable and feasible.
- B. *On-Site Wastewater Treatment System (“OWTS”).* All OWTSs shall comply with the Chaffee County On-Site Wastewater Treatment System Regulations. If an OWTS is not feasible on the subject property, connection to a centralized collection and treatment system may be required.

### DIVISION 3.4.4 ELECTRIC AND TELECOMMUNICATIONS UTILITIES

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#### Sec. 3.4.4.1 ELECTRIC UTILITIES

- A. *Generally.* Adequate electrical utility service shall be available to serve proposed land uses. A will-serve letter from the electric provider whose service area includes the subject property is sufficient to demonstrate adequacy.
- B. *Microgrids.* [Reserved] [Pending release of the Colorado Microgrid Roadmap Study commissioned pursuant to HB22-1249, which is expected to be released on or before January 1, 2025.](#)

#### Sec. 3.4.4.2 TELECOMMUNICATIONS UTILITIES

Adequate telecommunications utilities shall be available to serve proposed land uses. Such services may be provided as telephone lines, cable broadband, or fiber optic broadband.

## CHAPTER 3.5 Landscaping

### DIVISION 3.5.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 3.5.1.1 PURPOSE

The purpose of this Chapter is to ensure that new development, redevelopment, and substantial improvements to existing development is designed to avoid, minimize, and mitigate impacts on existing vegetation and landscape features, that landscaped areas are designed to promote natural resource values and aesthetic interests, that plantings are compatible with and adapted to their context, and that noxious weeds are managed in accordance with County and State requirements.

Sec. 3.5.1.2 APPLICATION

- A. *Generally.* The standards of this Chapter apply to all new development, redevelopment, or substantial improvements to a subject property (whether horizontal improvements, new buildings or structures, or substantial improvements to existing conditions).
- B. *Limited Exceptions.* The standards of Division 3.5.3., *Landscape Buffer Standards*, do not apply to:
  - 1. Agricultural uses;
  - 2. Individual lots that are used for existing single-unit detached dwellings or duplexes; and
  - 3. Modifications to multifamily or nonresidential buildings that do not expand the floor area of the building by more than 10 percent.

DIVISION 3.5.2 LANDSCAPING PRINCIPLES AND REQUIREMENTS

Sec. 3.5.2.1 GENERAL LANDSCAPING PRINCIPLES

- A. *Generally.* The principles articulated in this Section shall be used to guide landscape planning. The principles shall be applied unless there is good cause shown for specific deviations (*e.g.*, small-scale deviations for seasonal visual appeal, specific planting needs for soil stabilization, demonstrated need for functional turf area, etc.).
- B. *Compatibility with Local Conditions.*
  - 1. Plants used for landscaping shall be compatible with local climate and the soils, drainage, and water conditions of the subject property.
  - 2. On hillsides, slopes, drainages, or similar natural areas, plant material shall duplicate adjacent plant communities both in species composition and special distribution patterns.
- C. *Water-Wise and Drought-Resistant Plantings.* Drought-resistant varieties of plant material shall be utilized. Xeriscape design principles and the use of native plant species shall be used as appropriate.
- D. *Defensible Space.* Landscape plans shall be developed in compliance with applicable defensible space requirements. *See Section 3.7.3.4., Wildfire Hazard Mitigation.* Where the standards of this Chapter conflict with defensible space requirements, the defensible space requirements shall control if no reasonable alternative design will allow for compliance with both this Chapter and the defensible space requirements.
- E. *Fire Hydrants and Utility Lines.* Landscaping shall be installed in locations that (measured at anticipated maturity of the landscaping materials) do not obstruct fire hydrants or utility boxes, do not interfere with underground utility lines, and do not encroach into overhead utility lines.

Sec. 3.5.2.2 INSTALLATION OF NEW TREES AND SHRUBS

- A. *Generally.* In general, plant materials that are installed according to the requirements of this Chapter shall meet the standards that are set out in this Section.
- B. *Size at Planting.* The minimum sizes of new landscape materials used to satisfy the requirements of this Chapter are set out in Table 3.5.2.2., *Minimum Size of Landscape Materials*. However, larger sizes may be required to ensure survival or to implement a condition of a land use approval.

**Table 3.5.2.2., Minimum Size of Landscape Materials**

Type of Plant Material	Minimum Caliper, Height, or Container Size
Evergreen Trees	6 ft. Height
Deciduous Shade Trees	2 in. Caliper
Deciduous Ornamental Trees	2 in. Caliper
Shrubs or Ornamental Grasses	5 gallon minimum; If used as a buffer, estimated growth to 3 ft. in height within 3 years

- C. *Specification of Landscape Materials.* All plant material shall be true to type, form, species, quality and free of injury, broken root balls, pests and diseases as well as conform to the minimum requirements described in “American Standards for Nursery Stock” (ANSI Z60.1), published by AmericanHort, as may be amended from time to time, and follow the Green Industries of Colorado (“GreenCo”) Tree Planting Recommendations, as may be amended from time to time. Plant materials shall have normal, well-developed branches and vigorous root systems.
- D. *Location and Arrangement.*
  - 1. Trees and shrubs shall be grouped in strategic areas (*e.g.*, to enhance wildlife habitats and corridors, to provide screening, to frame views, to provide for defensible space, to enhance pedestrian comfort, and to provide shade to buildings and outdoor use areas in summer and solar access in winter), and not spread thinly around the subject property.
  - 2. All required landscaping shall be located outside of any adjacent right-of-way unless a written waiver is received from the Director.
- E. *Quality.* Trees and shrubs shall meet the quality standards of the Colorado Nursery Act, C.R.S. § 35-26-104, as amended.

**DIVISION 3.5.3 LANDSCAPE BUFFER STANDARDS**

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Sec. 3.5.3.1 LANDSCAPE BUFFERS

- A. *Screening of Service Areas and Equipment.* Landscaping shall be used to screen from view uses such as trash enclosures, storage areas, mechanical equipment, loading docks, and similar items where such areas are visible from public roads, sidewalks, or open space.

- B. *Land Use Buffering.* Landscaping shall be installed to effectively buffer proposed commercial or industrial uses from surrounding residential uses and to provide a landscaped buffer along collector and arterial streets.
- C. *Intensity of Buffering.* Where screening is required, plant materials shall be sufficient to create a semi-opaque wall of plant material between the property and the adjoining area to be screened.

Sec. 3.5.3.2 PARKING BUFFERS

Off-street parking lots that contain 15 or more parking spaces shall be buffered from adjacent road rights-of-way. Landscape buffers may be achieved by way of a minimum setback of 75 feet, or through the use of earthen berms, building or garden walls, shrubs, trees, or other appropriate materials that effectively screen the parking area from adjacent rights-of-way.

DIVISION 3.5.4 TREE PRESERVATION AND TREE PROTECTION

Sec. 3.5.4.1 PROTECTION OF EXISTING TREES, SHRUBS, AND NATURAL FEATURES

- A. *Generally.* Development shall be designed so that existing healthy trees (except prohibited trees), native vegetation, natural or significant rock outcroppings, and other valuable features (in terms of natural resource or aesthetic values) are preserved and left undisturbed or integrated within larger planting areas to the extent practicable.
- B. *Preservation of Native Vegetation.*
  1. Brandegee wild buckwheat and Arkansas canyon stickleaf shall not be disturbed or negatively impacted by development.
  2. When native vegetation must be removed within habitat areas, the impact shall be fully mitigated by way of revegetation with comparable native species, or augmentation of vegetation in nearby habitat areas to provide comparable functional value to wildlife.
  3. If revegetation with native species is not feasible, desirable non-native vegetation capable of supporting post-disturbance land use may be used if approved by the County's Weed Management Department.

Sec. 3.5.4.2 RESTORATION AND REVEGETATION OF DISTURBED AREAS.

- A. *Generally.* Where existing vegetative cover is damaged or removed (whether on the subject property or off-site, in cases where off-site improvements are also required to support development of the subject property), and not otherwise replaced with new improvements or landscaping, the impacted areas shall be revegetated with a mix of native, adaptive, and drought tolerant vegetation, grasses, and ground covers that are capable of supporting the post-disturbance condition and sufficiently dense to prevent soil erosion and invasion of weeds after two growing seasons (730 days) after the date of project completion.

- B. *Re-Use of Topsoil.* Topsoil shall be stockpiled and reused as practical.

## DIVISION 3.5.5 NOXIOUS WEED CONTROL, LANDSCAPE MAINTENANCE, AND LANDSCAPE WARRANTIES

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### Sec. 3.5.5.1 NOXIOUS WEED CONTROL

As directed by the County Weed Department Supervisor, a noxious weed survey may be required prior to disturbance of property for development. If noxious weeds are identified, they shall be eradicated or controlled as provided in an integrated weed management plan provided by the applicant, which shall be in accordance with the Chaffee County Noxious Weed Management Plan (Chaffee County Resolution 2017-61) and which shall be subject to the approval of the County Weed Department Supervisor. *See, e.g., C.R.S. § 35-5.5-104* (“It is the duty of all persons to use integrated methods to manage noxious weeds if the same are likely to be materially damaging to the land of neighboring landowners.”)

### Sec. 3.5.5.2 USE OF LANDSCAPE AREAS

Areas required as landscaping shall not be used for parking, outdoor storage, or similar uses, but may be used for snow storage if designed in compliance with this Chapter and Section 3.1.2.4., *Snow Storage*.

### Sec. 3.5.5.3 LANDSCAPE MAINTENANCE

- A. *Generally.* All landscaping elements and irrigation equipment shall be maintained in good condition. Ongoing maintenance, including the replacement of dead or unhealthy plantings, is required for areas that are landscaped pursuant to an approved landscape plan.
- B. *Restrictions within Dripline or Critical Root Zone of Preserved Trees.* The following restrictions apply within the larger of the dripline or the critical root zone of preserved trees:
1. Prohibited Activities. The following are not allowed:
    - a. Cutting or filling;
    - b. Storage of building materials or debris;
    - c. Disposal of wastes;
    - d. Installation of impervious paving.
  2. Barricades Required. The dripline or critical root zone shall be barricaded during construction to prevent damage to the trees and their roots by construction equipment.
- C. *Tree Pruning Techniques.*
1. The following pruning techniques are prohibited on trees that are preserved or planted pursuant to an approved landscape plan:
    - a. Topping (cutting large vertical branches of the tree to reduce its height).

- b. Tipping (cutting branches between nodes).
  - c. Bark ripping (cutting branches so that the bark rips when the branch falls).
  - d. Flush cuts (cutting the branch too close to the collar, the area where the branch connects to the tree).
  - e. Stub cuts (cutting branches too far away from the collar, the area where the branch connects to the tree).
2. All pruning of trees within the public right-of-way shall be performed in accordance with ANSI A300, Part 1 (Pruning), as amended from time to time, and Tree Pruning Best Management Practices or Best Management Practices - Utility Pruning of Trees, as applicable (published by the International Society of Arboriculture), as either may be amended from time to time.
- D. *Continuing Obligations.* Provisions for landscaping, screening, and maintenance are a continuing obligation of the property owner, and where approved trees, shrubs, or other landscaping materials die or are removed, it is the responsibility of the property owner to replace them with materials of a comparable nature and size to those originally approved. Replacement shall occur no later than the end of the next available planting season, but in any event, such replacement time shall not exceed one year. The continuing obligations of this subsection do not apply to trees that must be removed for wildfire protection or mitigation purposes.

Sec. 3.5.5.4 TIMING, LANDSCAPE SURETIES, AND LANDSCAPE WARRANTIES

- A. *Timing.*
- 1. All approved and required landscaping outside of individual lot landscaping (*e.g.*, parks, subdivision open space, right-of-way plantings, etc.) shall be installed as stipulated in a development agreement with the County prior to final acceptance of public improvements.
  - 2. For lot-specific development, such as single-unit detached residential, multi-family, commercial, industrial, or other developments, all landscaping shall be installed prior to Temporary Certificate of Occupancy or (in the case of residential development) Certificate of Occupancy, as applicable, or final inspection.
- B. *Seasonal Delays.* In no event shall landscaping be delayed more than seven months after issuance of a Temporary Certificate of Occupancy or three weeks into the beginning of the next planting season, whichever occurs sooner.
- C. *Surety.* If landscaping is not installed at the time of Temporary or Final Certificate of Occupancy, then the applicant shall provide a financial guarantee for the installation of the landscaping, based on one hundred 125 percent of the estimated total cost of installation. The estimated total cost of installation shall include all labor, materials, and necessary activities required for installation and establishment (*e.g.*, root watering, periodic fertilization, etc.) of the approved



landscaping. The County will release the guarantee upon a finding that the landscaping is installed.

- D. *Performance Warranty.* A performance warranty in the minimum amount of 20 percent of the cost of installation of landscaping may be required for projects where the County-approved cost estimate for landscaping exceeds \$25,000, and the landscaping is used as a visual buffer, erosion control mechanism, or to restore or enhance high quality or highest quality habitat. The performance warranty shall be held until completion of the first full growing season after the growing season of installation, and shall secure the replacement of any dead or diseased plant material.

## CHAPTER 3.6 Natural Resource Stewardship

### DIVISION 3.6.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 3.6.1.1 PURPOSE

The preservation of natural resources is critical to the health, safety, welfare, and economy of the County and the surrounding region. Natural resources, including wildlife habitats, wetlands, waterways, and natural vegetation play a vital role in supporting wildlife, maintaining healthy and resilient stream corridors, preserving water quality, reducing the spread of invasive species, improving water supply, minimizing flood damage, and supporting the local economy. The purpose of this Chapter is to ensure that these natural resources are protected and conserved in the face of new development by minimizing impacts and disturbances, enhancing existing conditions, and restoring or replacing the community resource value lost to development.

#### Sec. 3.6.1.2 APPLICATION; EXEMPTIONS

- A. *Generally.* This Chapter applies to all development within the County, including subdivisions, and full compliance with the standards set out herein is required prior to the issuance of any development permit, including certificates of zoning compliance, site plan approvals, administrative approvals, Planning Commission approvals, and Board of County Commissioners approvals.
- B. *Exemptions.* Activities associated with production agriculture operations provide significant stewardship benefits to the County with regard to habitat and natural resource protection. Such activities are therefore exempt from the provisions of this Chapter.

### DIVISION 3.6.2 RESOURCE SETBACKS

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#### Sec. 3.6.2.1 RESOURCE SETBACKS REQUIRED

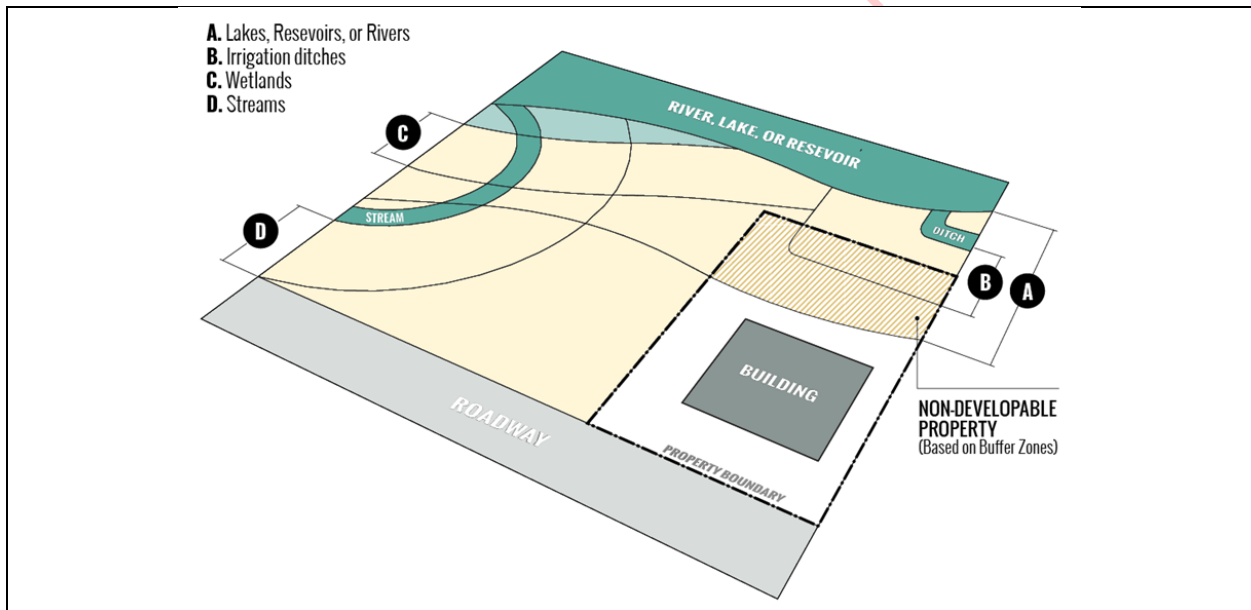
- A. *Generally.* Resource setbacks are required as set out in Table 3.6.2.1., *Minimum Resource Setbacks*, between natural resource areas that are identified and

delineated pursuant to this Chapter and areas that are developed with buildings, parking and vehicular circulation, outdoor storage, or active recreation uses. Figure 3.6.2.1.A., *Illustrative Resource Setbacks*, illustrates the application of standards in the table.

**Table 3.6.2.1., Minimum Resource Setbacks**

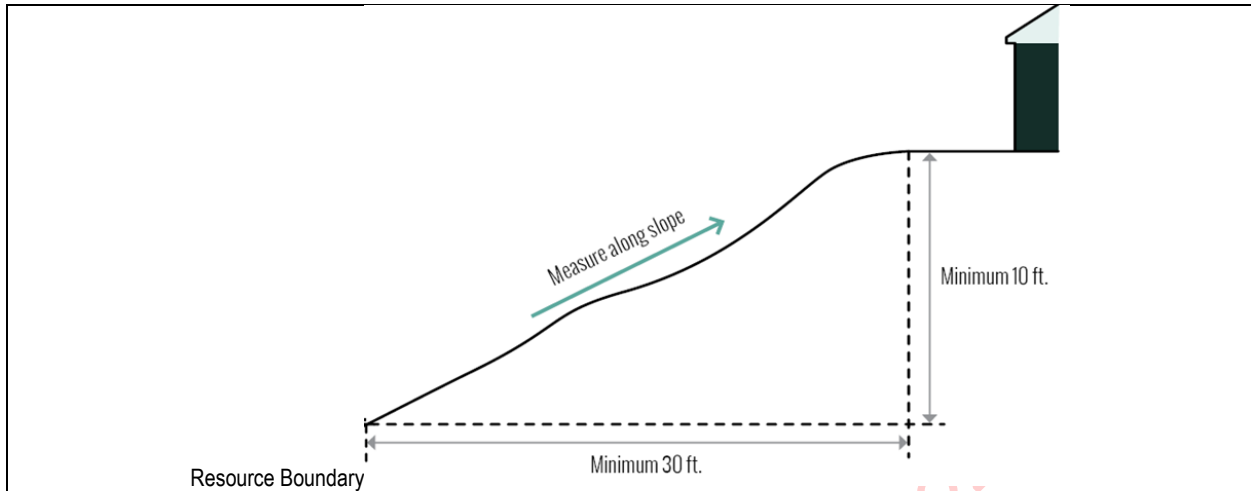
<b>Delineated Natural Resource</b>	<b>Minimum Resource Setback</b>
Irrigation ditches that serve as wildlife corridors	50 feet, projected outward from the toes of the outer slopes of the ditch bank.
Lakes or reservoirs	100 feet, projected outward from the ordinary high-water mark (lakes) or the highest elevation that accommodates the decreed storage capacity (reservoirs)
Wetlands < 1/3 acre in size	50 feet, projected outward from the delineated boundaries of the wetland
Wetlands >= 1/3 acre in size	100 feet, projected outward from the delineated boundaries of the wetland
Rivers	100 feet, projected outward from the ordinary high-water mark
Streams (intermittent and seasonal)	50 feet, projected outward from the ordinary high-water mark
Rivers and streams within a high or highest quality wildlife habitat	300 feet, projected outward from the ordinary high-water mark
High or highest quality habitat	100 feet, projected outward from the outermost delineated boundaries of high or highest quality habitat

**Figure 3.6.2.1.A., Illustrative Resource Setbacks**



- B. *Measurement.* Required resource setbacks are measured horizontally, except that the setback may be measured along the surface of the ground if:
1. The identified resource to be protected is not a surface water resource; and
  2. The average grade change between the edge of the resource and the ground level at the horizontal setback line is more than 10 feet vertically over a horizontal distance of 30 feet. See Figure 3.6.2.1.B., *Illustrative Alternative Resource Setbacks.*

Figure 3.6.2.1.B., Illustrative Alternative Resource Setbacks



- C. *Delineation Required on Plats and Plans.* Resource setback lines shall be shown on final subdivision plats and site plans.

Sec. 3.6.2.2 ALTERNATIVE COMPLIANCE

- A. *Generally.* Any minimum resource setback larger than 50 feet may be reduced to no less than 50 feet by the Director, or further by the Planning Commission at a public meeting, if it is demonstrated that strict application of the resource setbacks precludes a reasonable building envelope, and:
1. The reduced buffer will not result in new or continuing water quality degradation, stream bank erosion, reduction in riparian or wetland habitat, degradation of aquatic habitat, destruction of floodplain functionality, or the endangerment of life or property due to fluvial hazards; or
  2. The proposed development is designed to fully and reliably mitigate the impacts of the reduced resource setback.
- B. *Site-Specific Analysis Required.* The demonstration required by subsection A., above, shall be set out in a site-specific analysis prepared by a County-approved professional who is qualified in the areas of ecology, wildlife biology, hydrology, or other relevant discipline.

Sec. 3.6.2.3 PROHIBITIONS WITHIN RESOURCE SETBACK AREAS

- A. *Disturbance Prohibited.* No disturbance shall occur within any resource setback, and no person shall engage in any activity that will disturb, remove, fill, dredge, grade, clear, destroy, or alter any area, including vegetation within lakes, ponds, stream corridors, and wetlands.
- B. *Permanent Structures and Pavements Prohibited.* Resource setback areas shall remain free of permanent structures, recreational amenities, infrastructure, and similar permanent site disturbances.

#### Sec. 3.6.2.4 RESTORATION OF RESOURCE SETBACK AREAS

If development causes any disturbance within a resource setback, the applicant shall undertake restoration and mitigation measures, to include regrading and replanting of native vegetation. Any such mitigation or restoration shall be at least equal in ecological value to that which was affected as determined by a County-approved professional qualified in ecology, vegetation, wildlife biology, or other relevant discipline.

#### Sec. 3.6.2.5 EXEMPTIONS AND ADMINISTRATIVE VARIATIONS

- A. *Exemptions.* The following activities are not subject to the restrictions set out in this Division:
1. Construction, maintenance, repair, excavation, enlargement, reconstruction, and removal of ditch lining, armoring, pipes and culverts, service roads, dams, diversion structures, measurement devices, flumes, siphons, and all other comparable activities regarding ditch or reservoir infrastructure undertaken by or at the direction of the owner of an irrigation ditch or reservoir, including the clearance of vegetation that, in the judgment of the owner of the irrigation ditch or reservoir, interferes with ditch access, increases seepage, or threatens the integrity of ditch banks.
  2. Emergency public safety activities.
  3. Construction of a trail or pedestrian walkway in accordance with a County-adopted trails master plan that will provide public access for educational or recreational purposes, provided that the trail or pedestrian walkway (including its projected use) is compatible with the ecological character or wildlife use of the natural habitat or feature, and the proposed trail or pedestrian walkway does not diminish habitat quality; or
  4. Construction or installation of recreation features or public park elements in accordance with a County-adopted plan, provided that such features or elements are compatible with the ecological character or wildlife use of the natural habitat or feature, and that the proposed trail or pedestrian walkway (including its projected use) does not materially diminish habitat quality.
- B. *Administrative Variations.* The Director may allow disturbance or construction activity within a resource setback for the following limited purposes:
1. Restoration of previously disturbed or degraded areas or planned enhancement projects, provided it is demonstrated that the proposed restoration or enhancement will provide a benefit to the natural area or feature.
  2. Utility installations, provided it is demonstrated that such installations cannot reasonably be located outside the resource setback and the installation is designed to minimize the impacts of construction and maintenance on the impacted resource.

## DIVISION 3.6.3 WILDLIFE CORRIDORS, RANGES, AND HABITAT

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### Sec. 3.6.3.1 PURPOSE OF DIVISION

- A. *Generally*. Certain applications require review by Colorado Parks and Wildlife (“CPW”), which may recommend mitigation of impacts. For applications that do not require CPW review, the applicant is encouraged to consult with CPW anyway, in order to determine how to best avoid or mitigate impacts to wildlife habitat areas.
- B. *Wildlife Stewardship Techniques*. Wildlife stewardship objectives may involve, among other things, one or more of the following techniques:
1. Visual and Sound Buffers. Visual and sound buffers created by effective use of topography, vegetation, and similar measures to visually, physically, and functionally screen buildings, structures, and activity areas from habitat areas.
  2. Location Controls of Land Disturbance. Avoid land disturbance that forces use of new migration corridors, exposure to significantly increased predation, interaction with vehicles, or intense or disruptive human or domestic pet activity.
  3. Preservation of Native Vegetation. Minimize disturbance of native vegetation. When native vegetation must be removed within habitat areas, replacement with native and/or desirable non-native vegetation capable of supporting post-disturbance land use may be required.
  4. Habitat Compensation. Where significant disturbance of wildlife habitat cannot be avoided, the applicant may be required to acquire, enhance or restore, and permanently protect nearby existing habitat to compensate for habitat that is lost to development.

### Sec. 3.6.3.2 IDENTIFICATION OF WILDLIFE HABITAT, RANGES, AND CORRIDORS [UPDATED 10-8-2024, MOVED SOME CONTENT TO DIVISION 4.1.5.]

The Chaffee County Planning for Wildlife Map shall be used to identify locations of sensitive wildlife habitats for land and aquatic species, including potential habitats and known locations of rare, threatened, or endangered species, big game winter ranges, and migration corridors. As wildlife distribution is fluid and populations are dynamic, the map shall be used as an initial guide to identify where various levels of wildlife impacts may occur. Further review, including preparation of a Habitat, Range, and Migration Corridor Report (see Division 4.1.5., *Habitat, Range, and Migration Corridor Plans*) or consultation with Colorado Parks and Wildlife, may be required.

### Sec. 3.6.3.3 REQUIRED AVOIDANCE, MINIMIZATION, AND MITIGATION

- A. *Generally*. All development shall be required to avoid and minimize impacts to high-quality and highest-quality habitat as identified on the Planning for Wildlife Map and confirmed by a wildlife report for the subject property. After avoidance and minimization strategies are implemented, remaining impacts shall be

mitigated based on identified habitat quality, as set out in Table 3.6.3.2., *Required Mitigation Actions*. Mitigation measures shall be specified in the wildlife report.

**Table 3.6.3.2., Required Mitigation Actions [Updated 10-7-2024 (cross-reference)]**

Habitat Quality	Required Mitigation Actions
Not high or highest	<ul style="list-style-type: none"> <li>• Undeveloped areas shall be designed and maintained to minimize disturbances to wildlife.</li> <li>• Subdivision covenants shall include a no feeding wildlife policy.</li> </ul>
High	<ul style="list-style-type: none"> <li>• Undeveloped areas shall be designed and maintained to minimize disturbances to wildlife.</li> <li>• Subdivision covenants shall include a no feeding wildlife policy.</li> <li>• Subdivision development shall conform to the conservation subdivision standards set out in Division 3.1.4., <i>Conservation Subdivision Design Principles</i>, using the Wildlife Report to identify the location and treatment of the conservation area(s)</li> <li>• New roads shall be located outside the mapped high and highest quality habitat areas, or where same is not feasible, designed for wildlife crossings at appropriate locations.</li> <li>• Visual and sound buffers shall be used to screen structures and activity areas from habitat areas through use of topography, screening, vegetation, or similar measures.</li> <li>• Mitigation recommendations articulated in wildlife report shall be implemented</li> </ul>
Highest	<ul style="list-style-type: none"> <li>• All required mitigation actions for high quality habitats.</li> <li>• Seasonal limitations on human activities shall be imposed during periods of sensitive wildlife activity, such as breeding or migration seasons, as appropriate to avoid harms to wildlife and avoid human-wildlife conflicts..</li> <li>• Development shall avoid direct and indirect disturbances of watering holes, springs, streams, rivers, wetlands, and ponds.</li> </ul>

B. *Off-Site Mitigation*. It is the County’s policy to ensure no net loss of high-quality and highest-quality habitat. If it is demonstrated that additional habitat must be conserved or in-kind habitat protected off-site to compensate for habitat loss or material habitat degradation, such measures shall be coordinated with CPW.

Sec. 3.6.3.4 WILDLIFE REPORT STANDARDS

A. *Generally*. The wildlife report shall consist of narrative and maps necessary to identify wildlife habitat areas, winter ranges, and migration corridors and describe proposed avoidance, minimization, and mitigation measures (including building envelopes, fencing locations, easements, and designated conservation areas) for the protection of wildlife, their habitats, and migration corridors, and for the avoidance of human-wildlife and vehicular-wildlife conflicts.

B. *Qualifications of Preparer*. The wildlife report shall be prepared by a wildlife biologist, ecologist, or similar qualified expert approved by the County, who shall consult with CPW.

C. *Specific Requirements*. The wildlife report, at a minimum, shall identify the relevant physical features of the subject property, make site-specific determination of the locations of wildlife habitat on the subject property, describe how the proposed development complies and/or conflicts with the requirements of this Code, and provide the following:

1. A map of the subject property, in context, depicting wildlife activity patterns including migration routes, travel corridors, nesting, feeding, watering and production areas, and any critical connections or relationships with

adjoining areas. The map shall also depict property ownership and generalized land use surrounding the subject property.

2. A map that delineates high-quality and highest-quality habitat, with sufficient precision such that it may be shown on plats and site plans.
3. Identification of any species that use the subject property that are listed by the US Department of the Interior or the State of Colorado as endangered, threatened, or are species of special concern.
4. Identification of priority aquatic species that are present on the subject property or in waters at a boundary of the subject property.
5. A description of the activity patterns of identified wildlife currently and historically using the identified habitat on the subject property.
6. An evaluation of the discrete and cumulative impacts of the proposed development on the identified wildlife species (including stress due to human presence, interference with reproduction, change of migration routes, etc.) and the time-periods during which wildlife may be affected.
7. Specifications for wildlife movement across, over, or under roadways, trails, or multi-use pathways associated with the development.
8. A description of the optimal approach to avoiding and minimizing impacts on identified wildlife.
9. A mitigation plan that describes how the proposed development will comply with Table 3.6.3.2., *Required Mitigation Actions*, to mitigate impacts of development on identified wildlife that cannot feasibly be further avoided or minimized.

Sec. 3.6.3.5 CONSERVATION DESIGN REQUIRED [UPDATED 10-7-2024 (CROSS-REFERENCE)]

- A. *Subdivisions*. All subdivision of property that includes areas delineated as high or highest quality habitat shall conform to the conservation subdivision standards as set forth in Division 3.1.4., *Conservation Subdivision Design Principles*, using the wildlife report to guide the location of the conservation area, the configuration of lots, and the siting of building envelopes.
- B. *Other Development*. All other development on subject properties that include areas identified as high or highest quality habitat shall be set back from the high or highest quality habitat identified in the wildlife report to the maximum extent practicable, but at least as provided in Section 3.6.2.1., *Resource Setbacks Required*, or Section 3.6.2.2., *Alternative Compliance*.

Sec. 3.6.3.6 SAFE PASSAGE REQUIRED [UPDATED 10-7-2024 TO REMOVE EXTRANEIOUS TEXT]

Development that occurs on a subject property that contains high or highest quality habitat shall be designed and operated so that wildlife identified in the wildlife report, including aquatic species, are afforded safe passage through the development and across its roads.



## DIVISION 3.6.4 WETLANDS

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### Sec. 3.6.4.1 IDENTIFICATION OF WETLANDS

[Reserved] Wetlands are controlled by HB24-1379, signed into law on May 29, 2024. CDPHE and the Water Quality Control Commission have jurisdiction, and as state regs are being developed, former federal approvals and general permits are essentially kept in place.

### Sec. 3.6.4.2 AVOIDANCE AND MITIGATION OF WETLAND IMPACTS

[Reserved] Wetlands are controlled by HB24-1379, signed into law on May 29, 2024. CDPHE and the Water Quality Control Commission have jurisdiction, and as state regs are being developed, former federal approvals and general permits are essentially kept in place.

### Sec. 3.6.4.3 CONSTRUCTION, RESTORATION, ENHANCEMENT, OR MITIGATION OF WETLANDS

- A. *Generally.* Wetlands may be constructed, restored, enhanced, or mitigated as allowed by state and federal law.
- B. *Airport Overlay District.*
  1. Wetland construction, restoration, enhancement, or mitigation projects within the airport overlay district shall be carried out with the safety of air traffic in mind. Such projects shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or runway approach zones. *See Division 3.7.5., Airport Overlay District.*
  2. Wetlands projects that create, enhance, or restore wetlands that are proposed to be located within the airport overlay district and that would result in the creation of a new water impoundment or expansion of an existing water impoundment shall demonstrate the following:
    - a. Off-site mitigation is not practicable, or the wetlands project involves existing wetland areas regulated under the overlay district that have not been associated with attracting problematic wildlife to the airport/heliport vicinity, or the affected wetlands provide unique ecological functions (such as critical habitat for threatened or endangered species or ground water discharge); and
    - b. The resulting wetlands are designed, and will be maintained in perpetuity, in a manner that will not increase hazardous movements of birds feeding, watering, or roosting in areas across runways or approach surfaces.
  3. The proposed wetland project shall be coordinated with the Airport Sponsor, the Board, the FAA and FAA's technical representative, the Colorado Division of Parks and Wildlife ("CPW"), the US Fish and Wildlife Service ("USFWS"), and the U.S. Army Corps of Engineers ("USACE"), as applicable, and input from such agencies shall be reflected in the application.

## DIVISION 3.6.5 WATERBODIES, RIVERS, STREAMS

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### Sec. 3.6.5.1 PURPOSE AND APPLICATION OF DIVISION [ADDED 10-7-2024]

- A. *Purpose.* The purpose of this Division is to protect ecological and aesthetic functions of natural waterbodies, rivers, and streams within the County.
- B. *Application.* This Division applies to all development within 150 feet of the ordinary high-water mark of a natural waterbody, river, or stream.
- C. *Relationship to Other Regulations.* The requirements of this Division are applied in addition to the requirements of the fluvial hazard zone, the Chaffee County Floodplain Management and Flood Damage Prevention Resolution, and other natural resource stewardship requirements that may be applicable due to habitat or other values associated with natural waterbodies, rivers, and streams. Additionally, development that is visible from the Arkansas River is subject to Division 3.6.8., *Scenic Resources*.

### Sec. 3.6.5.2 DISTURBANCE OF RIPARIAN VEGETATION, SHORELINES, RIVERBANKS, AND STREAMBANKS [ADDED 10-7-2024]

- A. *Riparian Vegetation.* Riparian vegetation shall not be disturbed during development unless there is no feasible alternative to such disturbance. If riparian vegetation is removed, stabilization of the shoreline, riverbank, or streambank, and revegetation of areas that are not altered and armored are required.
- B. *Other Alterations or Disturbances.*
  - 1. There shall be no alteration of a shoreline, riverbank, or streambank except:
    - a. As necessary to mitigate an existing hazard or to clean up or restore the shoreline or bank; or
    - b. To provide access to the shoreline, riverbank, or streambank for a passive park, wilderness park, or recreational use that requires access to the water.
  - 2. No such alteration shall be allowed without a permit from the State of Colorado or U.S. Army Corps of Engineers, as applicable.

### Sec. 3.6.5.3 DUMPING [ADDED 10-7-2024]

The dumping into rivers, streams, or waterbodies any debris, dirt, fill, vegetation, street snow, or other material is prohibited. Stormwater runoff and snow melt are not considered “dumping,” but shall be treated prior to release into rivers, streams, and waterbodies as provided in this Code, the ECM, and State and Federal law.

## DIVISION 3.6.6 IRRIGATION DITCHES AND RESERVOIRS

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### Sec. 3.6.6.1 PURPOSE AND APPLICATION OF DIVISION

- A. *Purpose of Division.* The purpose of this Division is to provide protection for ditch and reservoir infrastructure in the County.
- B. *Application of Division.*
  - 1. Generally. This Division shall apply to all property within the corporate limits of this County, the use of which the County has the jurisdiction and authority to regulate. The provisions of this Division regarding irrigation ditches shall not apply to abandoned ditches that are no longer in service, as determined by the State of Colorado.
  - 2. Intergovernmental Coordination. The County shall attempt to utilize existing and develop new intergovernmental agreements with cities, towns, and other governmental agencies (including the U.S. Bureau of Land Management (“BLM”) and the U.S. Forest Service (“USFS”)) within the County to ensure that this regulation is effective in those agricultural areas that are within the limits of the County.
  - 3. Application to Property that is Annexed into Municipal Boundaries. The County shall endeavor to ensure that the provisions of this Division, or provisions with comparable or greater protection for ditch and reservoir infrastructure, are included into annexation agreements when property adjoining agricultural operations or adjacent to irrigation ditches or reservoirs is annexed by a municipality, by, *inter alia*, refraining from waiving an annexation impact report unless such protections are included in the annexation agreement.

### Sec. 3.6.6.2 IRRIGATION DITCH EASEMENTS

- A. *Generally.* Under Colorado law, a ditch owner has an easement as wide as reasonably necessary for maintenance, operation and repair of a ditch. Such an easement may exist over private property. The County recommends that the easement be wide enough to provide continuous vehicular access along the length of at least one side of the ditch (typically, 15 feet, however access issues and terrain may necessitate a different width) in order to facilitate maintenance. If there are existing trees within the easement, the easement shall be located adjacent to the trees, so that the trees will not hinder access. Nothing in this recommendation is intended to alter state law or other rights or agreements which may define the width of such easement. If there is a dispute regarding the width or extent of such easement, the County recommends that the parties utilize the Agricultural Land Use Conflict Resolution Program that is established by Chaffee County Ordinance 2008-02.
- B. *Minimum Easements.* As a condition of approval of any land use change, minor plat correction, lot line adjustment, building code permit for new construction, or onsite wastewater treatment system (“OWTS”) permit, a minimum 15 foot ditch

maintenance easement from the toe of the ditch bank shall be shown on all plats, surveys, plans, drawings or similar documents submitted after the effective date of this Code. The easement must connect to subdivision or county roads or other recorded ditch easement. Where the ditch bank is not raised, the toe of the ditch bank measured from the lowest point, as measured at any cross-section, at which water could overflow. If there are existing trees within the minimum easement, the easement shall be located adjacent to the trees, so that the trees will not hinder access, or the trees shall be removed, at the option of the ditch owner.

[Updated 10-6-2024]

- C. *Additional Easement Area.* Easements of additional width may be required by the BOCC where warranted because of terrain or other circumstances in which the ditch owner can demonstrate the need, in order to ensure adequate maintenance. Similarly, a lesser width may be approved by the Board in circumstances in which the applicant can demonstrate a lesser width is adequate. The County may obtain a recommendation from the mediation panel described below as to whether additional or lesser width is warranted. Notwithstanding the width of the ditch easement proposed by the applicant, within the specifications of this Section, or approved by the Board, the ditch owner(s) may have rights to an easement or right-of-way which is larger in size under the rules of adverse possession and prescription, other prior rights, or under applicable state or federal law. Activities of the County or subdivider are not intended to annul or abridge these rights.  
[Updated 10-6-2024]
- D. *Agreements by Ditch Owner(s).* When approved in notarized and recorded written form by the ditch owner(s), the width for irrigation ditch easements and for setbacks may be decreased and existing historical easements used to gain access to ditches, headgates, and fences for maintenance or operational purposes may be preserved or replaced with reasonable alternate easements suitable for continuation of the historic use.
- E. *Seepage Easements.* Applicants are on notice that earthen ditches may seep, increasing groundwater levels, and that the ditch owner may have established a prescriptive right to the continuation of such seepage. Drainage systems and dewatering systems that may affect groundwater levels may increase seepage from ditches, adversely affecting the ditch owner. Applicants may be required to conduct studies and take measures to ensure that seepage from ditches is not increased, and may be required to acknowledge a ditch company's prescriptive right to seepage.
- F. *Easement Area Restrictions.* A property owner may not place any structures, plantings or other devices within a ditch easement if such hinders the ditch or the reasonable maintenance of the ditch unless prior written, notarized and recorded permission has been granted by the ditch owner(s).

#### Sec. 3.6.6.3 IRRIGATION DITCH SETBACKS

- A. *Generally.* Building envelopes shall be identified on all subject properties that adjoin an irrigation ditch. Building envelopes shall be shown on all site plans,

plats, plat exemptions, final PD plans, building permit applications, and OWTS permit applications after the effective date of this Code.

- B. *Required Setbacks.* A minimum 40 foot building setback from the toe of the ditch bank shall be provided. Where the ditch bank is not raised, the toe of the ditch bank measured from the lowest point, as measured at any cross-section, at which water could overflow. No structures, including overhangs, shall be located within the setback. [Added 10-6-2024]
- C. *Additional Setback Required.* Greater setbacks may be required by other provisions of this Code or by the Board where warranted because of public safety, terrain, or other circumstances; specifically to include disturbance of the ditch embankment.
- D. *Reduced Setback.* Setbacks may be decreased by agreement with the ditch owner(s). A lesser setback may also be approved by the Board in circumstances in which the applicant can demonstrate construction within the building envelope will cause no possible harm to the ditch operator's water right, limit any maintenance operations and property owner and successor property owners will indemnify the ditch operator from any damage claims resulting from any water damage.

#### Sec. 3.6.6.4 IRRIGATION DITCH CROSSINGS AND MODIFICATIONS/REALIGNMENTS

- A. *Generally.* Irrigation ditch crossings (including without limitation roads, driveways, bridges, culverts, utility lines, fords, and fences) and modifications are allowed only with the prior written, notarized, and recorded consent of the ditch owner(s). Design of a ditch crossing must meet the reasonable standards defined by the ditch owner(s) and in conformity with any applicable County regulations. The crossing owner should demonstrate that the crossing will not impair or hinder the maintenance and operations of the ditch.
- B. *Maintenance.* Unless otherwise provided in an agreement with the owner of the ditch, ditch crossings shall be maintained by and at the expense of the owner of the crossing, in a manner that assures the crossing in no way impedes the flow of or quality of water in the ditch. Such maintenance includes clearance of accumulated debris caused by the crossing.
- C. *Lots Below Irrigation Ditches.* With respect to property adjacent to irrigation ditches and irrigated land with a building envelope located below an irrigation ditch, the applicant for any Land Use Change (as defined in the County's Land Use Code), minor plat correction, lot line adjustment, building code permit for new construction, or ISDS Permit must submit a drainage plan that addresses the impact of ditch overtopping. The drainage plan should also demonstrate that the drainage will not impair the operation of the ditch.
- D. *Improper Uses of Ditches.* Unless approved in writing by both the County Engineer and the ditch owner(s) (by way of a permanent easement or an easement that is effective until an alternative drainage system is in place), ditches may not be used as drainage facilities. If the BOCC, the Chief Building Inspector, or Director

determines the existence of a ditch through a lot may result in improper use of that ditch then the BOCC, Chief Building Inspector, or Director may require protective measures that are acceptable to the ditch owner.

Sec. 3.6.6.5 CONTINUING ACCESS REQUIRED [UPDATED 10-7-2024]

No development shall be configured to restrict access to a ditch or reservoir by the owner of the ditch or reservoir.

DIVISION 3.6.7 TREELINE OVERLAY ZONE

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Sec. 3.6.7.1 PURPOSE AND APPLICABILITY [ADDED 10-7-2024]

- A. *Purpose.* The purpose of this Division is to establish restrictions on development and use of land within the treeline overlay zone in order to implement its purposes.
- B. *Applicability.* The limitations of this Division apply within the treeline overlay zone.

Sec. 3.6.7.2 RESTRICTIONS ON DEVELOPMENT [ADDED 10-7-2024]

- A. *Infrastructure.* New roads shall not be constructed within the treeline overlay zone.
- B. *Buildings.*
  - 1. No building that is larger than 200 square feet in area shall be constructed within the treeline overlay zone.
  - 2. Buildings shall be spaced at least 300 feet from each other.
  - 3. All buildings shall be located within 25 feet of a road, and at least 50 feet away from areas that include rare alpine plants, as identified by the Colorado Native Plant Society.
- C. *Campsites.* Personal campsites are allowed, provided that they are marked and located at least 50 feet away from areas that include rare alpine plants, as identified by the Colorado Native Plant Society,

Sec. 3.6.7.3 RESTRICTIONS ON LAND USE [ADDED 10-7-2024]

- A. *Prohibitions.* The following land uses are prohibited in the treeline overlay zone, notwithstanding anything to the contrary in Division 2.1.3., *Land Use by Zoning District*: agriculture; aquaculture; agritourism; campground; golf course; wildlife rehabilitation; resource extraction (minerals), except on patented mining claims; parking; and utilities, minor.
- B. *Additional Standards for Wilderness Parks.* In addition to any other applicable standards, wilderness parks shall include marked trails that avoid rare plants and sensitive or hazardous areas. Such trails shall be posted with signage that advises park users to stay on the trail.



## DIVISION 3.6.8 SCENIC RESOURCES

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### Sec. 3.6.8.1 PURPOSE AND APPLICABILITY [ADDED 10-7-2024]

- A. *Purpose.* The visual resources of the County are critical to the long-term economic prosperity of the County and enjoyment of its residents and visitors. Visual resources, including views of natural landforms, waterbodies, the Arkansas River and its tributaries, and dark skies are vital to the community's natural character. Interruption of these natural forms by buildings and structures detracts from the County's scenic character. The purpose of this section is to provide standards for new development to mitigate its impact on the County's scenic resources.
- B. *Applicability.* This Division is applicable to all new nonresidential buildings (except agricultural buildings), multifamily buildings, and subdivisions that upon build-out will include buildings that are visible from identified scenic resource vantage points.

### Sec. 3.6.8.2 SCENIC RESOURCE VANTAGE POINTS IDENTIFIED; VISUAL IMPACT ANALYSIS REQUIRED [ADDED 10-7-2024]

- A. *Generally.* The following scenic resource vantage points are identified for protection pursuant to this Division:
  - 1. Views from the Arkansas River;
  - 2. The view from Westbound U.S. Hwy. 24/285, towards Mt. Princeton, just west of Johnson Village;
  - 3. Views of the Sawatch mountain range from U.S. Hwy. 285 along the segment of the highway between Chalk Creek and C.R. 150, where such views are not obstructed by existing topographical features or forested areas.
- B. *Visual Impact Analysis Required.* If a subject property that is proposed for development that is subject to this Division and there is an unobstructed view of the subject property from a scenic resource vantage point, the applicant shall provide a visual impact analysis, which shall contain the following information and analysis:
  - 1. A graphic illustration of the impact of the proposed development on the views from the pertinent scenic resource vantage point;
  - 2. An illustration of ground elevations, existing buildings and structures, and vegetative cover before development (the "pre-development condition"), in plan-view and elevation view, taking into account the elevation of the road and the distance to the scenic resource;
  - 3. An illustration of the proposed development (the "post-development condition") in plan-view, and in elevation view from the same vantage points that were used to illustrate the pre-development condition;



4. A narrative that describes the site design (*see* Section 3.6.8.3., *Site Design*) and building and structure design (*see* and Section 3.6.8.4., *Building and Structure Design*) measures that are proposed to mitigate the impact of the proposed development on the scenic resource; and
5. Recommendations regarding methods for ensuring the long-term maintenance of the site design, building design, and structure design mitigation measures (*e.g.*, subdivision design parameters, architectural controls, or CCRs).

Sec. 3.6.8.3 SITE DESIGN [ADDED 10-7-2024]

- A. *Generally.* Development shall be designed to optimize the screening effect of existing vegetation and landforms in a manner that is consistent with natural resource stewardship and natural and man-made hazard mitigation. Existing vegetation may be supplemented with comparable vegetation to augment the screening effect.
- B. *Roads and Driveways.* Roads and driveways shall be designed to minimize impacts on existing vegetated areas, and so that the visual impact of their surfaces are screened from view from scenic resource vantage points.
- C. *Building Envelopes.* Building envelopes shall be designated where necessary to maintain the optimized screening effect of site design choices.

Sec. 3.6.8.4 BUILDING AND STRUCTURE DESIGN [ADDED 10-7-2024]

- A. *Generally.* Buildings and structures shall be designed to blend into the surrounding area to minimize the impact to the scenic resources.
- B. *Methods.* Methods of minimizing the visual impact of buildings and structures may include:
  1. Minimization of building footprints and building height;
  2. Muted, earth-toned exterior colors and materials with natural textures;
  3. Architectural techniques that break up building mass, such as variations in height and offsets to interrupt long wall planes; and
  4. Architectural styles for principal and accessory buildings that are reminiscent of traditional agricultural buildings in Chaffee County.

DIVISION 3.6.9 AREAS WITH ARCHEOLOGICAL, PALEONTOLOGICAL OR HISTORICAL IMPORTANCE

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Sec. 3.6.9.1 AREAS WITH ARCHEOLOGICAL OR PALEONTOLOGICAL IMPORTANCE

- A. *Generally.* The applicant shall identify archeological or paleontological resources if they have been previously designated, and the proposed land use change shall be designed to avoid or mitigate negative impacts upon those resources.

- B. *Discovery of Archeological or Paleontological Resources.* If an applicant discovers archeological or paleontological resources during pre-construction or construction activities, the applicant shall report same to the Director. Upon receipt of such report, the Director shall request that the State Historical Society of Colorado provide technical assistance with regard to identification and preservation of said resources pursuant to C.R.S. § 24-80-408.

Sec. 3.6.9.2 AREAS WITH HISTORICAL IMPORTANCE

[Reserved]

## CHAPTER 3.7 Natural and Man-Made Hazards

### DIVISION 3.7.1 PURPOSE AND APPLICATION OF CHAPTER

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Sec. 3.7.1.1 PURPOSE [ADDED 10-7-2024]

The purpose of this Chapter is to set out standards to avoid, minimize, and mitigate the impacts of natural and man-made hazards on development, in order to protect public health and safety, property, and natural resources.

Sec. 3.7.1.2 APPLICATION [ADDED 10-7-2024]

This Chapter applies to all development within areas that are subject to the natural and man-made hazards identified herein.

### DIVISION 3.7.2 HILLSIDES, RIDGELINES, AND TOPOGRAPHIC FEATURES

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Sec. 3.7.2.1 PROTECTION OF HILLSIDES [UPDATED 10-7-2024]

- A. *Generally.* Areas with slope of 15 percent or greater (“steep slopes”) shall be identified on preliminary plans and site plans, by location and percentage of slope, both for the existing site conditions and within the developed area.
- B. *Development of Hillsides.*
  - 1. 15 to 30 Percent Slopes. A geotechnical report shall be submitted with a grading permit application for physical development on natural slopes with a grade in excess of 15 percent in consideration of soil type and stability and the proposed structure. The report may be waived by the County Engineer when the County Engineer has determined that soil type and stability is not a concern for the proposed development. The report shall include recommended and required stabilization measures for proposed structures and shall be prepared by a County-approved professional engineer registered in the State of Colorado.
  - 2. Slopes Greater than 30 Percent. No physical development (construction) shall be permitted on natural slopes with a grade in excess of 30 percent, except as follows:

- a. On constructed slopes, provided that the proposed finish grade complies with all other applicable development standards;
- b. On isolated slopes that occupy less than 1,000 square feet in the horizontal plane and have less than 10 feet of elevation change; or
- c. If necessary to provide essential access for vehicles and/or utilities because no other alternative access exists or could reasonably be constructed on a lesser slope.

Sec. 3.7.2.2 PROTECTION OF RIDGELINES [ADDED 10-7-2024]

- A. *Generally.* Development near ridgelines shall be designed to preserve the open sky backdrop above the ridgeline, as viewed from the Collegiate Peaks Scenic Byway and public roads within a one-mile radius of the subject property.
- B. *Setback and Landscape Buffer.*
  - 1. Buildings shall be set back 45 feet (measured horizontally) from top of slope or ridgeline. Existing, healthy vegetation in this area shall not be disturbed.
  - 2. If no feasible alternative exists to encroachment upon the ridgeline setback, a landscape buffer, planted with trees and shrubs, shall be provided between the building and the ridgeline, to the extent not inconsistent with IWUIC.

Sec. 3.7.2.3 DESIGN STANDARDS FOR HILLSIDES AND RIDGELINES [ADDED 10-7-2024]

- A. *Location and Site Design Standards.*
  - 1. Buildings shall be designed to fit the lot or parcel, rather than substantially modifying the grade of the lot or parcel to fit the building. Buildings, access drives, and landscaped areas shall be designed and configured to maintain as much of the natural landform as possible.
  - 2. Where areas of the lot or parcel are already disturbed, the existing, disturbed areas shall be used for building envelopes rather than undisturbed areas, provided that such areas are of an adequate geometry and do not pose a geological hazard or other safety issues.
  - 3. Buildings and structures shall be located to preserve or protect significant natural features of the subject property, such as landforms, rock outcroppings, mature trees and vegetation, drainage courses, hilltops, and ridgelines.
  - 4. Buildings shall be located and designed to balance the following objectives:
    - a. To retain or enhance view from off-site view points; and
    - b. To respect privacy, access to light, and safety of neighboring and downhill properties.
- B. *Building Standards.*

1. No building elevation shall appear as more than two and one-half stories in height from any vantage point.
  2. Building form, mass, and scale shall be planned to respond to the natural features of the subject property (if practicable), and to blend with the natural terrain.
  3. Buildings and structures shall be designed to blend into the natural character of the hillside by reducing the visual bulk through landscaping, terraced building forms, building materials with natural textures and colors, and height variations.
  4. Split-pad and stepped foundations shall be used where necessary to minimize cut and fill, and to create forms that step down or step up with the natural slope to avoid padding and to mitigate the appearance of building mass.
  5. Reflective materials shall not be used for roofing.
  6. Foundation corners shall match the natural grade as much as practicable.
- C. Subdivisions and Developments with Multiple Buildings.
- D. Development clusters are encouraged to preserve natural features, reduce grading and impervious surface area, increase usable open space areas, and preserve views of the hillsides.
- E. For developments with multiple buildings, buildings should have height variations in order to minimize a "walled" effect or a repetitive appearance. Wherever possible, the buildings should be positioned so that they appear to be "tucked" into the hillside and not easily visible from below. d

### DIVISION 3.7.3 GEOLOGIC AND WILDFIRE HAZARD AREAS

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#### Sec. 3.7.3.1 DISCLAIMER [ADDED 10-7-2024]

The degree of hazard protection intended to be provided by this Division is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This regulation does not imply that the areas outside of established hazard boundaries or uses permitted within these boundaries will be totally free from damage caused by these hazards. This regulation shall not create any liability on the part of, or cause an action against, the County, the Board of County Commissioners, or any officer or employee or official (elected or appointed) thereof for damages that may result from reliance on the regulations set out in this Division.

#### Sec. 3.7.3.2 DESIGNATION OF HAZARD AREAS [ADDED 10-7-2024]

- A. *Official Hazard Area Maps.* Maps and documentation regarding the general location of geologic and wildfire hazard areas ("Official Hazard Area Maps") are available from the Director.

1. Geologic Hazard Areas. Geologic hazard areas are identified on maps prepared by the Colorado Geological Survey and other qualified geological professionals.
  2. Wildfire Hazard Areas. Wildfire hazard areas are identified on maps prepared by the Colorado Forest Service.
- B. *Site-Specific Delineation.* The maps described in Subsection A., above, define only approximate boundaries of hazard areas. The maps serve primarily as notice that geologic and / or wildfire hazards are known to exist on or near a subject property, such that further analysis may be necessary. Precise boundary delineations require site-specific evaluation by qualified professionals.

Sec. 3.7.3.3 GEOLOGIC HAZARD MITIGATION [ADDED 10-7-2024]

- A. *Generally.* The mitigation that may be required by this Section shall be proportionate to the nature, severity, and frequency of the identified hazards, and the nature and intensity of the proposed land use.
- B. *Engineering Study.*
1. If a subject property is known or reasonably suspected to be in a geologic hazard area, then the Director may require the applicant to provide a site-specific engineering study to:
    - a. Delineate the hazard;
    - b. Define its degree of severity;
    - c. Determine its frequency / probability of recurrence;
    - d. Evaluate the compatibility of the proposed land use;
    - e. Propose appropriate mitigation measures to reduce risks to people, property, and natural resources; and
    - f. Propose ongoing operations and maintenance programs to ensure that the mitigation measures function properly.
  2. All reports and studies required by this Section shall be prepared by a “professional geologist,” as defined by C.R.S. § 34-1-01, as amended, or a “registered professional engineer,” as defined by C.R.S. § 12-25-102, as amended, under the direction of and at the expense of the applicant.
  3. The extent of the site-specific investigation required shall be determined by the geologist or engineer who is responsible for the investigation; however, the investigation shall be of sufficient thoroughness and accuracy to allow such expert to certify to one of the following:
    - a. The subject property can be developed for the specific development that is proposed, without corrective engineering, engineered construction, or other mitigation or alterations;

- b. The subject property is a geologically sensitive area, but the specific development that is proposed:
  - i. Can be constructed with corrective engineering, engineered construction, or other mitigation or alterations that mitigate the risks to the occupants of the development such that they are reasonable; and
  - ii. Will not increase the hazard to other property or structures or to public buildings, rights-of-way, roads, easements, utilities or facilities, or other properties of any kind; or
- c. The subject property is a geologically sensitive area on which the specific proposed development is not appropriate because there are no mitigation techniques that could reduce the risks created by the geologic hazard to a reasonable level with respect to:
  - i. Occupants and property on the subject property; and
  - ii. Other property or structures, public buildings, rights-of-way, roads, easements, utilities, or facilities of any kind that are currently affected by the hazard or that would likely be affected by the hazard if the proposed development occurred.

C. *Effect of Study.*

1. If the conclusion of the engineer or geologist performing the investigation is that the subject property can be developed for the specific building, structure, or activity proposed without corrective engineering, or engineered construction, or other mitigation or alterations, the requested approval may be granted without conditions relating to the mitigation of the areas of geologic sensitivity.
2. If the finding of the engineer or geologist performing the geologic investigation is that the subject property is a geologically sensitive area, but that corrective engineering, engineered construction, or other mitigation or alterations can be accomplished to reduce the danger to the public health and safety or to property to a reasonable level, and such mitigation does not increase the hazard to other property or structures, or to public buildings, roads, rights of way, easements, utilities, or facilities, the requested approval shall be conditional and contingent upon approval of plans for corrective engineering and engineered construction or other mitigation or alterations as identified in the report.
3. If the conclusion of the geologist or engineer performing the site-specific geologic investigation is that the subject property cannot be developed for the building, structure, or use proposed because the danger posed by the geologically sensitive area cannot be reduced or mitigated to a reasonable level, the application shall be denied.

- D. *Existing Uses Continued; Exceptions.* Existing use of land, buildings, structures, or premises which are not in conformity with the provisions of this regulation may be continued, except that no building permit will be issued for the exterior expansion, alteration, or addition to existing structures in geologically sensitive areas except for windows, skylights, and other similar minor alterations, unless all of the requirements of this Section are met.

#### Sec. 3.7.3.4 WILDFIRE HAZARD MITIGATION

- A. *Purpose and Intent.* The purpose and intent of these wildfire hazard mitigation standards are to require that certain wildfire mitigation improvements are completed prior to the issuance of permits for structures on properties within unincorporated Chaffee County. Implementation of these standards will reduce wildfire hazards to landowners, their property, and homes, as well as provide safe areas for firefighters to conduct fire suppression activities, prevent the spread of wildfire, and reduce corresponding threats to community assets such as drinking water supply.
- B. *International Wildland Urban Interface Code ("IWUIC") Adopted.*
1. Chapters 1 through 7, inclusive, Appendices A.101, A.102.1, A.102.2, A105, A106, A107, A108, and A109, and Appendix B, of the 2024 International Wildland-Urban Interface Code are hereby adopted with the following amendments (adopted provisions and amendments, collectively, "IWUIC"): [Updated 10-6-2024]
    - a. Section 101.1, Title, is replaced with the following text: "These regulations shall be known as the Wildland-Urban Interface Code of Chaffee County, Colorado, hereinafter referred to as 'this code.'"
    - b. Section 103.1, Creation of Agency, is replaced with the following text: "The Building Official shall implement, administer, and enforce the provisions of this code, except with regard to review of wildland-urban interface areas (Section 302.3), access and water supply (Sections 402.1 through 402.2.1, inclusive, and Section 403), fire protection plans (Section 405), fire hazard severity (Section 502), defensible space (Sections 603 and 604), firewood storage (Section 607), and related appendices, which shall be implemented, administered, and enforced by the Planning Director. The Building Official and the Planning Director, as to their respective roles, shall be referred to herein as the 'code official.'"
    - c. Section 109.3.7, Violation Penalties, is replaced with the following text: "Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under the provisions of this code, shall be subject to enforcement



proceedings in accordance with Chapter 5 of the Chaffee County Land Use Code and applicable Colorado law.” [Updated 10-6-2024]

2. All development within unincorporated Chaffee County shall conform to the IWUIC, which controls, among other things, building materials and design, water supply, subdivision and individual lot design, and defensible space.

C. *Fire Lanes.*

1. The County may require fire lanes that are dimensioned and graded to allow passage of heavy firefighting equipment, where the forested portion of a proposed subdivision or development joins or parallels National Forest boundaries.
2. The width and other characteristics of required fire lanes shall be established for the individual subdivision by the Board of County Commissioners in consultation with the appropriate fire suppression agencies and the U.S. Forest Service.
3. Fire lanes to be cleared shall be indicated on the conceptual PD plan, preliminary plan, final PD plan, final plat or exemption plat, and site plan, as applicable, and provisions for maintenance of required fire lanes shall be included in CCRs (as applicable) and any related development agreement. [Updated 10-6-2024]

#### DIVISION 3.7.4 FLUVIAL HAZARD ZONES

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Sec. 3.7.4.1 EFFECTIVE DATE OF DIVISION [UPDATED 10-6-2024]

As of the effective date of this Code, fluvial hazard zone maps for Chaffee County are under development. This Division shall become effective immediately on the date the Board of County Commissioners adopts fluvial hazard zone maps for Chaffee County.

Sec. 3.7.4.2 FINDINGS, PURPOSE, AND STRATEGIES

A. *Findings.*

1. Areas of the County are subject to periodic inundation and other fluvial hazards which have the potential to result in loss of life and property, disruption of commerce and governmental services, extraordinary public expenditures for protection and relief from flooding and fluvial hazards, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.
2. When stream corridors are developed without taking appropriate care and precautions, natural erosion and depositional processes are impeded, degraded, or increased, causing a greater threat to humans, damage to property, destruction of natural floodplain functions, and adverse impacts to water quality and habitat.

3. Rivers, streams, lakes, and their floodplains are major elements of healthy aquatic and riparian habitats and conveyance of flood waters. If watersheds, rivers, streams, lakes, estuaries, floodplains, and other systems are not viewed holistically as biological and geomorphologic units, serious degradation of habitat and increased flood hazards to people and human development may result.
  4. Prior to development in the County, natural watershed processes occurred that allowed for the evolution of complex, healthy ecosystems, and functional floodplains. Disruption of these processes through development and alteration of the stream corridor leads to increased flood hazards, property damage, threats to public welfare, and degradation of the environment.
  5. Erosion and deposition of sediment and debris are significant hazards downstream of burned areas after wildfires. Preserving space to accommodate these hazards before they reach highly developed areas or directing development away from areas subject to these hazards may help protect the public health, safety, and general welfare of the County.
- B. *Purpose.* The purpose of this Division is to:
1. Encourage and regulate prudent land use to promote the public health, safety and welfare of the citizens of the County;
  2. Permit only such uses and activities within the fluvial hazard zone (“FHZ”) that are anticipated to minimize the danger to public health, safety, welfare and property;
  3. Reduce the demands for public expenditures for disaster relief, hazard mitigation, and protection and maintenance of infrastructure for structures and facilities permitted in the underlying zone district(s); and
  4. Minimize disruption of commerce and governmental services, extraordinary public expenditures for protection and relief from fluvial processes, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.
- C. *Strategies.* This Division includes strategies that ensure that:
1. Channel management activities necessitated by development located in hazardous areas do not increase the vulnerability of adjacent and downstream properties and infrastructure;
  2. Critical stream functions and services are functional for future generations due to the maintenance and protection of natural stream processes, connected accessible floodplains, and the riparian habitat and wetlands incumbent within them;
  3. Lateral space is provided for streams to migrate as they naturally function to store and transport sediment and debris; and

4. Potential damage to critical facilities and infrastructure is minimized.

Sec. 3.7.4.3 APPLICABILITY; PERMIT REQUIRED

- A. *Generally.* This Division applies to all non-exempt activities within the fluvial hazard zone.
- B. *Permit Required.* A fluvial hazard zone use permit (“FHZ Use Permit”) must be obtained before commencing non-exempt activities that occur within the fluvial hazard zone. Only the part of a building, structure, improvement, lot, or parcel that is situated within the fluvial hazard zone is subject to the requirements of this Division. Application for an FHZ Use Permit shall be concurrent with the first to occur of the following:
  1. An application for change of use;
  2. An application for preliminary plat, final plat, or minor plat;
  3. An application for floodplain development permit;
  4. An application for building permit; or
  5. An application for onsite wastewater treatment system permit approval or water or sewer connection.
- C. *Exemptions.* The following activities are allowed, and exempt from the FHZ Use Permit requirement, provided all other Federal, State, and local requirements are met:
  1. Selling, gifting, and all other transfers of ownership; leasing, or altering management authorities, stewardship status, or similar actions;
  2. Normal maintenance of existing buildings or structures that does not include substantial improvement, but not including repair or replacement, in whole or in part, that is due to damage stemming from fluvial-related erosion or sedimentation;
  3. Any changes, redevelopment, maintenance, repairs, or renovations to an existing structure that will not result in an increase greater than 10 percent in the footprint of the structure, but not including repair or replacement, in whole or in part, that is due to damage stemming from fluvial-related erosion or sedimentation;
  4. Normal maintenance of existing sidewalks, trails, roads, parking areas, or stormwater drainage (including filling potholes, repaving, and installing signs and traffic signals, but not including expansion of these areas);
  5. Maintenance of existing bridges, culverts, and crossings provided no more than 10 cubic yards of riprap or other armoring is placed or replaced during this activity, but not including repair or replacement, in whole or in part, that is due to damage stemming from fluvial-related erosion or sedimentation;
  6. Normal maintenance of existing diversion structures and related infrastructure;

7. Non-structural agricultural uses and activities including those related to irrigation, plowing, grazing, clearing, harvesting, weeding, planting, and other normal agricultural practices (other than building structures or filling wetlands or floodplains);
8. Normal maintenance of utilities including power, water, gravity storm drainage infrastructure, sanitary sewage infrastructure, wastewater treatment facilities, and municipal well fields servicing existing structures;
9. Activities related to an existing or future non-structural conservation use with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, habitat, and riparian areas, provided the activities do not include structures for human use or impervious surfaces;
10. Normal maintenance (but not including repair from flood damage, expansion of the prism, expansion of the face or toe, or additional placement of armor) of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility; or
11. The removal of a structure in whole or in part within the fluvial hazard zone, provided the removed materials are not relocated elsewhere within the fluvial hazard zone.

#### Sec. 3.7.4.4 OFFICIAL FLUVIAL HAZARD MAPS

- A. *Generally.* The Director shall maintain digital maps delineating the location and boundaries of the fluvial hazard zone, which is comprised of an active stream corridor, fluvial hazard buffer, avulsion hazard zones (if applicable), disconnected active stream corridor (if applicable), geotechnical flags (if applicable), and fans (if applicable). These maps shall be known as the “Official Fluvial Hazard Maps,” and shall be made available in electronic format for public inspection.
- B. *Maintenance and Revisions.* The information presented on the official map and contained in the accompanying Fluvial Hazard Zone Mapping Report, adopted by reference, is presumed accurate. The Official Fluvial Hazard Maps may be revised as provided in Section 3.7.4.9., *Revisions to Fluvial Hazard Maps*. [Updated 10-7-2024]

#### Sec. 3.7.4.5 LAND AND STREAM ALTERATIONS AND COMPENSATORY MEASURES

- A. *Generally.* Activities (*e.g.*, fill, cutting from secondary channels/flowpaths) shall not reduce the sediment storage volume of lands within the fluvial hazard zone.
- B. *Compensatory Storage.*
  1. Requirements. Every project that proposes to alter the sediment storage volume within the project limits must provide compensatory storage if grading (*e.g.*, cut/fill) or other activities (*e.g.*, construction of buildings) would otherwise reduce the sediment storage volume. Compensatory sediment storage must:

- a. Provide equivalent sediment storage volume at equivalent elevations (*i.e.*, a similar relationship to the best available two-year, five-year, 10-year, 25-year, 50-year, 100-year, and 500-year water surface profiles) to that being displaced by the activity;
  - b. Be located within or immediately adjacent to the parcel on which activities are reducing sediment storage volume;
  - c. Be hydraulically connected to the source of flooding;
  - d. Provide compensatory storage in the same construction season as when the displacement of sediment storage volume occurs;
  - e. Not be the result of a dam, berm, dike, or any similar structure that reduces flood conveyance and/or stores water; or facilities that operate with gates or weirs; or structures that require ongoing maintenance; and
  - f. Be graded and vegetated.
2. “No Impact” Determination. A “no impact” determination is made when:
- a. The sediment storage volume within the project limit is not reduced; or
  - b. The compensatory sediment storage volume for the area is greater than or equal to the existing sediment storage volume at the two-year, five-year, 10-year, 25-year, 50-year, 100-year, and 500-year water surface elevations (approximated to the nearest five cubic yards) within the Active Stream Corridor.
- C. *Fluid Energy.*
1. Requirements. No activities may increase the fluid energy delivered to adjacent or downstream parcel(s) within the Fluvial Hazard Zone unless all impacted parcels are owned by the project applicant from the time of application to the time that all permits related to the activity are closed out, or the applicant has obtained permanent easements from the affected property owners to allow for the increase in fluid energy over their properties.
  2. “No Impact” Determination. A “no impact” determination is made when:
    - a. The post-activity energy grade line (“EGL”) for all cross-sections within the project limits for the 2-year, 5-year, 10-year, 25-year, 50-year, 100-year, and 500-year water surface elevations is:
      - i. Less than or equal to the pre-activity EGL at the upstream and downstream activity extent; or
      - ii. For streams with slopes over 0.5 percent, not increased more than 1.0 feet in elevation; or
      - iii. For streams with slopes under 0.5 percent, not increased more than 0.5 in elevation; and

- b. If a proposed activity will decrease the EGL, a sediment capacity supply ratio study for the stream through the project area and adjacent reaches demonstrates that the proposed activity will not significantly alter sediment deposition on any parcels adjacent or near to the activity location.

Sec. 3.7.4.6 SITE DESIGN WITHIN FLUVIAL HAZARD ZONES

A. *Subdivisions and Multi-Lot Development.*

1. All proposals must be consistent with the need to minimize flood risk and flood damage in the proposed development and on adjacent and nearby properties, including critical infrastructure. If a parcel has a buildable site outside the fluvial hazard zone, it may not be subdivided to create a new lot or parcel that does not have a buildable site outside the fluvial hazard zone. This limitation does not apply to tracts that are set aside from development (e.g., preserved as open space or parks).
2. The final plat must show the boundaries of the fluvial hazard zone at the time of platting, and include a notice that a portion of the platted land is within the fluvial hazard zone.

B. *Single-Lot Site Development.*

1. All new single-lot site development must be designed and located to minimize the impact on flood flows, flood storage, sediment storage, and flood energy.
2. If a lot does not have a buildable site out of the fluvial hazard zone, all new buildings, structures, pavement, and other development must be sited in the location that has the least amount of impact on the fluvial processes acting on adjacent properties. This includes:
  - a. Locating structures as far from the water body as possible and/or placing structures on the highest natural land on the subject property;
  - b. A minimum setback of {50} feet from all active channels, drainages, and locations in the active stream corridor that are lower than the active channel; and
  - c. Mapping of avulsion hazard zones for all buildings and structures.

Sec. 3.7.4.7 PROTECTION OF UTILITIES

A. *Generally.* New utilities (including both main and service lines that service new buildings or structures or pass through a fluvial hazard zone) are subject to the requirements of this Section.

B. *Protective Measures.*

1. Generally. Protective measures for utilities that are located in the fluvial hazard zone, including armoring or channelization in locations other than crossings, require a FHZ Use Permit. The FHZ Use Permit shall be issued only

if it is demonstrated that avoidance of the fluvial hazard zone (*e.g.*, through relocation) is not feasible.

2. Subterranean Utilities. For subterranean utilities, scour depths and adequate burial depths and distances for all below ground utilities throughout the fluvial hazard zone (not just for active channels) shall be indicated by way of a scour study
  3. Above-Ground Utilities. For above-ground utilities, all poles must be located outside the fluvial hazard zone, and if such a design is not feasible, the applicant must demonstrate that the number of utility poles in the fluvial hazard zone is the minimum number that is necessary to provide service.
  4. Utility Boxes. All utility boxes and other similar features must be located outside the fluvial hazard zone.
- C. *Trails, Driveways, and Access Roads*. New construction or reconstruction of existing hard surface paths, natural trails, walkways, driveways, access roads within the fluvial hazard zone must be located to avoid the need or future need for stream bank armoring and/or channelization.

#### Sec. 3.7.4.8 USE AND OPERATIONAL RESTRICTIONS

- A. *Critical Facilities*. Construction of new critical facilities must be, to the maximum extent possible, located outside the limits of the fluvial hazard zone.
- B. *Hazardous Materials*.
  1. Storage of chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other comparable materials that are hazardous, toxic, or a threat to water quality is prohibited within the fluvial hazard zone.
  2. The prohibition set out in subsection B.1., above, does not apply to:
    - a. Small quantities that are kept for normal household use;
    - b. The continued operations of existing facilities, buildings, or structures, the reuse of existing facilities, buildings, and structures; or
    - c. Functionally dependent facilities or structures.

#### Sec. 3.7.4.9 REVISIONS TO FLUVIAL HAZARD MAPS

[Reserved, pending state guidance]

### DIVISION 3.7.5 AIRPORT OVERLAY DISTRICT

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#### Sec. 3.7.5.1 PURPOSE AND APPLICABILITY

The purpose of the airport overlay district is to provide for and protect safe operations of the Salida Airport at Harriet Alexander Field, and to implement Federal Aviation



Administration (“FAA”) requirements. The standards, limitations, and requirements of this Division apply within the airport overlay district as specified herein.

#### Sec. 3.7.5.2 RELATIONSHIP TO FAA REGULATIONS

- A. *Generally.* FAA Regulations, specifically 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace, establish standards used to identify obstructions to air navigation and navigational and communication facilities that are regulated by the airport overlay district.
- B. *Map Resources.* For the graphical depiction of 14 CFR Part 77 Airport Imaginary Surfaces described in Section 3.7.5.3., *Establishment of Regulatory Surfaces*, and FAA Design Standards including the RPZ, APA, and ATPA defined in Section 3.7.5.4., *Protection Zones*, refer to the Airport Overlay District Map, maintained by the Director.

#### Sec. 3.7.5.3 ESTABLISHMENT OF REGULATORY SURFACES.

- A. *Generally.* The civil airport imaginary surfaces identified in this subsection B. are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach procedure existing or planned for that runway end.
- B. *Conical Surface.* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- C. *Horizontal Surface.*
  1. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs is:
    - a. 5,000 feet for all runways designated as utility or visual;
    - b. 10,000 feet for all other runways.
  2. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- D. *Primary Surface.*
  1. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the

elevation of the nearest point on the runway centerline. The width of the primary surface is:

- a. 250 feet for utility runways having only visual approaches.
- b. 500 feet for utility runways having non-precision instrument approaches.
- c. For other than utility runways, the width is:
  - i. 500 feet for visual runways having only visual approaches;
  - ii. 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile; and
  - iii. 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.
2. The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

E. *Runway Approach Surface.*

1. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
2. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
  - a. 1,250 feet for that end of a utility runway with only visual approaches;
  - b. 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
  - c. 2,000 feet for that end of a utility runway with a non-precision instrument approach;
  - d. 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
  - e. 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
  - f. 16,000 feet for precision instrument runways.
3. The approach surface extends for a horizontal distance of:
  - a. 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

- b. 10,000 feet at a slope of 34 to 1 for all non-precision instrument runways other than utility; and
  - c. 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.
4. The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- F. *Transitional Surface.* These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

#### Sec. 3.7.5.4 PROTECTION ZONES

- A. *Generally.* FAA standards and recommendations for airport design, specifically Advisory Circular (“AC”) 150/5300-13, Airport Design, includes certain design standards within areas regulated by the airport overlay district, as detailed in this Section.
- B. *Runway Protection Zone (“RPZ”).* The RPZ is trapezoidal in shape and centered about the extended runway centerline. The RPZ’s function is to enhance the protection of people and property on the ground. It is desirable to clear the entire RPZ of all above-ground objects.
- C. *Airport Protection Area (“APA”).* The purpose of the APA is to enhance safety and ensure compatible development and to minimize exposure of residential and other sensitive land uses to aircraft and their potential impacts, including aircraft-generated noise.
- D. *Airport Traffic Pattern Area (“ATPA”).* To assure that air traffic into and out of an airport in an orderly manner, an airport traffic pattern is established based on the local conditions, to include the direction and altitude of the pattern and the procedures for entering and leaving the pattern. The ATPA outlines the areas occupied by the airport traffic pattern.

#### Sec. 3.7.5.5 OBSTRUCTIONS PROHIBITED; HEIGHT LIMITATIONS

- A. *Generally.* Objects that are considered obstructions under the standards described in 14 CFR Part 77 are presumed hazards to air navigation unless further aeronautical study concludes that the object is not a hazard. Once further aeronautical study has been initiated, the FAA will use the standards in 14 CFR Part 77, along with FAA policy and guidance material, to determine if the object is a hazard to air navigation.

- B. *Runway Protection Zone.* No structures of any kind are allowed in the RPZ, except structures that are necessary for or accessory to airport operations and approved by the FAA.
- C. *Regulatory Surfaces.*
  - 1. No building, structure, or tree, plant or other object of natural growth shall penetrate the regulatory surfaces except as follows:
    - a. For areas under regulatory surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway/heliport surfaces such that existing structures and allowed development penetrate or would penetrate the regulatory surface, structures up to 35 feet in height may be allowed.
    - b. Written agreement by the airport and the FAA shall be provided for other height exceptions requested.
  - 2. When height restrictions of the underlying zoning district are more restrictive than those of the airport overlay district, the underlying zoning district height limitations control.

Sec. 3.7.5.6 USE LIMITATIONS

- A. *Generally.* For the purpose of regulating the development of noise-sensitive land uses, to promote compatibility between the airport and the surrounding land uses, to protect the airport from incompatible development and to promote the health, safety and general welfare of property users, the controlled area around the airport is divided into different land use restriction areas.
- B. *Land Use Limitations.* Table 3.7.5.6., *Airport Overlay District Use Restrictions*, lists the land use restrictions in the Airport Overlay District. If a conflict occurs between Table 3.7.5.6., any provision of this Code, and any provision of a state statute or other applicable regulation, the most restrictive provisions control. If a subject property includes more than one zone, area, or surface described in the headings of Table 3.7.5.6., then the zone, area, or surface within which each portion of the property is located shall apply individually to each portion of the subject property. For the purposes of the table:
  - 1. "A" means that the use is allowed in the same manner as set out in Division 2.1.3., *Land Use by Zoning District*.
  - 2. A number in brackets [#] means that the use is subject to additional standards that are provided in the table notes with corresponding numbers.
  - 3. A dash "-" means that the use is not allowed, regardless of any provision of this Code to the contrary.

**Table 3.7.5.6., Airport Overlay District Use Restrictions**

Land Use	Runway Protection Zone	Runway Approach Surface	Airport Protection Area	Transitional Surface	Airport Traffic Pattern Area
Residential	-	[7, 8]	-	[1, 7]	A
Schools, Places of Assembly, and other permanent gathering venues that are open to the public	-	-	-	[4]	A
Commercial Uses, Retail Sales and Services, Campgrounds, and private gathering venues	-	[4, 5]	-	A	A
Industrial Uses	-	[5]	[4]	A	A
Institutional Uses	-	[4, 5]	[4, 5]	A	A
Roads and Parking	[2]	A	A	A	A
Public (Including Ticketed) Events with Spectators	-	-	-	A	A
Private (Invitation Only) Events and Memorial Services	-	A	A	A	A
Airport Events Open to the Public (controlled public access on airport property)	-	[4]	[4]	A	A
Parks, Passive and Open Space	-	A	A	A	A
Parks, Active	-	-	-	A	A
Golf Course	[10]	[10]	[10]	[10]	[10]
Mineral Extraction	-	A	-	A	A
Agriculture / Ranching	[6]	A	[6]	A	A
Fuel Storage Facility (greater than 2,000 gallons capacity)	-	-	[9]	-	A
Hazardous Materials Storage	-	-	-	-	A
Wastewater Treatment Facility	-	-	-	A	A
Photovoltaic Arrays (except those that serve individual uses)	-	[3]	-	[3]	A
Waste Transfer Stations	-	-	-	-	-
Disposal Facilities	-	-	-	-	-

**Table Notes:**

1. All new developments under the transitional surface shall have a minimum lot size of two acres and a maximum residential density of one unit per two acres.
2. New roads and parking areas are permitted in the RPZ only upon demonstration by the applicant to the to the Board of County Commissioners that there are not reasonable and practicable alternatives. Lights, guardrails, and related accessory structures are prohibited. The Board may consider cost in determining whether reasonable and practicable alternatives exist.
3. Size, location and orientation shall be approved in advance by the FAA including any requirements of the Land Use Code.
4. Impact review approval required, except for special events.
5. No new residential use allowed, including ADUs.
6. Historical, prior, and continuing agricultural and ranching uses may continue, but new agricultural and ranching uses are not allowed.
7. Requires recorded Notice of Airport Proximity.
8. Existing residential uses that are legally established shall be treated as a nonconforming uses. Any new development within the Runway Approach Surface shall have a minimum lot size of five acres and a maximum residential density of one unit per five acres (or such lesser densities or greater lot sizes as may be required by the underlying zoning district), and shall be required to follow the applicable subdivision process.
9. Airport equipment used on Airport property exempted.
10. Golf courses may be allowed, conditioned upon the use of accepted management techniques to reduce existing wildlife attractants and avoid the creation of new wildlife attractants.

**C. Additional Limitations.**

1. No land use within the airport overlay district shall be operated in such manner as to create bird strike hazards or in any way endanger or interfere with the landing, taking off, or flight operations of aircraft.
2. No new or expanded water impoundments of one-quarter acre in size or larger shall be permitted:

- a. Under a runway approach surface in the area within 5,000 feet from the end of a runway; and
- b. On any land owned by the airport sponsor, except as necessary for airport operations.

Sec. 3.7.5.7 AVIGATION EASEMENT REQUIRED

A. *Generally.*

1. An avigation easement acknowledges and accepts the risks and burdens of overflights and conveys a specified property interest for a particular area that restricts the use by the owner of the surface and yet assures the owner of the easement the right and privilege of a specific use contained within the easement document. Where it is determined that fee title is not necessary for airport protection, an avigation easement may be used to secure in perpetuity, the airspace for airport and runway approach protection and for noise compatibility programs.
2. Avigation easement rights consist of the right-of-flight of aircraft; the right to cause noise, dust, etc.; the right to remove all objects protruding into the airspace together with the right to prohibit future obstructions in the airspace; and the right of ingress/egress on the land to exercise the rights acquired. The easement may prohibit the construction of all above ground objects. The easement may also contain any number of additional restrictions as the airport owner deems necessary.

B. *Avigation Easement Required.*

1. Avigation easements shall be conveyed to the airport by the owners of subject property that is situated within the airport overlay district and is proposed for new development (including subdivision), redevelopment, or substantial improvement.
2. The easement shall establish a height restriction for obstructions, restrictions on the use of the subject property, and hold the public and the airport harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the airport.

C. *Recording of Avigation Easements.* The Avigation Easement shall be recorded in the office of the Chaffee County Clerk and Recorder. The applicant shall provide a copy of the recorded instrument prior to issuance of a building permit within the airport overlay district.

Sec. 3.7.5.8 COMMUNICATIONS FACILITIES, ELECTRICAL INTERFERENCE, AND VISIBILITY INTERFERENCE

- A. *Generally.* No use shall directly cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Further, no use may be made of land, water, or structures within any regulatory

surface or protection zone established by this Division in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft.

- B. *Coordination Required.* Location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within the airport overlay district shall be coordinated with the Board of County Commissioners and the FAA prior to approval.
- C. *Communications Towers.* The approval of cellular and other telephone or radio communication towers on leased property located within the regulatory surfaces established by Section 3.5.7.3., *Establishment of Regulatory Surfaces*, shall be conditioned upon their removal within 90 calendar days following the expiration of the lease agreement. A bond or other security shall be required to ensure this requirement.
- D. *Visibility.* No land use or activity shall, as part of its regular operations, cause emissions of smoke, dust or steam within runway approach surfaces

#### Sec. 3.7.5.9 OUTDOOR LIGHTING AND REFLECTIVE MATERIALS

- A. *Outdoor Lighting.* Outdoor lighting other than that associated with airport operations shall comply with the following standards, in addition to standards set out in Division 3.9.2., *Dark Skies*, if the County's interpretation of the standards in Division 3.9.2., *Dark Skies*, would be less restrictive:
  - 1. Lighting shall not project directly onto an existing heliport, runway or taxiway or into existing runway approach surfaces and runway protection zones.
  - 2. Lighting shall not result in glare in the eyes of pilots using the airport.
  - 3. Lighting shall incorporate shielding to reflect light away from all runway approach surfaces and all runway protection zones.
  - 4. Lighting shall not imitate airport lighting or impede the ability of pilots to distinguish between airfield lighting and other lighting.
- B. *Reflective Materials.* No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of buildings or structures located within 2,000 feet of the end of a runway in the direction of the approach to the runway end.



## CHAPTER 3.8 Minerals, Oil, and Gas

### DIVISION 3.8.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 3.8.1.1 PURPOSE

The purpose of this Chapter is to provide standards for the extraction of minerals, oil, and gas, in order to mitigate the impacts of such activities on public health and safety and natural and agricultural resources.

#### Sec. 3.8.1.2 APPLICATION

The standards of this Chapter apply to the following land uses: resource extraction (minerals) and resource extraction (oil and gas). See Table 2.1.3.8, *Industrial, Processing, Recycling, Storage, and Disposal Land Uses*.

### DIVISION 3.8.2 MINERALS

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#### Sec. 3.8.2.1 MASTER PLAN FOR EXTRACTION

- A. *Generally*. Extraction of hard minerals shall be performed according to a master plan for extraction (“MPE”) that demonstrates compliance with the requirements of this Section.
- B. *Enclosure of Extraction Areas*.
  1. Extraction areas shall be enclosed with a fence, berm, or other screening that optimizes public safety, wildlife movement, and stormwater management.
  2. Gate(s) shall be installed at points of ingress and egress to the Property, and the gate(s) shall be closed and locked when not monitored or in active use.
- C. *Access Roads and Interior Roadways*. Access roads and interior roadways (except internal quarry roads that are used for mining equipment to access minerals, and except quarry walls) shall:
  1. Be constructed and maintained using best management practices (“BMPs”) for stormwater management and erosion and sediment controls, and maintained at a level to ensure emergency service access;
  2. Remain privately owned and maintained, and not opened to the public; and
  3. Constructed, maintained by the applicant at the time they are needed, and reclaimed by the applicant as soon as practicable after mining in the areas they access is completed (except for roads that are designated in the MPE to remain in place).
- D. *Vegetation Management*.
  1. Existing trees, shrubs and other types of woody vegetation along road frontages shall be protected and maintained whenever practicable, and

where not practicable, such vegetation shall be replaced with vegetation of similar form and mature height.

2. Weeds and other unsightly noxious vegetation shall be cut, trimmed, or removed.
- E. *Impacts on Ditches and Reservoirs.* The MPE shall include an evaluation of the potential impacts of mining activities on ditches and reservoirs within 200 feet of excavation activities. The applicant shall demonstrate that mining activities and related operations (including their impacts on landforms and hydrology over time) will not affect ditch or reservoir capacity or operations (*e.g.*, through siltation, reduction of lateral or subjacent support, or seepage), or that the ditch owner has provided its consent to the encroaching excavation activities.
- F. *Tracking, and Dust and Debris Control.*
1. The entry, access, and interior roads shall be regularly inspected and any rock minerals, soil, and other dust-forming debris shall be promptly removed or swept from paved roads, and any unpaved roads shall be scraped and compacted to stabilize the road surface and minimize dust.
  2. Unpaved roads shall be watered as often as necessary to minimize airborne dust.
  3. Spray bars or comparably effective dust control measures shall be used to control dust emissions from crushing equipment.
  4. A paved entryway extending 30 feet into the subject property shall be installed and designed in a manner to prevent tracking of dirt, dust, or rock onto adjacent public roads.
- G. *Timing and Duration of Mining Operations.*
1. If the minerals extraction use is located within one-half mile from a livestock operation or residential use, blasting shall occur only on weekdays between the hours of 8:00 AM and 4:00 PM.
  2. Blasting operations within 100 feet of a public right-of-way, or that may have an effect on traffic safety, shall be coordinated with the County and the fire protection district with jurisdiction, such that the timing of the blasting and the measures taken to protect public safety along adjacent roads are approved by the County prior to the commencement of the blasting operations.
- H. *Other Operational Requirements.*
1. A heavy vehicle routing and road maintenance plan is required as provided in Section 4.1.2.2., *Heavy Vehicle Routing and Road Maintenance Plans.*
  2. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements and wells, and damage to any street by slides, sinking, or collapse of supporting soil adjacent to an excavation.

3. Earth extraction and/or mining operation(s) that remove and do not replace the lateral support shall not be located closer than 30 feet to property lines of adjoining property and established right-of-way lines of any public roads, streets, or highways, unless a lesser distance is mutually agreed to in writing between the applicant and the adjacent property owner, and such agreement is provided to the County prior to commencement of the encroaching activity.
  4. At all times the applicant shall take adequate measures to ensure that contaminated surface water run-off does not enter ditches or ponds or other areas of open standing water that are not designed for the purpose of decontamination. Settling ponds, if any, shall be constructed outside of any wildlife corridors. Water detention areas may be located within designated wildlife corridors.
  5. The applicant shall coordinate with utility companies to ensure that utility lines and facilities are not adversely impacted by any activity on the subject property, or that utility lines are appropriately relocated to avoid damage.
  6. All facilities constructed by the applicant to support the mining operations shall be painted a color that best allows the facility to blend with the background, as determined by the County.
  7. The applicant shall monitor noise and vibration levels at locations determined during the permitting process, and ensure that noise generated from the subject property will not exceed the limits set out in Section 3.9.3.1., *Noise*, and that ground vibration generated from the subject property will not exceed the limits set out in Section 3.9.3.2., *Ground Vibration*.
  8. The applicant will equip compressors, vehicles, and other sources of noise with effective mufflers or noise suppression systems.
  9. Chemicals, oils, fuels, or items or products of a nature that are related to the permitted operations (combustible, caustic, or toxic) shall be stored in accordance with applicable State and Federal regulations. No chemicals, oils, fuels or items or products of a similar nature not related to the permitted operations shall be stored or kept on the subject property.
- I. *Maintenance*. The MPE shall provide for periodic, verifiable inspections to confirm that:
1. The subject property is continuously maintained in a safe, neat, and orderly condition, free of debris, litter, junk, trash, waste products or materials, and abandoned equipment that is no longer used or is incapable of being used by the applicant in its mining operation.
  2. Buildings, if any, are maintained in good repair and appearance.
  3. Berms and fences are maintained to present a neat appearance.

4. Adjacent roads are inspected for debris, damage, and necessary improvements, debris is removed, and damage or necessary improvements are reported to the County and repaired or installed at the applicant's expense.
  5. The subject property is not used for stockpiling or dumping of any materials other than those approved and generated from onsite operations.
- J. *Reclamation.* After the initial excavating and grading that is necessary to install berms around the subject property (if berms are used), the applicant shall sequentially perform its mining and extraction operations in general conformance to sequencing shown in the Colorado Division of Reclamation, Mining and Safety ("DRMS")-approved reclamation plan ("ARP"), and shall cause segments in which the mining and extraction is complete to be reclaimed in accordance with the ARP.

Sec. 3.8.2.2 RELATIONSHIP TO DIVISION OF RECLAMATION, MINING AND SAFETY PERMIT

The MPE shall be consistent with the applicant's Colorado Division of Reclamation, Mining and Safety ("DRMS")-approved reclamation plan ("ARP"). Prior to seeking an amendment to the DRMS permit as to matters addressed by this Division, the applicant shall report its intentions to the Director, who shall determine whether modification to the MPE will also be required to maintain consistency between the approvals.

DIVISION 3.8.3 OIL AND GAS

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Sec. 3.8.3.1 SETBACKS

No new oil and gas well shall be installed within 2,640 feet of any surface water resource, public water well, residential building, school, place of assembly, active park, or day care facility.

Sec. 3.8.3.2 REVERSE SETBACKS

- A. *Generally.* All areas within 40 feet of abandoned oil and gas wells shall be kept free from development, and an access route of at least 15 feet in width from a public road shall be available in the event that future access to the abandoned oil and gas well becomes necessary.
- B. *Enclosure.* This Section shall not be construed to prohibit fenced enclosures of abandoned oil and gas wells, provided that such enclosures include gates that allow for the required potential access.

## CHAPTER 3.9 Dark Skies and Environmental Quality

### DIVISION 3.9.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 3.9.1.1 PURPOSE [ADDED 10-3-2024]

The purpose of this Chapter is to protect and enhance the quality of life, habitat values, and ranching values in the County by establishing minimum operational standards for land uses that ensure that their impacts with regard to outdoor lighting, noise, and ground vibration are mitigated.

#### Sec. 3.9.1.2 APPLICATION

This Chapter applies to all land uses in Chaffee County.

### DIVISION 3.9.2 DARK SKIES

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#### Sec. 3.9.2.1 PURPOSE AND INTENT

- A. *Purpose.* The purpose of this Division is to provide standards for outdoor lighting design that preserve, protect, and enhance the County's night sky while conserving energy, permitting reasonable and safe nighttime use of properties, minimizing glare and obtrusive light, and helping to protect the natural environment and wildlife from the impacts of light pollution.
- B. *Intent.*
  1. The intent of these standards is to reflect DarkSky International's ("DSI") five principals of responsible outdoor lighting:
    - a. Useful—Use light only if it is needed.
    - b. Targeted—Direct light so it falls only where it is needed.
    - c. Low level—The light should be no brighter than necessary.
    - d. Controlled—Use light only when it is needed.
    - e. Warm-color—Use lights with warmer-colors.
  2. The County encourages all residents, visitors, and business owners to turn off all outdoor lighting when no one is present to use it.

#### Sec. 3.9.2.2 LIGHTING PLAN REQUIRED (UPDATED 10-3-2024)

- A. *Generally.* Applications for building and development permits shall include an outdoor lighting plan that shows the locations of exterior lights on the building(s) and/or other activity or use on the property for which the application is submitted, and descriptions of the lighting fixtures demonstrating how the lighting fixtures will comply with this Division.
- B. *Exemptions from Lighting Plan Requirement.* Building permits for single-unit detached dwellings and duplexes are exempt from the lighting plan requirement,

but not exempt from compliance with this Division. The Director may waive the lighting plan requirement for other uses if the Director determines that due to the nature and proposed scale of the use, such plan is not necessary for a determination of compliance with this Division.

#### Sec. 3.9.2.3 OUTDOOR LIGHTING STANDARDS

- A. *Generally.* Except as specifically provided herein (*e.g.*, subsection C.1.), outdoor lighting shall be limited to functional uses (*e.g.*, illumination of doorways, garage doors, decks, terraced levels, walkways, and recreational areas when in use).
- B. *Exceptions.* The following are exceptions from the requirements of this Section:
1. Outdoor lighting fixtures existing or legally installed prior to the effective date of this Section shall be considered legally nonconforming.
  2. Outdoor lighting that is essential for the safety of workers or the security of property, or the efficient functioning of farms, ranches, dairies, or commercial/industrial operations.
  3. Outdoor lighting that is necessary for public safety, such as runway lighting of airports, traffic-control signals, and construction projects.
  4. Emergency lighting used by first responders and that remains on while the emergency exists.
  5. Lighting that is specifically approved as part of a temporary use permit.
  6. Lighting required by state or federal regulations (*e.g.*, Federal Aviation Administration (“FAA”) regulations).
- C. *Prohibitions.* The following are prohibited in all zoning districts:
1. Blinking, flashing, rotating or strobing lights, or other illuminated devices that have a changing light intensity, brightness, or color, except temporary lighting during the period from October 15 each year to the following January 15;
  2. Direct or reflected light from any light source that may tend to interfere with the safe movement of motor vehicles (*e.g.*, illumination adjacent to public rights-of-way that may cause contrast or glare that presents a safety hazard);
  3. Colored lights that may be confused with or construed as traffic control devices;
  4. High-intensity sodium vapor lighting, mercury vapor lighting, and similar lighting, including floodlights and lasers;
  5. Searchlights.
- D. *Shielding Required; Light Trespass Prohibited.*
1. All outdoor luminaires that emit more than 500 initial lumens shall be fully shielded as described by DarkSky International (“DSI”) and directed toward the ground or downward, except:

- a. Noncommercial flags, statues, and other objects mounted on a pole (except signs), pedestal, or platform, may be illuminated by luminaires directed horizontally or upward, provided that they cast a narrow beam of light that does not extend beyond the illuminated object.
  - b. Commercial flags and signs may be illuminated by luminaires directed horizontally or upward, provided that they cast a narrow beam of light that does not extend beyond the illuminated object, and provided further that illumination of the flags or signs is permitted by Section 2.7.2.2., *Sign Illumination*.
2. Unshielded outdoor illumination of any building, landscaping, or sign, regardless of the intensity of the lighting, is prohibited.
  3. Luminaires shall be arranged and directed such that the lighting source is not directly visible outside of the boundaries of the subject property (*i.e.*, light trespass is prohibited).
  4. Luminaires shall be DSI-certified dark-sky friendly lighting products, or products that are demonstrated to meet DSI “dark-sky friendly” criteria (regardless of whether they are listed by DSI as “dark-sky friendly”).
- E. *Lighting Design.*
1. The height, number, placement, and fixture type shall suit the purpose of the lighting (*e.g.*, bollards to illuminate walking surfaces instead of pole-mounted lights) and to appropriately distribute light across the illuminated area.
  2. Except as provided in subsection B., above, and subsection H., below:
    - a. No pathway, step, and stair lighting shall be installed more than 36 inches above adjacent grade;
    - b. No other pole-mounted luminaire shall be installed more than 20 feet above adjacent grade; and
    - c. Luminaires shall not be installed more than 35 feet above adjacent grade.
- F. *Lighting Intensity.*
1. Surface parking lots and other background spaces shall be illuminated with the least intensity that is practicable (smallest aggregate number of lumens as possible with fully shielded fixtures) while meeting the functional needs of safe circulation and protection of people and property. Lighting of such areas at ground level shall not exceed 10 footcandles at any given point, and shall not exceed one footcandle on average, unless additional lighting is necessary to satisfy a demonstrated need for security or accessibility.
  2. Lighting that is attached to unenclosed or partially enclosed roofed structures (*e.g.*, covered porches, canopies, porte cocheres, and gazebos) shall be:



- a. Shielded by roof elements, or effectively recessed so that concentrated rays of light will not shine directly onto other properties or materially interfere with the enjoyment of the night sky from adjacent properties, roads, or public areas;
    - b. Emit light that is substantially confined to the ground surface directly beneath the perimeter of the canopy; and
    - c. Shall not exceed 50 footcandles at any given point at ground level, and shall not exceed 10 footcandles on average.
  - 3. Foreground spaces, such as building entrances and outside seating areas, shall use localized lighting with the least intensity that defines the space and provides for safe activity.
- G. *Color Temperature.* Lighting must have a color temperature below 2,700 Kelvins (yellow to warm white).
- H. *Governmental, Sport, and Recreation Lighting.*
- 1. Public Safety. The U.S. government, the State of Colorado, the County, or another unit of local government or special purpose local government that controls property within the unincorporated County may install new lighting fixtures on said property where it determines that a hazardous nighttime situation exists and the lighting is necessary to mitigate the hazard.
  - 2. Sports and Athletic Fields. Lighting for sports and athletic fields may exceed illumination standards found elsewhere in this Division, provided that illumination levels do not exceed nationally recognized Illuminated Engineering Society standards according to the appropriate class of play and:
    - a. The number of poles more than 50 feet in height are minimized;
    - b. If floodlights are used, they are not aimed above 62 degrees (measured from the pole, with the angle facing downward), and use internal louvers and external shields to minimize light pollution.
    - c. Luminaires shall be designed and aimed so that:
      - i. Their beams fall within the primary playing area and the immediate surroundings;
      - ii. Off-site direct illumination is significantly restricted, and does not exceed: 0.3 foot-candles at any property line of a parcel used for an agricultural, conservation, or residential purpose; and 1.0 foot-candle at any property line of a parcel used for commercial or public right-of-way purposes.
  - 3. Curfew. All outdoor lighting that is not designed to serve a public safety function shall be extinguished by the latest of one hour after:
    - a. Local sunset; or

- b. Occupancy of public facility ceases.
- I. *Lighting Controls.*
  - 1. All site lighting, except low-output (2,000 lumens or less) lighting, shall be equipped with an on-off switch.
  - 2. The use of adaptive controls such as motion activated lights are encouraged to limit the duration and intensity of lighting, specifically for commercial, industrial, or residential access or security, but where used, such fixtures shall be oriented so that the sensor will be triggered only within the boundaries of the subject property. Unless a longer period is required to address a demonstrated safety or security need, the duration of illumination after each sensor activation shall not exceed five minutes.
  - 3. Any illumination between one hour after local sunset and one hour before local sunrise shall be dimmed to the minimum levels that are necessary for security or safe use of property.

**DIVISION 3.9.3 NOISE AND GROUND VIBRATION**

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**Sec. 3.9.3.1 NOISE**

- A. *Generally.* Noise-generating activities in the County shall be subject to the limitations on noise that are set out in C.R.S. § 25-12-103. The County may require noise studies and appropriate noise mitigation measures for land uses that are both: (1) likely to generate noise in excess of the statutory standards, and (2) not exempt from the application of C.R.S. § 25-12-103 (for the purposes of this Section 3.9.3.1., such activities are, individually and collectively, “Regulated Activities”).
- B. *Maximum Sound Pressure.* Table 3.9.3.1., *Maximum Sound Pressure*, sets out the maximum sound pressure for Regulated Activities, measured at a distance of 25 feet from the property line of the Subject Property, from 7:00 AM to 7:00 PM and 7:00 PM to 7:00 AM. Table 3.9.3.1. is intended to replicate the table set out in C.R.S. § 25-12-103(1) in the context of this Code. In the event of a conflict between Table 3.9.3.1. and the table set out in C.R.S. § 25-12-103(1), C.R.S. § 25-12-103(1) shall control the outcome.

**Table 3.9.3.1., Maximum Sound Pressure**

Zoning District	7:00 AM to next 7:00 PM	7:00 PM to next 7:00 AM
CO, AR, RR, SR, and PCR	55 db(A)	50 db(A)
RM, MUR, MUC, and TS	60 db(A)	55 db(A)
IN (All Land Uses Except Heavy Industry)	70 db(A)	65 db(A)
IN (Heavy Industry)	80 db(A)	75 db(A)

- C. *Objectionable Intermittence, Beat Frequency, and Shrillness.*

1. Regulated Activities shall not produce noise, measured at a distance of 25 feet from the property line of the Subject Property, that is objectionable due to intermittence, beat frequency, or shrillness.
2. Periodic, impulsive, or shrill noises generated by Regulated Activities shall be considered a public nuisance when such noises are at a sound level of five db(A) less than those listed in Table 3.9.3.1., Maximum Sound Pressure.

Sec. 3.9.3.2 GROUND VIBRATION (ADDED 10-3-2024)

- A. *Generally.* Every use shall be operated so that the ground vibration resulting from the use is not perceptible without instruments at any point on any boundary line of the subject property.
- B. *Monitoring and Mitigation.* In locations where anticipated ground vibration from the use of a subject property may exacerbate natural hazard risks, result in seismic events, or affect groundwater resources, the County may require the installation of monitoring devices and the provision of appropriate mitigation measures.

Discussion Draft 10-12-2024

## ARTICLE 4. Development Impact Mitigation and Dedication Requirements

### CHAPTER 4.1 Required Reports, Plans, and Studies

#### DIVISION 4.1.1 PURPOSE AND APPLICATION OF CHAPTER

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##### Sec. 4.1.1.1 PURPOSE [UPDATED 10-6-2024]

The purpose of this Chapter is to provide standards for anticipating, managing, and mitigating the ongoing impacts of new development on County infrastructure and natural resources.

##### Sec. 4.1.1.2 APPLICATION [UPDATED 10-7-2024]

- A. *Generally.* The requirements of this Chapter apply to various reports, studies, plans, and covenants, conditions, and restrictions, as they are required for review of various approvals, permits, and licenses issued pursuant to this Code. Conclusions and recommendations of the various reports, studies, and plans required by this Code may be incorporated as conditions of approval of proposed development (including but not limited to subdivisions and PDs), may be used to influence the design of development, and may be memorialized in CCRs and other legal documents.
- B. *Traffic Studies and Heavy Vehicle Routing and Road Maintenance Plans.* Division 4.1.2., *Traffic Studies and Heavy Vehicle Routing and Road Maintenance Plans*, sets out standards for evaluating the impacts of proposed development on the County's road system, provides for the planned routing of heavy vehicles away from areas that are sensitive to such traffic, and ensures that damage to County roads caused by heavy vehicle traffic that is unrelated to agriculture and ranching is repaired at the expense of the development that caused the damage.
- C. *Fire Protection and Defensible Space.* Division 4.1.3., *Fire Protection and Defensible Space*, sets out requirements for reports and plans that ensure ongoing preparedness for fire emergencies and mitigation of wildfire risks.
- D. *Emergency Response Plans.* Division 4.1.4., *Emergency Response Plans*, sets out requirements for plans for providing emergency response to land uses that involve atypical risks.
- E. *Habitat and Migration Corridor Plans and Wildlife Stewardship Plans.* Division 4.1.5., *Habitat and Migration Corridor Plans and Wildlife Stewardship Plans*, sets out minimum requirements for habitat and migration corridor plans and wildlife stewardship plans that may be required for approval of proposed development within wildlife corridors, high value habitats, and highest value habitats.

DIVISION 4.1.2 TRAFFIC STUDIES AND HEAVY VEHICLE ROUTING AND ROAD  
MAINTENANCE PLANS

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Sec. 4.1.2.1 TRAFFIC STUDIES

- A. *Generally.* Traffic studies take the form of a traffic letter (“TL”), traffic assessment (“TA”), or traffic impact study (“TIS”), depending upon the projected nature and extent of impacts of the proposed use on the transportation system. [Updated 10-6-2024]
- B. *Threshold.*
1. All applicants shall submit a TL, which sets out the projected net new trip generation of a proposed development based on the classification of its uses in the Institute of Traffic Engineers (“ITE”) Trip Generation Manual (current edition at the time of application).
  2. If the projected net new trip generation is at least 30 average daily trips (“ADT”) on any public road, a TA or TIS prepared by a County-approved licensed professional transportation engineer is required.
- C. *Traffic Assessment.* The TA is an initial report used to document the proposed development’s trip generation, trip distribution, and trip assignment calculations, identify if any mitigation measures (*e.g.*, turn lanes) are warranted, and identify situations that may trigger a requirement for a TIS. Technical requirements for TAs are set out in **Appendix D., Traffic Letters, Traffic Assessments, and Traffic Impact Studies.** [Updated cross-reference 10-7-2024]
- D. *Traffic Impact Study.*
1. The TIS is an in-depth analysis of the traffic impacts of a proposed development, including an identification of all measures required or recommended to maintain an acceptable level of service on a public road or right-of-way. Technical requirements for TISs are set out in **Appendix D., Traffic Letters, Traffic Assessments, and Traffic Impact Studies.** [Updated cross-reference 10-7-2024]
  2. The County may require a TIS if any of the following conditions are identified as part of the proposed development:
    - a. The proposed development includes a rezoning;
    - b. The County determines that the impact of the proposed development may require a change to the classification of an impacted road;
    - c. The proposed development results in a net ADT increase of at least 20 percent on an arterial, major collector, or minor collector road;
    - d. The County determines that the impact of the proposed development may require functional changes to intersection control; or
    - e. The results of the TA identify that further evaluation is required.

- E. *Projections.* All traffic projections (for TLs, TAs, and TISs) must take into consideration full buildout scenarios, including potential for accessory dwelling units (“ADUs”), principal land uses, and future impacts to the arterial and collector roads that provide access to the proposed development.
- F. *Joint Traffic Study.* If prior to the completion of review of an application that was not otherwise required to conduct a TA or TIS pursuant to this Section, another development application is filed that utilizes (or causes impact to) the same County road or roads such that the combined ADT of the two applications would require such study, both applicants may be required to submit a joint traffic study taking into account the aggregate impacts of their proposed developments.
- G. *Updates.* The Director may require an update to a TL, TA, or TIS, if:
  1. The TL, TA, or TIS relies on data that is more than one year old, and updated traffic counts are available on studied roads;
  2. One or more new roads that were not accounted for in the TL, TA, or TIS are planned, and said road(s) will provide access to the subject property or alternative routes for traffic generated by the proposed use of the subject property;
  3. The location or geometry of an access point to the subject property is materially changed; or
  4. The land use, intensity of use, or distribution of use of the proposed development is materially changed since the TL, TA, or TIS was submitted. [Updated 10-6-2024]
- H. *Required Improvements.* Based on recommendations contained within a TA or TIS, the County may require the applicant to improve County Roads and intersections to maintain service and accommodate projected project traffic. Where improvements are recommended by a joint traffic study, the County may require that the phasing and cost allocation of such improvements be memorialized in an enforceable development agreement.

Sec. 4.1.2.2 HEAVY VEHICLE ROUTING AND ROAD MAINTENANCE PLANS

- A. *Generally.* A heavy vehicle routing and road maintenance plan is required for uses as specifically identified in this Code and for uses that the Director determines will involve the use of semi-trailers, dump trucks, trash hauling trucks, or comparable heavy trucks at a frequency of more than 14 truck trips per week (measured as the higher of inbound or outbound trips). Technical requirements for heavy vehicle routing plans are set out in **Appendix E., Heavy Vehicle Routing Plans and Road Maintenance Agreements.** [Updated cross-reference 10-7-2024]
- B. *Heavy Vehicle Routing.* Heavy vehicles shall be routed to avoid residential areas, commercial areas, schools and civic buildings, municipalities, and congested areas to the extent practicable.
- C. *Heavy Vehicle Operations.* If the use to which it relates involves trucks hauling materials that could become airborne (e.g., sand or gravel, municipal solid waste,

compostable materials, or loose landscape materials), the heavy vehicle routing and road maintenance plan shall address the control of heavy vehicle loads and fugitive dust emissions during transit to ensure traffic safety and dust control on County roads.

- D. *Road Maintenance.* The heavy vehicle routing plan shall address the likely impacts of heavy vehicle traffic on County road maintenance. In the event the impacts are disproportionate, the County may require that the applicant enter into an agreement with the County with respect to mitigating the impacts of the operation on the County road system. Mitigation measures may include but not be limited to maintenance and or repair of the road, road improvements prior to operations, reimbursement to the County for proportional impacts, or limits on the number of trucks that may access the road, including seasonal limits.
- E. *Updates.* Heavy vehicle routing plans shall be updated when:
  - 1. New heavy vehicle routes are proposed by the applicant;
  - 2. The applicant proposes to increase heavy vehicle traffic by more than 10 percent compared to that set out in the approved heavy vehicle routing plan; or
  - 3. Heavy vehicle routes are changed by the County or other relevant transportation authority in a manner that affects the implementation of the approved heavy vehicle routing plan. [Updated 10-6-2024]

#### DIVISION 4.1.3 FIRE PROTECTION AND DEFENSIBLE SPACE

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##### Sec. 4.1.3.1 FIRE PROTECTION REPORT [ADDED 10-6-2024]

- A. *Generally.* Applications for conceptual PD plans, preliminary plans, and site plan approvals shall be accompanied by a fire protection report that details how fire protection will be provided to the subject property.
- B. *Requirements.* The fire protection report shall demonstrate:
  - 1. Adequate water quantity and pressure for fire suppression and fire protection;
  - 2. Appropriate placement and spacing of fire hydrants; and
  - 3. Adequate primary and secondary access to provide for fire protection and avoid fire entrapment.
- C. *Approval of Fire Protection Report.* The fire protection report shall be submitted to the fire protection district with jurisdiction for review and approval.

##### Sec. 4.1.3.2 FIRE PROTECTION PLAN [ADDED 10-6-2024]

- A. *Generally.* If all or part of the subject property is located within the wildland-urban interface, a fire protection plan shall be prepared in accordance with IWUIC § 405.



- B. *Approval of Fire Protection Plan.* The fire protection plan shall be submitted to the fire protection district with jurisdiction for review and approval.

Sec. 4.1.3.3 DEFENSIBLE SPACE PLANS [ADDED 10-6-2024]

- A. *Generally.* If all or part of the subject property is located within the wildland-urban interface, a defensible space plan shall be prepared.
- B. *Requirements.* The defensible space plan shall demonstrate how the arrangement of buildings, structures, improvements, and landscaping on the subject property complies with IWUIC § 603, *Defensible Space*, and how defensible space will be maintained in accordance with IWUIC § 604, *Maintenance of Defensible Space*.
- C. *Approval of Fuels Mitigation Plan.* The defensible space plan shall be reviewed and approved by the Director upon consultation with the fire protection district with jurisdiction.

DIVISION 4.1.4 EMERGENCY RESPONSE

Sec. 4.1.4.1 EMERGENCY RESPONSE PLANS [ADDED 10-6-2024]

- A. *Generally.* Emergency response plans may be required for land uses that involve atypical risks involving fire, explosion, release of hazardous materials, hazardous substances, or biohazards, personal injury, and similar hazards, or that otherwise require specialized emergency preparedness and response methods. Emergency response plans shall be approved by fire protection district with jurisdiction, the emergency operations manager, or the Chaffee County Sheriff, as appropriate to the nature of the risk.
- B. *Confidentiality.* Emergency response plans shall be kept confidential and shall not be subject to disclosure under the Colorado Open Records Act. *See C.R.S. § 24-72-204(3)(a)(IV).*
- C. *Updates.* Emergency response plans for ongoing operations shall be updated not less than annually or upon changes to:
  - 1. Conditions that would materially affect the approach or methodology for emergency response; or
  - 2. Personnel that are designated as emergency contacts.

Sec. 4.1.4.2 MINIMUM REQUIREMENTS FOR EMERGENCY RESPONSE PLANS [ADDED 10-6-2024]

- A. *Generally.* Emergency response plans shall provide the following information, as a minimum:
  - 1. Name, address and phone number, including a 24-hour emergency number for at least two people who are responsible for emergency field operations.
  - 2. A facilities map that identifies, locates, and describes all facilities that may create atypical risks, and provides a brief summary of the nature of the risk and the recommended emergency response measure.

3. A written response plan for the potential emergencies that may be associated with the operation of the facilities (*e.g.*, explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills).

B. *Additional Informational Requirements.* Based on the nature of the potential emergencies, the fire protection district with jurisdiction, the emergency operations manager, or the Chaffee County Sheriff may request such additional information as they may determine necessary to evaluate and response to potential emergencies.

Sec. 4.1.4.3 ADDITIONAL TRAINING AND EMERGENCY RESPONSE EQUIPMENT [ADDED 10-6-2024]

If the agency that is principally responsible for providing emergency response does not have the training or specialized equipment necessary to safely provide an appropriate emergency response, the emergency response plan may include provisions for the applicant to provide such training and specialized equipment at the applicant's expense.

DIVISION 4.1.5 HABITAT, RANGE, AND MIGRATION CORRIDOR PLANS

Sec. 4.1.5.1 HABITAT, RANGE, AND MIGRATION CORRIDOR REPORTS [ADDED 10-8-2024]

A. *Generally.* If deemed necessary by the County pursuant to Section 3.6.3.2., *Identification of Wildlife Habitat, Ranges, and Corridors*, a habitat, range, and migration corridor report shall be prepared by a qualified biologist as provided in this Section. The report shall be prepared in consultation with the Colorado Parks and Wildlife ("CPW") personnel and resources and shall document all CPW recommendations. The applicant shall submit the report at the time of:

1. For subdivisions, condominium plats, and rural land use process subdivision exemptions, submittals of a sketch plan, or preliminary or final plat if:
  - a. Such report has not been previously submitted and approved; or
  - b. Conditions have materially changed; and
2. For PDs, submittal of conceptual PD plans, or final PD plans if:
  - a. Such report has not been previously submitted and approved; or
  - b. Conditions have materially changed; and
3. For other development that is not within a subdivision or PD for which a habitat, range, and migration corridor report or plan has not been approved, site plan.

B. *Contents.* The habitat, range, and migration corridor report shall identify the locations and essential attributes of high quality and highest quality habitat, big game winter ranges, and big game migration corridors across and adjacent to the subject property, and articulate the general means (*e.g.*, arrangement of buildings and infrastructure, use of building envelopes, installation of improvements, construction timing, operational limitations, signage, landscaping, etc.) by which

the extent and function of such areas will be preserved, protected, and subsequently managed.

#### Sec. 4.1.5.2 HABITAT, RANGE, AND MIGRATION CORRIDOR PLANS

- A. *Generally.* If recommended by the report prepared pursuant to this section, *Habitat, Range, and Migration Corridor Reports*, a habitat, range, and migration corridor plan shall be prepared by a qualified biologist as provided in this Section. The plan shall be prepared in consultation with the Colorado Parks and Wildlife (“CPW”) personnel and resources and shall document all CPW recommendations. The applicant shall submit the plan:
1. For subdivisions, condominium plats, and rural land use process subdivision exemptions, submittals of a preliminary plat, or final plat if:
    - a. A preliminary plat was not required by the applicable review process;
    - b. Such report has not been previously submitted and approved; or
    - c. Conditions have materially changed; and
  2. For PDs, submittal of conceptual PD plans, or final PD plans if:
    - a. Such report has not been previously submitted and approved; or
    - b. Conditions have materially changed; and
  3. For other development that is not within a subdivision or PD, during site plan review.
- B. *Contents.* The habitat, range, and migration corridor plan shall provide the information set out in the habitat, range, and migration corridor report, and further identify the specific measures that will be implemented through site design, landscaping, and operations, and the legal means by which ongoing compliance will be assured.

#### DIVISION 4.1.6 WEED MANAGEMENT AND REVEGETATION PLANS

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##### Sec. 4.1.6.1 WEED MANAGEMENT PLANS [ADDED 10-8-2024]

- A. *Generally.* Weed management plans shall include an evaluation of the subject property with regard to noxious weeds, identify appropriate methods for weed management and control to be used on the subject property (*e.g.*, education and specific cultural, mechanical, chemical, or biological controls) and the timing for the use of those management or control methods, and identify a funding mechanism for ongoing weed monitoring, management, and control.
- B. *When Required.* A weed management plan shall be required for all development that disturbs more than one acre of land and requires a special event permit, camping on private land permit (commercial), site plan, final FD plan, final plat, condominium plat, or rural land use process subdivision exemption.

- C. *Plan Consistency.* Weed management plans shall implement the Chaffee County Weed Department Noxious Weed Management Plan, adopted by Resolution 2017-61, as amended, as it may be germane to the subject property.

Sec. 4.1.6.2 REVEGETATION PLANS [ADDED 10-8-2024]

- A. *Generally.* Revegetation plans shall identify areas of a subject property that require revegetation; seed mixes and other vegetation that will be planted; soil preparation and seeding techniques; phasing of plantings; irrigation methods and water sources; and standards for evaluation of successful revegetation.
- B. *When Required.* A revegetation plan shall be required for:
  - 1. All property upon which the implementation of a weed management plan requires revegetation;
  - 2. All land disturbance activities, except agriculture and ranching, that result in the removal of riparian vegetation; and
  - 3. All land disturbance activities for which an approved GESC plan requires revegetation as an interim or permanent stormwater BMP.

## CHAPTER 4.2 Soils Suitability and Drainage

### DIVISION 4.2.1 PURPOSE AND APPLICATION OF CHAPTER

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Sec. 4.2.1.1 PURPOSE [ADDED 10-8-2024]

The purpose of this Chapter is to ensure that development is located on soils that are suitable for the type of development proposed, that drainage systems are designed in an appropriate manner, and that erosion and sediment are controlled.

Sec. 4.2.1.2 APPLICATION [ADDED 10-8-2024]

This Chapter applies to all development that requires subdivision or site plan approval.

### DIVISION 4.2.2 SITE AND SOILS SUITABILITY STUDIES

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Sec. 4.2.2.1 PRELIMINARY REPORT ON MAJOR FEATURES [ADDED 10-8-2024]

- A. *Generally.* Applicants for sketch plan approval, or preliminary plan or conceptual PD plan approval if sketch plan approval is waived, shall provide a preliminary report on major features.
- B. *Contents.* At a minimum, the preliminary report on major features shall include:
  - 1. Narrative and scaled maps describing streams, lakes, topography, and significant vegetation;

2. Geologic characteristics of the subject property and surrounding area that significantly affect the land use and address the impact of such characteristics on the proposed subdivision;
3. In areas of potential radiation hazard to the proposed future land use, evaluations of these potential radiation hazards;
4. A high-level overview description of the on-site and off-site drainage patterns and impacts associated with the proposed development, including potential impacts to surrounding properties, irrigation ditches and reservoirs, and existing public infrastructure; and
5. Maps and tables concerning suitability of types of soil in the proposed subdivision for the proposed uses.

*See C.R.S. § 30-28-133(3)(b).*

Sec. 4.2.2.2 GEOTECHNICAL REPORT [ADDED 10-8-2024]

- A. *Generally.* All plans submitted for review, except sketch plans, shall be accompanied with a geotechnical report containing information on the specific items herein. The geotechnical report shall be prepared, certified, and signed by a professional geologist, as defined by C.R.S. § 23-41-208(1)(b).
- B. *Contents.* The geotechnical report shall evaluate the potential impacts of adverse soil and bedrock conditions on proposed buildings, structures, pavements, drainage structures, and utilities. The objectives of the evaluation are to establish the depth to bedrock across the subject property with respect to the proposed final grades and foundation elevations of proposed buildings and structures, and to develop recommendations to mitigate the impacts of adverse soils and bedrock conditions. At a minimum, the report shall provide:
  1. A description of the subject property, including existing vegetation, evidence of previous construction, nearby water sources, and slopes;
  2. A description of the proposed construction, including site grading, anticipated maximum cut and fill depths, the types of buildings and structures planned, and any anticipated sources of water such as detention or retention ponds, lakes, or other water features;
  3. Results of field and laboratory investigations and tests;
  4. Graphical logs of the exploratory borings, including all measurements of moisture content, dry density, Atterberg Limits, percent passing the No. 200 sieve, measured percent swell of relatively undisturbed samples, existing surface elevations, proposed surface elevations, foundation limits, and bearing elevation limits of over-excavation, if applicable;
  5. Results of laboratory tests in graphic or tabular form;
  6. A geotechnical map of the area of investigation, at a suitable scale, including the proposed development's boundaries and any lots, tracts, and road alignments; the existing topography of the subject property, based upon a

topographic survey performed by a professional land surveyor; the surface elevation of the bedrock beneath the subject property in the form of a contour map if not already included in the geologic reports; delineation and identification of soil types; and soil hazard areas; and

7. The date of all fieldwork was performed and a list of references and other supportive data used in the report.

*See C.R.S. § 30-28-133(6)(c).*

## DIVISION 4.2.3 DRAINAGE PLANS AND REPORTS

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### Sec. 4.2.3.1 PRELIMINARY DRAINAGE REPORT [ADDED 10-8-2024]

- A. *Generally.* The purpose of the preliminary drainage report is to update the concepts and to provide general design details for proposed drainage facilities. The preliminary drainage report shall be prepared, certified, and signed by a registered professional engineer licensed in the State of Colorado.
- B. *Contents.* At a minimum, the report shall provide:
  1. A description and scope of work, including locations (county roads, section, township and range)
  2. Identification of nearby water features and ownership, and hydrological soil types, including their locations on the subject property;
  3. Reference to other existing master drainage plans affecting the subject property, if any;
  4. Design storm/rainfall information;
  5. Hydrologic calculations (historic and developed basins);
  6. Detention and water quality control calculations
  7. Construction drawings that show one-foot contours and elevations (existing and proposed), pre-development and post-development drainage basins, and arrows depicting flow direction.

### Sec. 4.2.3.2 FINAL DRAINAGE REPORT AND OPERATIONS AND MAINTENANCE MANUAL [ADDED 10-8-2024]

- A. *Generally.* The purposes of the final drainage report and operations and maintenance manual are to update the concepts and provide specific design details for the drainage facilities identified in the preliminary drainage report, and provide a plan for the ongoing operations and maintenance of drainage infrastructure. The final drainage report and operations and maintenance manual shall be prepared, certified, signed, and stamped by a registered professional engineer licensed in the State of Colorado.

- B. *Contents of Final Drainage Report.* At a minimum, the final drainage report shall contain all information required for the preliminary drainage report and, in addition:
1. Identify the total acres of the subject property and the acres of the subject property that are within the limits of construction;
  2. Identify any FEMA flood zones on the subject property;
  3. Discuss the routing of off-site drainage;
  4. Provide detention pond release rate calculations;
  5. Provide post-construction site imperviousness;
  6. Provide hydraulic calculations for proposed drainage improvements (swales, culverts, riprap, pond, outlet, spillway, outlets, etc.);
  7. Include a conclusion statement verifying that the design will adequately protect public health, safety, and general welfare, and have no adverse impacts on public rights-of-way or offsite properties; and
  8. Provide construction drawings and details that include: time of concentration critical path; drainage design points; labeled improvements; permanent control measures (with design volumes); cross sections for open channels and profiles for pipes; elevations for inverts, flow lines, top of grates, orifice(s), and similar features; pipe specifications (size, material, length, slope); and outlet and spillway details.
- C. *Contents of Maintenance Plan.* The maintenance plan shall include, at a minimum, details regarding:
1. The frequency of inspections;
  2. The frequency and methodology for cleaning out sediment and debris;
  3. The frequency and methodology for vegetation maintenance;
  4. Manufacturer maintenance specifications, if applicable; and
  5. The entity responsible for inspections and maintenance, and the funding source to ensure that inspections and maintenance are performed as provided in the maintenance plan.
- D. *Other Required Documentation.* Based on the nature of the development, the types of improvements contemplated, and the conditions of the subject property, the County may require such other information and analysis it deems necessary to evaluate the impacts of the proposed development on drainageways, adjoining properties, and County resources.

[See C.R.S. § 30-28-133\(4\)\(b\).](#)



## DIVISION 4.2.4 GRADING, EROSION, AND SEDIMENT CONTROL

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### Sec. 4.2.4.1 PLAN REQUIRED

Where development requires grading of more than one acre of land (cumulatively), a site-specific grading, erosion, and sediment control (“GESC”) plan is required. The plan shall show the limits of construction, and provide for initial (pre-construction), interim (construction), and final (post-construction) BMPs to control erosion and sediment. The plan shall be prepared by a Professional Engineer, Certified Professional in Erosion and Sediment Control, or other individual who possesses comparable credentials, as determined by the Director.

### Sec. 4.2.4.2 MINIMUM PLAN CONTENTS [ADDED 10-7-2024]

- A. *Potential Pollution Sources.* The GESC plan shall identify all potential pollution sources that may reasonably be expected to affect the quality of stormwater discharges associated with construction activities, including but not limited to land disturbance, vehicle tracking, loading and unloading, materials staging and storage, and concrete washout;
- B. *Description of BMPs.* The GESC Plan shall describe the stormwater pollution prevention BMPs (as to erosion control, sediment control, and waste management control) that are selected to address the potential pollution sources, whether the BMPs are temporary or permanent, structural or non-structural, and when said BMPs will be installed or utilized; and
- C. *Plan Sheets.* The GESC plan shall include plan sheets that, at a minimum:
  1. Show the limits of construction; all areas of site disturbance, cuts, and fills; construction staging and storage areas, and the locations of temporary batch plants, if any;
  2. Show the location of rivers, streams, wetlands, irrigation ditches, reservoirs, and other waterbodies; and
  3. Provides separate sheets for the initial, interim, and final BMP types and placements.

### Sec. 4.2.4.3 EROSION AND SEDIMENT CONTROL NEAR WATERBODIES [UPDATED 10-7-2024]

- A. *Generally.* The following requirements shall apply to land disturbances, except agricultural activities and ditch maintenance activities, that occur within 50 feet of a waterbody. GESC plans shall demonstrate compliance with this Section.
- B. *Erosion and Sediment Control Measures.* Erosion and sediment control measures shall be installed before site grading or other construction.
- C. *Cut and Fill Slopes.* Where cut and fill cannot be avoided, slopes shall be designed for long term stability. Permanent vegetation shall be used as the priority approach to stabilization of cut and fill areas where slopes are less than or equal to 3:1. On steeper cut and fill slopes, stabilization shall be attained by utilizing 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.

- D. *Construction De-Watering*. Construction de-watering activities will conform to CDPHE construction de-watering permit requirements.

Sec. 4.2.4.4 INSPECTION AND MAINTENANCE OF EROSION AND SEDIMENT CONTROL DEVICES [UPDATED 10-7-2024]

Erosion and sediment control devices shall be maintained in a manner to support their effectiveness. The applicant shall be responsible for inspection and repair of all erosion and sediment control devices after any precipitation that creates runoff. Accumulated sediment shall be removed periodically from sediment basins and traps; straw bale and silt fence barriers shall be checked for undermining and bypass, and repaired or expanded as needed; and mulched soils shall be re-mulched where mulch has been lost or damaged. The County may require the applicant to document BMP maintenance activities in a log book that may be inspected by the Count upon request.

## CHAPTER 4.3 Water Supply and Sanitary Sewage Disposal

### DIVISION 4.3.1 PURPOSE AND APPLICATION OF CHAPTER

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Sec. 4.3.1.1 PURPOSE

- A. *Water Supply and Assurances*. Water sustains the social, economic, recreational, and ecological values of the County. In order to sustainably manage the County’s water resources and to protect the health, safety, and welfare of County residents, the County requires all development to demonstrate water supply for the development that is adequate in terms of quantity, legality, and dependability at buildout, and meet Colorado Department of Public Health and Environment (“CDPHE”) drinking water standards for potability. *See C.R.S §29-20-301, et seq. and C.R.S. § 30-28-133(3)(c)(d).*

Sec. 4.3.1.2 APPLICATION

- A. *Water Supply and Assurances*. The requirements of Division 4.3.2., *Water Supply; Assurances*, shall apply to:
  1. All development applications that result in the creation of any new lots, and for which water is required and a necessary element of the development.
  2. Site plans and or special use permit applications where water supply is required for consumptive or irrigation purposes.
  3. Rezoning or redevelopment that requires a change-of-use permit for land use and/or a well permit.
  4. Where a permit proposes changes to a subdivision that may substantially change the water demand or where there has been an identified change in water supply availability (*e.g.*, include a change in the commercial floor area

by more than 50 percent, modifications to a previously approved plat that trigger a review for consistency with the original water supply plan, or a water system water shortage).

- B. *Exceptions.* Exceptions are allowed for:
1. Development that does not require a development permit;
  2. Adjustments and plat modifications that do not require a change to the use, supply, or demand for water;
  3. Lot consolidation and boundary line adjustments that do not require a change to use or water supply and demand; and
  4. Temporary use permits.

#### DIVISION 4.3.2 WATER SUPPLY; ASSURANCES

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##### Sec. 4.3.2.1 GENERAL STANDARDS FOR WATER SUPPLY

All development in the County shall have access to a water supply for the development that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed, and where used for domestic purposes, meets CDPHE drinking water standards for potability. *See C.R.S. § 30-28-133(4)(c).*

##### Sec. 4.3.2.2 TIMING OF DEMONSTRATION

- A. *Generally.* Applicants shall demonstrate compliance with the requirements of this Division at the first to occur (with regard to a particular proposed development of the subject property) of:
1. Preliminary plan approval;
  2. Final PD plan approval;
  3. Site plan approval; or
  4. Building permit approval.
- B. *Updates for Material Changes.* The County may require a new or updated demonstration of compliance with the requirements of this Division if the water demands or supply of the specific project for which the development permit is sought are materially changed. *See C.R.S. § 29-20-303.*

##### Sec. 4.3.2.3 ALLOWED SOURCES OF WATER SUPPLY

- A. *Where No Connection to an Existing Water System is Available.* Where an existing water system is unavailable or an existing provider demonstrates in writing that service cannot be provided, the following water supply options are available:
1. An individual well permitted by the Division of Water Resources (“DWR”) (proof of well permit and augmentation shall be submitted prior to approval of any development approval, permit, or license);

2. A shared well permitted by DWR, with an approved shared well system design completed by professional engineer licensed in Colorado, and a shared well agreement filed with the County; or
  3. A new public or private water system with a legal water supply, constructed and operated in accordance with all applicable state and County requirements.
- B. *Where Connection to an Existing Public Water System is Available.* Where an existing public water system has sufficient legal and physical capacity to serve the development, the applicant shall install water lines and other system requirements necessary to make service available to the property line of each lot in the following circumstances:
1. The development is located within 400 feet of an existing public water supply line, measured from the nearest property line of the proposed project, the public water system is available and adequate to serve the proposed development; and connection to the public water system is practicable and feasible; [Updated 10-7-2024]
  2. The development is located within a designated Growth Management Area (“GMA”) where it is consistent with municipal plans to connect to an existing system; or
  3. If development is within an area planned for future water service, but existing services are currently unavailable or infeasible, if and when a public water system becomes available, the development may be required to connect within five years (this requirement to connect in the future shall be recorded on the final plat or part of a development agreement).
- C. *Where Connection to an Existing Private or Community Public Water System is Available.* Where an existing private or community water system has sufficient legal and physical capacity to serve the development, the applicant shall install water lines and other system requirements necessary to make service available to the property line of each lot and the applicant has submitted a commitment to serve letter from the water provider that demonstrates sufficient proof of adequate water supply.

Sec. 4.3.2.4 LIMITED AND PROHIBITED WATER SUPPLIES

- A. *Generally.* The water supply options that are enumerated in this Section do not generally qualify as sufficient in terms of quality, quantity, and dependability to meet the requirements of this Division, but may be used in the circumstances set out herein.
- B. *Cisterns and Hauled Water.* Cisterns and hauled water are prohibited as a water supply, but may be allowed in cases where either:
  1. Additional water storage is necessary to augment the flow capacity of a well, or

2. Hauled water is used to service temporary occupancy on private land according to the standards for camping on private lands that are set out in Section 2.3.7.2., *Personal Camp Sites*.
- C. *Temporary Water Supplies*. Temporary water supplies shall not be deemed to meet the requirements of this Division as to sufficiency in terms of quality, quantity, or dependability. Where a demonstration of adequate water supply involves infrastructure to be constructed, no final plat or final PD plan shall be recorded until such time as the infrastructure is completed and operational.  
[Updated 10-6-2024]

Sec. 4.3.2.5 WATER DEMAND ESTIMATE; CRITERIA

- A. *Generally*. All development applications shall include a description of the project and an estimate of total water demand calculated based on one or a combination of the methodologies approved by the Director.
- B. *Criteria to Verify Adequate Water Supply*. The County shall not approve a development application that is subject to this Division without sufficient proof of adequate water supply. The source of water supply shall determine the documentation required to demonstrate proof of adequate water supply, as follows:
1. “Will-Serve Letter”. For water supply provided by a water provider through an existing water system to a proposed development, a letter indicating the water provider’s willingness to serve and capacity to meet the development’s estimated water demand shall be submitted as proof of adequate water supply. The applicant shall submit a letter from the water provider confirming a commitment to serve that includes the following information:
    - a. A description of the project and water estimate;
    - b. A brief description of the legal and physical source of water supply to serve the development;
    - c. Historical average flow of potable water and historic peak flow of potable water;
    - d. The existing system capacity including total number of connections, total number of commitments, uncommitted firm supply available for future development, and the ability to meet annual and peak demands of the proposed development;
    - e. Proof of a firm yield and explanation of the assumptions regarding hydrologic conditions (the preference is for normal, single dry, and 20-year drought conditions);
    - f. Current water conservation programs and any water conservation and efficiency requirements the water provider requires the development to implement; and

- g. Confirmation of compliance with CDPHE Drinking Water Standards for potability.
    - 2. Water Supply Report. Where water is supplied by a water source other than an existing water system, a water supply report prepared by a County-approved licensed water engineer, geologist, or hydrologist is required to determine whether the water supply proposed to serve a development is legal and adequate in terms of quantity, quality, and dependability. The water supply report shall contain an analysis of the following information:
      - a. A description of the project and water estimate;
      - b. A description of the legal and physical source of water supply to serve the development;
      - c. If the water supply is groundwater:
        - i. A description of the aquifer, including but not limited to geologic maps, cross sections, boundaries, intakes and discharge areas, depth to water, water level contours, and estimated thickness of saturation of the aquifer; and
        - ii. Information regarding the aquifer’s hydraulic conductivity, transmissivity, storage coefficient or probable yield, aquifer drawdown and recovery, and the potential for well interference.
      - d. A summary of the results of the hydrologic assessment demonstrating the adequacy of the water supply to meet the estimated demand.
      - e. Determination of the reliability of the water source confirming the ability to meet annual and peak demands of the proposed development under variable hydrology including normal, single dry, and 20-year drought conditions.
      - f. Any proposed water demand management strategies to increase water efficiency and reduce water demand.
      - g. Evidence of compliance with CDPHE Drinking Water Standard for potability.
- C. *Supplemental Assessments.* The County may require additional proof of water supply through onsite hydrological assessments where it is demonstrated that one or more of the following conditions exists:
- 1. A high-capacity commercial well is proposed;
  - 2. A major subdivision or planned development is proposed to be served by wells;
  - 3. A proposed development is to be served by a new water system;
  - 4. The water supply report indicates potential issues with the water supply for a project;

5. The location of the subject property is identified by the County or other government entity to have water resource management issues.

Sec. 4.3.2.6 TIMING OF REVIEW; CONDITIONS OF APPROVAL

- A. *Generally.* No application that is subject to this Division shall be approved without a finding that the proposed water supply meets the requirements of this Division.
- B. *Timing of Review.* Review of required materials for compliance with this Division will occur in the following phases:
  1. At concept plan review, the water supply information shall include a general description of the development, an estimated water demand for the project at buildout, a description of how the development proposes to meet the water supply standards, and whether additional water supplies and/or augmentation will be required for the development.
  2. At preliminary plan review, the application shall include all the engineering calculations and/or site-specific data needed for the County to determine whether the water supply is sufficient in terms of quality, quantity, and dependability for the proposed development. This shall include a review of the appropriate proof of adequacy documentation.
  3. At final plat review, the data submitted will remedy any issues or conditions identified in the preliminary plan review and include any system design and financial plans, where applicable.

DIVISION 4.3.3 SANITARY SEWAGE DISPOSAL

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Sec. 4.3.3.1 DOMESTIC OR INDUSTRIAL WASTEWATER TREATMENT FACILITIES

- A. *Generally.* Where sanitary sewage disposal is proposed by way of existing domestic or industrial wastewater treatment facilities, the applicant shall provide a “will-serve” letter from the service provider that sets out the anticipated demand generated by the proposed use, the available capacity of the service provider to treat the additional wastewater, and any terms and conditions associated with the connection to the treatment facilities.
- B. *New Facilities or Upgrades.* Where new facilities or upgrades to existing facilities are required to serve a proposed use, the applicant shall provide plans for said facilities or upgrades, including time frames for permitting and construction. The County shall not record final plats or release building permits for buildings or structures to be served by such utilities until the facilities are constructed and operational.

Sec. 4.3.3.2 ONSITE WASTEWATER TREATMENT SYSTEMS [ADDED 10-7-2024]

- A. *Generally.* Where OWTS are proposed, a septic suitability report shall be provided in conformance with this Section. The report shall be prepared by a registered professional engineer licensed to practice in Colorado. The purpose of the report



is to provide information about the soil suitability for the purpose of OWTS, and the relationship of individual OWTS to one another.

- B. *Contents.* The septic suitability report shall consist of the following:
1. A map locating all lots, drainage ways, floodplains, steep slopes, surface and subsurface soil hazards, geologic hazards, depth to bedrock, water table depth and other potential hazards.
  2. Test pits for no fewer than 20 percent of the total number of lots within the proposed final plat, except that additional tests may be required if there are variable geologic, topographical, or soil conditions that justify them.
  3. All locations not suited for placement of OWTS due to soils, geologic, topographic or hazard conditions shall be indicated.
  4. A description of the relationships among OWTSs, wells, buildings, structures, lakes, streams, irrigation systems, and other waterbodies on the subject property and adjoining properties. *See C.R.S. § 30-28-133(4)(c).*

## **CHAPTER 4.4 Timing of Improvements, Development Agreements, and Financial Guarantees**

### **DIVISION 4.4.1 PURPOSE AND APPLICATION OF CHAPTER**

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#### **Sec. 4.4.1.1 PURPOSE**

The purpose of this Chapter is to ensure that reasonable provisions for the completion of improvements required by development approvals are in place, and to implement the requirements of C.R.S. § 30-28-137, *Guarantee of Public Improvements*. *See C.R.S. § 30-28-137.*

#### **Sec. 4.4.1.2 APPLICATION [ADDED 10-8-2024]**

This Chapter applies to all development, including but not limited to subdivisions, subdivision exemptions, and PDs, that involve the installation of public improvements.

### **DIVISION 4.4.2 TIMING OF IMPROVEMENTS**

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#### **Sec. 4.4.2.1 IMPROVEMENTS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT [ADDED 10-6-2024, UPDATED 10-7-2024]**

- A. *Generally.* The improvements enumerated in this Section shall be completed prior to issuance of a building permit for construction of residential, mixed-use, commercial, or industrial buildings or structures, unless otherwise approved by the Board of County Commissioners by way of a development agreement.
- B. *Public Water System Connections.* If the development is to be served with a public water system, the applicant shall provide for and construct adequate mains and stubs to the subject property and, in the case of subdivisions, each subdivided lot, and such infrastructure shall have been granted preliminary acceptance (or

similar approval) by the public water system or pertinent governmental authority.

- C. *Domestic or Industrial Wastewater Treatment System Connections.* If the development is to be served with a domestic or industrial wastewater treatment system, the applicant shall provide for and construct adequate lines and stubs to the subject property and, in the case of subdivisions, each subdivided lot, and such infrastructure shall have been granted preliminary acceptance (or similar approval) by the service provider or pertinent governmental authority.
- D. *Fire Protection Infrastructure.* The applicant shall provide sufficient fire protection infrastructure, as approved by the fire protection district with jurisdiction, to provide for fire suppression during construction, and such infrastructure shall have been inspected and approved by the fire protection district.
- E. *Stormwater Management Infrastructure.* The applicant shall provide sufficient temporary or permanent stormwater management facilities to provide appropriate stormwater detention, sediment, and erosion control during construction, and such infrastructure shall have been inspected and approved by the County.
- F. *Other Utilities.* The applicant shall provide for and construct all utilities needed to serve the subject property and, in the case of subdivisions, each subdivided lot, and such installations shall have been inspected and approved by the utility provider, or such inspection shall have been waived in writing.

Sec. 4.4.2.2 IMPROVEMENTS REQUIRED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY [ADDED 10-7-2024]

- A. *Generally.* The improvements enumerated in this Section shall be completed prior to issuance of certificate of occupancy (“C.O.”) for residential, mixed-use, commercial, or industrial buildings or structures, unless otherwise approved by the Board of County Commissioners by way of a development agreement.
- B. *Fire Protection Infrastructure.* If the fire protection infrastructure provided pursuant to Section 4.4.2.1., *Improvements Required Prior to Issuance of Building Permit*, is temporary in nature, all permanent fire protection infrastructure shall be installed and functional prior to the issuance of C.O.s for buildings or structures that will be protected by that infrastructure.
- C. *Stormwater Management Infrastructure.* The applicant shall provide all approved permanent stormwater management infrastructure and appurtenances necessary to serve developed lots prior to the issuance of C.O.s for said lots.
- D. *Roads.* The applicant shall complete road improvements necessary to provide the subject property, or at a minimum, the lots for which C.O.s are sought, with a connection to a state highway. Where multiple connections are shown on a plat or site plan, multiple connections may be required prior to issuance of a C.O., if such connections are necessary to provide emergency services, including secondary access for wildfire hazard mitigation.

## DIVISION 4.4.3 DEVELOPMENT AGREEMENTS AND SECURITY

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### Sec. 4.4.3.1 DEVELOPMENT AGREEMENT REQUIRED [UPDATED 10-8-2024]

- A. *Generally.* Where public infrastructure is required to support new development, subdivisions, or PDs, the Board of County Commissioners (“BOCC”) shall require the applicant to execute a development agreement regarding the conditions and improvements identified as requirements of approval.
- B. *Purpose of Agreement.* The purpose of the development agreement is to ensure, at a minimum, the following:
  - 1. Project Completion. That the project is completed, including reclamation and revegetation of property as required;
  - 2. Conditions Fulfilled. That the conditions of the approval are fulfilled to the satisfaction of the County and other authorities to which infrastructure or property will be dedicated;
  - 3. Responsibility for Increased Service Demand. That the applicant addresses responsibility for the increased demand on public facilities and services as a result of the project, subdivision, or PD; and
  - 4. Security for Completion or Restoration. That the applicant provides security such that in the event the subdivision is suspended, curtailed, or abandoned, the County can complete the subdivision and any necessary improvements, or restore the property to its condition at the time of application, at no additional cost to the County.
- C. *Other Provisions.* A development agreement may address continued maintenance of infrastructure or water supply for fire protection (as required by this Code), vested rights, construction timetables or development phasing, reimbursements for oversized infrastructure or improvements, terms regarding model homes or temporary real estate offices, or any other development-related matter that the applicant and the County agree should be the subject of contractual obligation.

### Sec. 4.4.3.2 SECURITY REQUIRED [UPDATED 10-7-2024]

- A. *Generally.* The applicant shall provide security to ensure that the subdivision adheres to the requirements of this Code.
- B. *Lot Sales Restriction.* The primary form of security shall be a lot sales restriction placed on all subdivision lots until such time as the required public improvements are completed. The applicant must restrict sales on all lots in the subdivision and such lots providing basis for the subdivision application through a recorded lot sales restriction agreement supplied or approved by the County. The signed lot sales restriction agreement shall be filed with or prior to the final plat.
- C. *Financial Guarantee Alternative.* As an alternative to the lot sales restriction, the Board of County Commissioners (“BOCC”) may, in its discretion, allow a financial

guarantee in the form of cash deposited into escrow with the County to substitute for the Lot Sales Restriction Agreement in full or in part based on factors including, but not limited to the extent of infrastructure improvements required, phasing of the project, and potential mitigation requirements. In determining whether a financial guarantee is permitted, the BOCC shall consider:

1. Completion of Infrastructure and Reclamation. The estimated cost of completing public infrastructure related to the subdivision, and of returning property to its original condition or to a condition acceptable to the County, as applicable, as reflected in an Engineers' Estimate of Probable Cost ("EOPC") provided by the applicant and approved by the Director.
2. Conditions of Permit. The estimated cost of performing all mitigation requirements and permit conditions in connection with the construction, operation, and termination of the subdivision.
3. Estimated Cost. The estimated cost shall be based on current and valid cost estimates for completing the subdivision, including all conditions and required improvements, submitted by the applicant and approved by the County, which shall include the following:
  - a. The estimated cost for the County to bring in personnel and equipment to complete any unperformed purpose of the financial guarantee;
  - b. Contingency costs;
  - c. Consultant fees, including design, engineering, and legal fees; and
  - d. The reasonable projection of increased project cost due to inflation when considering the duration required for the fulfillment of such improvements and conditions.

D. *Default and Use of Financial Guarantee.*

1. In the case of violations of this Code or default under the terms of a development agreement (however titled), the financial guarantee may be used by the County for the purposes of recovering on the surety, completing unfinished infrastructure improvements, or restoring property to its condition prior to commencement of development, as appropriate.
2. If the available security provides inadequate funds to cover the costs of accomplishing the purposes of the financial guarantee, the County's attorney may, as directed by the Board of County Commissioners, take legal action to recover such costs.

Sec. 4.4.3.3 PRELIMINARY ACCEPTANCE OF IMPROVEMENTS; WARRANTY [ADDED 10-7-2024]

- A. *Preliminary Acceptance.* After all improvements required by the development agreement have been completed according to their approved designs, the applicant may request that the Director cause the improvements to be inspected, and upon satisfactory inspection, issue written preliminary acceptance of improvements that are to be owned or operated by the County.

- B. *Warranty Period.* Upon issuance of preliminary acceptance, a warranty period shall commence, which shall extend to final acceptance, and which shall be for a period of not less than one year. During the warranty period, the applicant shall be responsible for all maintenance and repairs to the improvements that are subject to the warranty.

Sec. 4.4.3.4 FINAL ACCEPTANCE OF IMPROVEMENTS [ADDED 10-7-2024]

Within 60 days after the anniversary of preliminary acceptance, the Director shall cause the warranted improvements to be inspected, and upon satisfactory inspection, shall recommend final acceptance of the improvements to the Board of County Commissioners, which shall consider the final acceptance on its next available consent agenda. Upon unsatisfactory inspection, the Director shall cause a written punchlist of corrections or repairs to be compiled and delivered to the applicant, which shall thereafter cause such corrections or repairs to be completed.

Sec. 4.4.3.5 RELEASE OR CANCELLATION OF LOT SALES RESTRICTION AND/OR SECURITY [UPDATED 10-7-2024]

- A. *Generally.* The lot sales restriction and/or security may be released under any of the following circumstances:
  1. The application has been withdrawn in writing to the Director prior to the commencement of any grading or construction activity on the subject property;
  2. The subdivision has been abandoned and the subject property has been restored to its condition at time of application, or a condition acceptable to the County;
  3. The project has been satisfactorily completed in the determination of the County, and the County has issued a preliminary acceptance determination pursuant to Section 4.4.3.3., *Preliminary Acceptance of Improvements; Warranty*, at which point the County may release a lot sales restriction or return a financial security, or may retain up to 20 percent of financial security to ensure the completion of “punchlist” items or reasonably anticipated warranty repairs;
  4. The County has issued a final acceptance determination pursuant to Section 4.4.3.4., *Final Acceptance of Improvements*, at which point the County shall release the lot sales restriction or security;
  5. A phase of a subdivision or PD has been satisfactorily completed in the determination of the County, and partial or full release of a lot sales restriction or financial security is consistent with project phasing; or
  6. As agreed in the development agreement.
- B. *Release by Board of County Commissioners.* The release of any security in an amount equal to or greater than \$50,000, or the release of a lot sales restriction for greater than 10 lots as partial completion of a phased subdivision shall

require approval from the Board of County Commissioners at a noticed public hearing.

#### DIVISION 4.4.4 ONGOING MAINTENANCE AND OPERATIONS

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##### Sec. 4.4.4.1 PERPETUAL MAINTENANCE ARRANGEMENTS REQUIRED [ADDED 10-6-2024]

- A. *Generally.* Maintenance of common elements and common facilities in a subdivision, and maintenance of common elements, limited common elements, and common facilities in a condominium shall be accomplished by way of covenants, conditions, and restrictions enforced by a property owners' association or other comparable perpetual agreement that allocates maintenance responsibilities and provides for reliable funding of same.
- B. *Exception.* Developments that are approved under unified ownership and control are not required to have CCRs, provided that a single property owner is responsible for the ongoing compliance with the requirements of this Code and any conditions of approval. A development that is approved under unified ownership and control shall not be subsequently conveyed into multiple ownerships (*e.g.*, individual buildings in an office park being sold to separate entities) until CCRs that meet the minimum requirement of this Division are approved, executed, and recorded.

##### Sec. 4.4.4.2 MINIMUM STANDARDS FOR COVENANTS, CONDITIONS, AND RESTRICTIONS [ADDED 10-6-2024]

- A. *Incorporation of Property Owners' Association.* If a property owners' association is required by this Code, or required as a condition of approval, the applicant shall incorporate a property owners' association that will bear responsibility for ensuring continuing compliance with these regulations and conditions of approval.
- B. *Minimum Attributes.* The property owners' association shall have the following attributes, at a minimum:
  - 1. Perpetual existence;
  - 2. Mandatory membership that transfers with title;
  - 3. Lien rights against members' properties for collection of membership dues; and
  - 4. The authority and obligation to maintain common open space and other improvements for which the property owners' association is allocated responsibility by this Code or as a condition of development approval.
- C. *Amendments.* Property owners' association documents (*e.g.*, CCRs) that are created pursuant to this Section shall include a clause that such documents will not be amended or replaced without the consent of the County Administrator if such amendment or replacement would:



1. Terminate the property owners' association;
2. Reduce or eliminate the property owners' association's ability to enforce the collection of dues against its membership; or
3. Reduce or eliminate the property owners' association's maintenance responsibilities for common open space and other association-owned improvements.

Sec. 4.4.4.3 PROPERTY MANAGEMENT

The owner(s) of manufactured home parks and developments with five or more rental dwelling units on a subject property shall designate management staff to handle the day-to-day enforcement and property management. The property manager may be the owner(s) or a third-party, but the owner(s) are ultimately responsible for ensuring that the manufactured home park or residential units are in compliance with all requirements of this Code and related health and safety codes, as may be applicable.

## CHAPTER 4.5 Dedication Requirements

### DIVISION 4.5.1 PURPOSE AND APPLICATION OF CHAPTER; MINIMUM STANDARDS

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Sec. 4.5.1.1 PURPOSE. [UPDATED 10-8-2024]

The purpose of this Chapter is to ensure that land development, including subdivision, is served by appropriate supporting infrastructure, and that the land required for that infrastructure is dedicated to the County or other appropriate entity.

Sec. 4.5.1.2 APPLICATION [UPDATED 10-8-2024]

- A. *Generally.* This Division requires dedication or fees-in-lieu of dedication for open space/amenities, roads, and schools.
- B. *Application.* This Division applies to any net new residential, commercial, or industrial use of a subject property, and shall be applied at the stage of final approval of an application for rezoning, planned unit development, conditional use permit, subdivision, subdivision exemption, development agreement, site specific development agreement, site plan, or similar types of application for new construction associated with any residential, commercial, or industrial use, where the Director determines that:
  1. The application includes sufficient specificity to determine the amount of the required dedications or fees-in-lieu; and
  2. A proportional open space/amenities dedication or fee-in-lieu has not been collected through a previous approval.
- C. *Limited Exceptions.* The following limited exceptions apply with regard to subdivision exemptions and ROSI subdivisions:



1. Division 4.5.2., *Open Space/Amenities Dedication Requirements* does not apply; and
2. If the subdivision exemption creates one or more residential lots, land dedication shall not be required pursuant to Division 4.5.4., *School Dedication Requirements*, and instead the fee-in-lieu provisions of Section 4.5.4.8., *Fees-in-Lieu*, shall be applied.

Sec. 4.5.1.3 MINIMUM STANDARDS FOR DEDICATED LAND

- A. *Generally.* All lands or interests required to be conveyed under this Chapter shall be conveyed to the County by proper dedication upon an approved and executed final plat or by special warranty deed, without restriction, at the County's option.
- B. *Quality of Title; Evidence.*
  1. Title shall be free and clear of any and all financial liens and encumbrances, and shall not have any conditions of title (*e.g.*, deed restrictions, covenants, easements, agreements, possibilities of reverter, etc.) that could interfere with the County's possession and use of the dedicated property.
  2. The County may require a title commitment for the real estate that is proposed for dedication. Said evidence of title shall be current to within 90 days of the application date and updated to close the gap between the initial title commitment and the date of the dedication.
- C. *Environmental Quality.* The County may require the applicant to submit a Phase I Environmental Site Assessment Report with regard to land to be dedicated, prepared by a qualified environmental professional in accordance with ASTM E1527-21, as amended. If the Phase I Environmental Site Assessment recommends a Phase II Environmental Site Assessment, the County may require the Phase II Environmental Site Assessment. The County may reject proposals for the dedication of land upon which "recognized environmental conditions" are identified.

DIVISION 4.5.2 OPEN SPACE/AMENITIES DEDICATION REQUIREMENTS

Sec. 4.5.2.1 PURPOSE

- A. *Need and Demand.*
  1. Development of land in the County necessitates the preservation of additional public open space/amenities to accommodate the increases in the County's population, visitors, and traffic.
  2. Open space/amenities include parks, recreational open space lands, open space wildlife habitat, trails, paved pathways, recreational facilities, historic sites and structures, or other necessary and desirable services or facilities accessible to or for the benefit of the general public (except roads and schools).

3. Public open space/amenities contribute positively to the character, connectivity, mobility, quality of life, and economy of the county, and a diminishment of such public open space/amenities creates significant problems, including overcrowding of popular recreation areas, negative resident and visitor experiences, and negative impacts on wildlife.
  4. The need for open space/amenities in the county is proportionate to its population, including residents, seasonal workers, visitors, and travelers. As population increases, so does the need for recreation areas, open space, public facilities, and other related public amenities. In addition, the County's economy is highly dependent on tourism generated by the County's abundant recreational amenities. Tourist use places a high level of demand on those open spaces/amenities.
  5. Requiring land dedication or conveyance for public open space/amenities, or payments in lieu of land dedication or conveyance for public open space/amenities is intended to provide a portion of the resources that are needed to meet such demand.
- B. *Reasonable Dedication.* The Board of County Commissioners finds it reasonable that any new development that generates increases in population, commercial traffic and customers, demands on open space/amenities, public amenities, or other public resources by means of land development be required to satisfy the respective needs that said developments may create. All open space/amenity requirements that are set forth herein are intended to be roughly proportionate and directly related to the anticipated impacts of the proposed development

Sec. 4.5.2.2 LAND DEDICATION REQUIREMENTS [UPDATED 10-8-2024]

- A. *Generally.*
1. All net new residential development that is subject to open space/amenities dedication requirements shall provide for open space/amenities as follows:
    - a. 0.1 acres per dwelling unit for trails and improved recreation areas; or
    - b. 0.125 acres per dwelling unit for natural resource area enhancements.
  2. For the purposes of the calculations in subsection A.1., above, an accessory dwelling unit shall be counted as 0.50 dwelling units.
- B. *Exceptions.* The requirements of this Division do not apply to:
1. Exceptions listed in Section 4.5.1.2., *Application*;
  2. Nonresidential development;
  3. Affordable housing development that includes more than 50 percent deed-restricted dwelling units (including accessory dwelling units) that are:
    - a. Permanently restricted to affordable workforce housing; or
    - b. Owned by the Chaffee Housing Authority or Chaffee Housing Trust.

- C. *Ownership and Control.* Parks and trails located in a municipal service area may be dedicated to the County or the municipality by agreement of all parties. Ownership and maintenance of platted open space amenities shall be specified on the plat.

Sec. 4.5.2.3 STANDARDS FOR DEDICATED LAND

- A. *Generally.* This Section sets out the minimum requirements for land to be dedicated for open space/amenities. Upon a finding by the Director that it is impracticable for an applicant to dedicate land that meets these minimum requirements, the Director may authorize a fee-in-lieu of such dedication. This Section is applied in conjunction with Section 4.5.1.3., *Minimum Standards for Dedicated Land.* [Updated 10-8-2024]
- B. *Minimum Area.* The minimum area for open space/amenities dedications is five acres. The Director may approve smaller areas if the Director determines that all other remaining criteria set out in this Section are met, and reasonable assurances are provided to the County that the open space/amenities area will be maintained in perpetuity.
- C. *Function.* Land that is dedicated in satisfaction of the requirements of Section 4.5.2.2., *Land Dedication Requirements*, shall meet the following functional requirements:
  - 1. Outside of municipal growth areas:
    - a. The dedicated land, due to its size, location, configuration, and attributes, provides significant value with respect to, or otherwise connects and enhances one or more of the following open space/amenity resources:
      - i. Wildlife habitat or migration corridors;
      - ii. Waterbodies, wetlands, or riparian areas;
      - iii. Publicly accessible recreation areas, multi-use pathways, and trails;
      - iv. Publicly accessible scenic lookouts or vistas; and
      - v. Historical, archaeological, or paleontological resources; and
    - b. The proposed open space/amenity area provides an amenity that addresses the needs of the likely population demographics of the proposed development.
  - 2. Within municipal growth areas, the dedicated land meets the intent of the municipality's parks, recreation, and open space master plan (or comparable plan, however titled). If the municipality does not have such a plan, then the criteria of subsection C.1. shall be applied.
- D. *Limitations.* In all cases:

1. Open space/amenity areas that are incompatible with priority wildlife habitat shall not encroach upon any identified priority wildlife habitat as identified in the Planning for Wildlife Map set out in **Appendix L, Planning for Wildlife Map**. [Updated cross-reference 10-7-2024]
  2. Open space/amenity areas that are incompatible with required natural resource buffers shall not encroach upon such natural resource buffers.
- E. *Public Access Required.* Required open space/amenity areas shall be open to the public, unless the County determines that such access would be detrimental to the resource value of the open space/amenity area.

#### Sec. 4.5.2.4 EVALUATION PRIORITIES

- A. *Generally.* Applications that are subject to this Division shall include a statement as to how the applicant proposes to comply with the requirement for open space/amenities. The decision-maker on the application that is subject to this Division shall evaluate proposals based on the priorities set out in subsection B., below, and approve the method or combination of methods that shall be used to meet the requirements of this Division.
- B. *Priorities.*
1. Dedication of appropriate, functional open space/amenities land areas is the highest priority. The decision-maker for the application that is subject to this Division shall consider and accept or reject any proposed dedication based on considerations of the utility, function, environmental condition, and value of such property.
  2. If the full dedication requirement cannot reasonably be satisfied by means of the dedication of property interests, then the applicant may propose to satisfy some or all of the dedication requirement by means of construction of paved pathways, trails, and other recreational facilities, or the permanent dedication of open space for wildlife habitat.
  3. If the full dedication requirement cannot reasonably be satisfied by means of either the dedication of property interests or construction of recreational facilities, or both, as set forth above, then the applicant may propose to satisfy some or all of the same by the payment of an open space/amenity fee-in-lieu of such required dedication, in a sum empirically deemed to be proportionate and directly related to the potential impacts posed by the proposed development.

#### Sec. 4.5.2.5 OWNERSHIP AND CONTROL

- A. *Generally.* The requirement for Open Space/Amenities in any application should be satisfied through the dedication of appropriate property interests to protect the recreational character and/or provide public access to Open Space/Amenities, in a manner roughly proportionate to the potential impacts presented by such development.

- B. *Municipal Service Areas.* Open space/amenities located in the Municipal Service Area may be dedicated to the County or adjacent municipality per agreement of all parties. If not dedicated to the County, ownership and maintenance of the open space/amenity shall be included in the tract table of the final plat.

Sec. 4.5.2.6 CREDITS

- A. *Credit/Exemption for Public Recreational Facilities.* Additional credit toward the land dedication requirement may be granted for provision of public multi-use pathways, trails, and recreational facility improvements that are not otherwise required by this Code. The amount of credit will be determined based on the cost of recreational facilities provided versus the value of land dedication that would be required, or the calculation total for fees in lieu if proposed.
- B. *Credit for Existing Dwelling Units.*
  - 1. Existing legally established dwelling units shall not be counted towards dedication requirements. If existing legally established dwelling units are demolished, the dedication requirements that would apply to them shall be credited against the dedication requirements for the proposed development. This credit allowance is to be distinguished from the exemption considerations addressed in subsection 4.6.2.6.A., above.
  - 2. Credit shall only be allowed if it is confirmed that either of the two following standards have been satisfied:
    - a. The dwelling unit was in legal existence prior to the effective date of the open space/amenity requirements (██████████, 2023); or
    - b. The dwelling unit was constructed after ██████████, 2023, but has already been counted towards then-existing open space/amenity requirements, which have been satisfied or which are the subject of an enforceable development agreement.

Sec. 4.5.2.7 FEES-IN-LIEU

- A. *Generally.*
  - 1. If a fee-in-lieu is opted for or required, payment shall be based on the unimproved market value of the land. If a combination of land dedication and fee-in-lieu of dedication is applied, the combination of both land dedication and cash in lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.
  - 2. The open space/amenity fee has been established on an empirical basis, in consideration of the per capita development costs of parks, trails, and other facilities within the boundaries of the County as of the date of adoption of these regulations, in proportional relation to the anticipated demands and impacts generated by new development.
  - 3. The method for determining the fee may be reviewed and revised from time to time by the BOCC.

- B. *Minimum Fee-in-Lieu.* Minimum payment of a fee-in-lieu shall be \$500.00 for any required dedication.
- C. *Payments Held in Escrow.* Cash payments received by the County in lieu of dedicated land shall be held in an escrow account by the County for the purposes allowed by C.R.S. § 30-28-133.
- D. *Management Fee.* The County shall retain a reasonable management fee for the holding and maintenance of escrow accounts for cash-in-lieu payments, provided that the management fee does not exceed the amount of interest generated by the account.

Sec. 4.5.2.8 TIMING

Dedications or fees-in-lieu in satisfaction of open space/amenity requirements shall be conveyed or paid, as applicable, prior to the recordation of a plat (as to developments that require subdivision approval), or prior to the issuance of a building permit (as to developments that do not require subdivision approval).

**DIVISION 4.5.3 ROAD DEDICATION REQUIREMENTS**

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Sec. 4.5.3.1 PURPOSE AND APPLICABILITY [ADDED 10-8-2024]

- A. *Purpose.* The purpose of this Division is to ensure that new development is served by appropriate road infrastructure, and that necessary rights-of-way, including such additional right-of-way that may be necessary for acceleration, deceleration, and turn lanes necessitated by new development, are provided by new development. This Division also ensures that all lots and parcels created by subdivision will have access to the state highway system in conformance with the State Highway Access Code, as required by C.R.S. § 30-28-133.1. *See C.R.S. § 30-28-133.1.*
- B. *Applicability.* This Division applies to:
  1. All subdivisions that create new roads;
  2. All subdivision exemptions from which perimeter road right-of-way dedications are required; and
  3. All development for which a TA or TIS recommends dedication of road right-of-way.

Sec. 4.5.3.2 LAND DEDICATION REQUIREMENTS [UPDATED 10-8-2024]

- A. *Generally.* Unless private roads are specifically approved pursuant to Section 4.5.3.4., *Private Roads*, all roads serving new development shall be dedicated to the County to hold for the benefit of the public the right-of-way for the road.
- B. *Right-of-Way Width.* All public roads shall be located within a platted easement conforming to the right-of-way widths detailed in the Engineering Criteria Manual, including sufficient width to include all drainage improvements,

associated cut and fill slopes, intersections, curb returns, snow storage, retaining walls, and other road appurtenances.

- C. *Ultimate Right-of-Way.* All subdivisions and subdivision exemptions that front existing County Roads shall dedicate to the County additional right-of-way width from the center line of the existing road to the ultimate right-of-way boundary if the required right-of-way is not already dedicated.
- D. *Additional Right-of-Way.* Additional right-of-way dedication may be required if:
  - 1. A proposed land use generates traffic volumes, unusual traffic patterns, or large-scale use of heavy vehicles that may necessitate turn lanes, protected multi-modal lanes, or other right-of-way improvements that require additional width;
  - 2. When, due to topography, hazards or other design constraints, the additional right-of-way is reasonably necessary to provide for the public safety by cut and/or fill area, drainage area, turnouts, wide shoulders, or other road appurtenances;
  - 3. Additional right-of-way is necessary to provide for hazard mitigation (e.g., for installation of measures necessary to mitigate fluvial hazards); or
  - 4. To accommodate specialized road geometries, such as cul-de-sac ends.

Sec. 4.5.3.3 STANDARDS FOR DEDICATED LAND [ADDED 10-8-2024]

In addition to the standards set out in Section 4.5.1.3., *Minimum Standards for Dedicated Land*, land dedicated for road purposes shall have sufficient dimensions and appropriate geotechnical and slope characteristics to support the anticipated improvements.

Sec. 4.5.3.4 PRIVATE ROADS [ADDED 10-8-2024]

- A. *Generally.* Private roads shall be constructed to standards applicable to public roads of similar classification. All development that utilizes private roads shall provide for:
  - 1. Appropriate access and access easements for law enforcement and emergency responders, as approved by the Chaffee County Sheriff's Office and the fire protection district with jurisdiction; and
  - 2. Perpetual maintenance, repair, and replacement of such roads and associated drainage facilities, including but not limited to snow removal, dust control, repaving, pothole repair, culvert repair and replacement, swale clean-out, and vegetation and weed management/control.
- B. *Design Modifications.* The Director may allow for reduced widths and design modifications if, after consultation with the fire protection district with jurisdiction and the Chaffee County Sheriff's Office, the Director determines that the reduced width or modified design:



1. Does not compromise public safety in terms of traffic circulation, emergency response, fire prevention or suppression; and
  2. Provides a benefit in terms of wildlife movement, stormwater management, protection of natural resources, or avoidance or minimization of potential natural or man-made hazards.
- C. *Where Required.* Access to the following shall be provided by private roads:
1. Campsites in a campground or RV park; and
  2. Manufactured home and tiny home spaces in a manufactured home park.
- D. *Where Allowed.* Private roads that provide for internal circulation within major subdivisions, ROSI subdivisions, and rural land use process subdivision exemptions may be approved if it is demonstrated that:
1. The alignment of private roads does not interfere with any adopted transportation plan of the County, or major street plan of a municipality with extraterritorial jurisdiction over the subject property with respect to major street plan implementation; and
  2. The private roads do not interrupt potential future public road connections that may be necessary to provide access to adjoining property, local or regional mobility, or public safety purposes.

#### DIVISION 4.5.4 SCHOOL DEDICATION REQUIREMENTS

##### Sec. 4.5.4.1 PURPOSE AND INTENT; AUTHORITY

- A. *Purpose and Intent.* Growth in residential land development and the construction of new residential dwellings in the County necessitates the acquisition of additional public school capital facilities to accommodate the increases in the student population. Requiring land dedication or conveyance for public school capital facilities, or payments in lieu of land dedication or conveyance for public school sites (collectively referred to as “Fair Contribution for Public School Sites”), is intended to provide a portion of the resources to meet such demand, based on the marginal impacts of net new development.
- B. *Authority.* Chaffee County is authorized by law to require the payment of development charges and/or the reservation or dedication of sites and land areas for schools when such requirements are reasonably necessary to serve new development and the future residents, occupants, and beneficiaries thereof.

##### Sec. 4.5.4.2 APPLICABILITY AND EXEMPTIONS

- A. *Applicability.* This Division applies to net new residential development on property located in the Salida R-32-J or Buena Vista R-31 School Districts. In such areas, the subdivision of land for residential use shall include reservation and dedication of sites and land areas for schools determined to be reasonably necessary to serve the proposed subdivision and future residents. Where net new

residential development occurs on land that is not subdivided, or does not include sufficient area for a dedication of a site or land area under this Division, a fee-in-lieu shall be collected.

- B. *Exemptions.* The following uses shall be exempted from Fair Contribution for Public School Sites:
1. Construction of any nonresidential building or structure;
  2. Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure that does not increase the number of residential dwelling units;
  3. Construction of any building or structure for limited term stay or for long term assisted living in which a provider undertakes to provide life care to three or more adult residents unrelated to the owner of the building or structure, including, but not limited to, commercial bed and breakfast establishments, family care homes, group care homes, halfway houses, nursing homes, or hospices, except where such building or structure will be used primarily to house school aged children;
  4. Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act in effect;
  5. The construction of accessory buildings or structures, except accessory dwelling units; and
  6. Construction of any low-income or deed-restricted affordable housing unit.

#### Sec. 4.5.4.3 REFERRAL

- A. *Residential and Mixed-Use Development.* All subdivision applications, subdivision exemptions, and planned developments that will result in the development of net new dwelling units (including accessory dwelling units (“ADUs”)) shall be referred to the applicable School District for review and comment concerning impact of the development on the School District and the adequacy of public school sites and facilities.
- B. *Nonresidential Development.* If a nonresidential land development application may have influence or effect on property owned by or activities of either of the School Districts, the information pertaining to that application shall also be referred to the affected School District for review and comment.

#### Sec. 4.5.4.4 LAND DEDICATION REQUIREMENTS

If recommended by the affected School District after referral, the applicant shall dedicate or convey land for a public school facility to the applicable School District based on 0.0138 acres per net new residential dwelling unit (including ADUs).

Sec. 4.5.4.5 STANDARDS FOR DEDICATED LAND [UPDATED 10-8-2024]

- A. *Generally.* The standards of this Section are applied in conjunction with the standards set out in Section 4.5.1.3., *Minimum Standards for Dedicated Land*. If land is dedicated directly to the School District, the School District may waive any or all of these standards. If the land is dedicated to the County and subsequently transferred to the School District, the Board of County Commissioners may, in its discretion, waive any or all of these standards after consultation with the School District.
- B. *Adequacy and Availability of Water Supply.* The person or entity conveying land to the School District shall satisfy the County's water and wastewater treatment adequacy and availability requirements prior to conveying the property to the School District.
- C. *Location and Configuration.*
  - 1. The lands being dedicated or conveyed to the School District shall be located and configured as directed by the School District.
  - 2. The School District may seek to contract to purchase adjacent lands owned by the applicant at fair market value so that the dedicated or conveyed and purchased lands together form a contiguous parcel that meets the School District's land area requirements.

Sec. 4.5.4.6 CONVEYANCE OF LAND

- A. *Generally.* All lands to be dedicated shall be designated on the preliminary and final plats and conveyed by special or general warranty deed to Chaffee County or the appropriate School District at the time of recordation of the final plat, as may be provided in an Intergovernmental Agreement between the County and the School District. The County or School District may require that a deed be held in escrow for this purpose, for recording immediately after recording of the final plat.
- B. *Form of Conveyance.* Title shall be conveyed by general warranty deed, free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication. The land to be conveyed shall be conveyed pursuant to a contract for the sale and purchase of real property containing customary terms for the land which is being conveyed to the School District.

Sec. 4.5.4.7 DEVELOPMENT COSTS

The County may require that, at the appropriate time, not later than the issuance of the first building permit for the land development project, the person or entity shall also pay or provide for the payment of one-half of street development costs, and shall either provide, or pay or make provision for the payment of the costs associated with making improvements for water, sewer, and utilities stubbed to the site, and overlot grading of

the dedicated land. The applicant shall also have furnished any off-site easements which the School District needs to develop the school site.

Sec. 4.5.4.8 FEES-IN-LIEU

- A. *Fee-In-Lieu Payment for Schools.* Based upon the Salida R-32-J or Buena Vista R-31 School District's recommendation, the Board can require a payment in lieu of land dedication or conveyance per the County Fee Schedule. The County Fee Schedule is endeavored to be updated each year. Should the Fee Schedule not be updated annually, there shall be an annual adjustment to the Fee-in-Lieu Payment for Schools equivalent to the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its successor index, or an equivalent index applicable to Chaffee County. Such Fee-in-Lieu shall be paid by the applicant at the time of Final Plat application.
- B. *Payments Held in Escrow.* Cash payments received by the County in lieu of dedicated land shall be held in an escrow account by the County for the purposes allowed by C.R.S. § 30-28-133.

Sec. 4.5.4.9 TRANSFER OF LAND OR FEES-IN-LIEU TO SCHOOL DISTRICT

- A. *Notice to School District.* After final plat approval and either conveyance of dedications (if conveyance is made to the County) or receipts of fees-in-lieu, the Board of County Commissioners ("BOCC") shall give written notification to the appropriate School District.
- B. *Response from School District.* Following notice by the BOCC, the School District may:
  - 1. Request the dedication, and if so, the BOCC shall transfer the dedicated land to the appropriate School District by bargain and sale deed; or
  - 2. If the School District determines that there is no longer a need for the dedicated land, it may request that the land be sold, and thereafter the proceeds may be released to the School District if the BOCC finds that the proposed use of funds is compatible with the purposes of this Division.

Sec. 4.5.4.10 MANAGEMENT FEES.

The County shall retain a reasonable management fee for the holding and maintenance of escrow accounts for cash-in-lieu payments, provided that the management fee does not exceed the amount of interest generated by the account.

## **CHAPTER 4.6 Impact Fees (reserved)**

## **ARTICLE 5. NONCONFORMITIES, ADMINISTRATION, AND ENFORCEMENT**

### **CHAPTER 5.1 Nonconformities**

#### **DIVISION 5.1.1 PURPOSE AND APPLICATION OF CHAPTER**

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##### Sec. 5.1.1.1 PURPOSE

- A. *Generally.* The application of new regulations to existing development may create circumstances in which existing lot dimensions, density, intensity, land uses, buildings, structures, landscaping and buffering, lighting, parking areas, or signs do not strictly conform to the requirements of the new regulations. For existing lots or development (including uses, buildings, structures, and signs) that are “legally nonconforming,” this Chapter sets out equitable rules for whether, when, and how the regulations of this Code apply.
- B. *Conversion of Nonconformities.* Generally, nonconforming uses, buildings, structures, and signs are not allowed to be enlarged, expanded, increased, nor be used as grounds for adding other structures or uses that are now prohibited in the same zoning district. This Chapter provides standards by which minor nonconforming uses can be made “conforming” through a public hearing process.
- C. *Reduction of Nonconformities.* It is the policy of the County to encourage reinvestments in property that increase its value and utility and reduce its external impacts. Since bringing a developed parcel into full compliance with this Code may involve substantial costs that may discourage reinvestment, Division 5.1.4., *Incremental Compliance*, provides a set of thresholds for determining when new construction or modifications to development trigger a requirement for increasing conformity with the various requirements of this Code.

##### Sec. 5.1.1.2 APPLICATION

- A. *Generally.* This Chapter applies to uses, buildings, structures, landscaping, buffering, signs, lighting, parking, density, and lots that were:
  - 1. Lawfully established, constructed, installed, planted, or created prior to the effective date but do not conform to the requirements of this Code; or
  - 2. Lawfully established, constructed, installed, planted, or created in one zoning district, but no longer conform to the requirements of this Code after the subject property is rezoned to another zoning district.
- B. *Effect of Chapter.* Nothing in this Chapter shall be interpreted to require a change in plans, construction, or designated use of any building in which a building permit was lawfully obtained from the County prior to the effective date of this Code or subsequent amendment, provided that construction:
  - 1. Was commenced before the expiration of the building permit; and

2. Work is proceeding diligently toward completion.
- C. *Changes of Ownership.* Nothing in this Chapter shall be construed to affect or restrict changes in ownership, nor shall changes in ownership affect the application of any of the requirements of this Chapter.
- D. *Evidence of Status.* Evidence that a nonconforming situation is a legal nonconformity and not a violation of this Code shall be submitted by the applicant upon request of the Director.
- E. *Exceptions to Chapter.*
  1. Vested Rights. This Chapter does not apply to site-specific development plans for which rights are vested, during the period of vested rights.
  2. Unlawful Lots, Uses, Buildings, or Structures. This Chapter does not allow for the perpetuation of unlawful subdivision or development. Such development is not “legally nonconforming,” but instead, “unlawful,” and is subject to all of the provisions of this Code (including enforcement provisions) and any other applicable law.
  3. Natural Shifts of Zoning District Boundaries. If a zoning district boundary changes because of a change in location of a river, stream, or ditch channel centerline, other natural boundary-defining feature, or road, such change of zoning district boundary does not render existing development nonconforming.
  4. Taking for Public Use. Any nonconforming building, structure, parking, or lot that is expressly created or caused by a conveyance of privately-owned land to a federal, state, or local government to serve a public purpose is conforming for the purposes of this Code, and is not subject to limitations in this Chapter. This exemption applies in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation, or otherwise, when that transaction creates a nonconformity in the remainder parcel in terms of setback, lot area, or other standards of this Code. However, this exemption does not apply to right-of-way dedication or other public conveyances of land required by the County in the course of subdivision, site plan, or other development approvals.

## DIVISION 5.1.2 NONCONFORMING USES

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### Sec. 5.1.2.1 CONTINUATION OF NONCONFORMING USE.

- A. *Generally.* Subject to the provisions of this Chapter, a nonconforming use may be continued and maintained in reasonable repair, but shall not be altered or extended. The extension of a nonconforming use to a portion of a building or structure that was arranged or designed for the nonconforming use at the time of adoption of this Code is not considered an extension of a nonconforming use.

- B. *Casualty Loss.* If the building or structure in which a nonconforming use is damaged to the extent that the cost of repair exceeds 50 percent of the total value of the subject property (land value and building value) as determined by the Chaffee County Assessor’s Office, then the nonconforming use of the subject property shall not be resumed.

Sec. 5.1.2.2 CHANGE OF NONCONFORMING USE

If a nonconforming use is changed to a different use, the new use shall be a use that conforms to the regulations of the zoning district in which the subject property is located. After such a change, all future use of the subject property shall comply with applicable provisions of this Code.

Sec. 5.1.2.3 DISCONTINUANCE OF A NONCONFORMING USE

- A. *Nonconforming Uses of Buildings or Structures.* If a nonconforming use of a building or structure is discontinued for a period of 18 months, further use of the subject property shall conform to the requirements of this Code.
- B. *Nonconforming Uses Outside of Buildings or Structures.* If a nonconforming use outside of a building or structure is discontinued for a period of one year, further use of the subject property outside of buildings or structures shall conform to the requirements of this Code.

Sec. 5.1.2.4 CONVERSION OF A NONCONFORMING USE TO A CONFORMING USE

- A. *Generally.* In many instances, nonconforming uses may be integral parts of the County’s character and function, so their continuing existence promotes the County’s policy of retaining existing businesses or protecting its character. In these instances, the classification “nonconforming use” and resulting restriction on investment may not be what the community desires. As such, a nonconforming use may be made “conforming” pursuant to this Section to remove the potential stigma associated with the “nonconforming use” designation.
- B. *Limitation.* Unlawful uses may not be made conforming under this Section.
- C. *Conversion by Conditional Use Approval; Standards.* A conditional use approval may be granted to make a nonconforming use a “conforming use,” if:
  - 1. The criteria for approval of a conditional use set forth in Section 2.2.1.3., *Standards for all Conditional Uses*, are met;
  - 2. The use has minimal nonconformities and has been integrated into the function of its surrounding context or zoning district;
  - 3. Management practices fully mitigate potential nuisances such as:
    - a. Wildlife attractants that cause conflicts with wildlife;
    - b. Spillover of noise or light;
    - c. Objectionable odors or dust; or



- d. Comparable conflicts with abutting and nearby properties.
- 4. The use has been maintained in good condition and its classification as a nonconforming use would be a disincentive for such maintenance.
- 5. There is no material history of complaints about the use (a history of complaints is justification for denying the conditional use permit, unless the conditions of the permit will fully mitigate the basis of the complaints).
- D. *Conditions.* Conditions may be imposed relative to resource setbacks, landscaping, or other site design elements, or other limitations (including limitations on future expansion or operational characteristics) necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, lighting, landscaping, parking, drainage, or operations of the use.
- E. *Effect of Approval.* Uses that comply with the terms of a conditional use approval that is issued in accordance with this section are converted from “legally nonconforming uses” to “conforming uses” by virtue of the issuance of the conditional use permit, and subject to its terms. Conditional use approvals shall be provided to the applicant in writing and may be recorded by the applicant at the applicant’s expense.
- F. *Effect of Denial.* If an application for conversion of a nonconforming use is denied, the use may thereafter continue as a legally nonconforming use.

#### DIVISION 5.1.3 NONCONFORMING BUILDINGS OR STRUCTURES (EXCEPT SIGNS)

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##### Sec. 5.1.3.1 GENERAL EXCEPTION FOR RESIDENTIAL AND AGRICULTURAL BUILDINGS AND STRUCTURES

- A. *Generally.* Residential and agricultural buildings and structures that were lawfully constructed on lots of record prior to the effective date, but do not conform to the applicable height, setback, or building coverage standards of this Code, shall be considered “conforming” with respect thereto, and may be reconstructed to their original extent and substantially similar design notwithstanding anything to the contrary in this Division.
- B. *Exception.* The provisions of Subsection A., above, do not apply to:
  - 1. Nonconforming fences in locations where wildlife fencing is required and not provided (*see* Section 2.6.1.1., *Fences and Walls*); and
  - 2. Nonconforming refuse, recycling, and compost containers (*see* Section 2.6.1.3., *Refuse, Recycling, and Compost Containers*).

##### Sec. 5.1.3.2 MODIFICATIONS TO A NONCONFORMING BUILDING OR STRUCTURE

A building or structure that is nonconforming as to height, setback, or building coverage, may be altered or extended, provided that the alteration or extension does not result in a further violation of this Code or applicable building code.

Sec. 5.1.3.3 COMPLETION OF BUILDING OR STRUCTURE

Nothing contained in this Division shall require any change in the plans, construction, alteration, or designated use of a building or structure for which a building permit has been issued and construction work has commenced prior to the effective date of this Code, except that if the designated use will also be nonconforming it shall, for the purpose of Section 5.1.2.3., *Discontinuance of a Nonconforming Use*, be considered a discontinued use if not in operation within two years after the date of issuance of the building permit.

Sec. 5.1.3.4 DAMAGE TO A NONCONFORMING BUILDING OR STRUCTURE

- A. *Cost of Repair Is 50 Percent or More of Total Value.* If a nonconforming building or structure is damaged to the extent that the cost of repair is 50 percent or more of the total value of the subject property (land value and building value) as determined by the Chaffee County Assessor's Office, then future construction on the subject property shall conform to the requirements of this Code.
- B. *Cost of Repair Is Less Than 50 Percent of Total Value.* If cost of repair is less than 50 percent of the total value of the subject property (land value and building value) as determined by the Chaffee County Assessor's Office, then restoration is allowed, provided that it is commenced within one year after the damage and completed within two years after commencement.

DIVISION 5.1.4 NONCONFORMING SIGNS AND OTHER PHYSICAL NONCONFORMITIES

Sec. 5.1.4.1 CONFORMING USES ON SUBJECT PROPERTIES WITH OTHER PHYSICAL NONCONFORMITIES

- A. *Generally.* Land uses that meet all applicable standards of this Code, including limited use standards (in the case of a limited use) or conditional use standards (in the case of a conditional use), may be established, continued, maintained, modified, enlarged, or extended, even if:
  - 1. Other nonconformities are present on the subject property, including:
    - a. Landscaping or buffering;
    - b. Signage;
    - c. Lighting;
    - d. Parking; or
    - e. Fencing;
    - f. Obstructions or improvements that are prohibited by the airport overlay district; or
  - 2. The subject property is a nonconforming lot.
- B. *No Implied Waivers.*

1. The authorization in Subsection A., above, shall not be construed as a waiver of the requirements of Division 5.1.3, *Nonconforming Buildings or Structures (Except Signs)*, or this Division with respect to the nonconformities that are present on the subject property. Modifications to buildings, structures, landscaping, signage, lighting, or parking may require correction or partial correction as provided in this Chapter.
2. The authorization in Subsection A., above, shall not be construed to waive any applicable use-specific standard that cannot be met due to the existing nonconformity.

Sec. 5.1.4.2 NONCONFORMING LANDSCAPING [UPDATED 10-8-2024]

- A. *Building Expansions, Parking Lot Improvements, and Expansions of Existing Uses.* If an existing building, parking lot, or use is expanded or improved, additional landscaping is required only with respect to the new area of the building or use, or the new or modified area of the parking lot.
- B. *Change of Use.* Modifications to nonconforming landscaping or buffering are not required if the use of a building changes from one use to another without further changes to the subject property or the exterior of the building, unless:
  1. A change of use requires additional parking, in which case the parking that is provided to meet that requirement must also comply with the standards in Chapter 3.3., *Parking and Loading*.
  2. A change of use requires limited or conditional use approval, in which case the conditions for approval may include requirements for additional landscaping or buffering upgrades.
- C. *Redevelopment.* If an existing property is redeveloped, landscaping shall be provided as required by this Code.

Sec. 5.1.4.3 NONCONFORMING SIGNS

- A. *Generally.* Signs legally erected prior to adoption of Chapter 2.7, *Signs*, and lawfully maintained in accordance with the provisions of prior regulations, but which do not conform with the provisions of Chapter 2.7, *Signs*, shall be allowed to continue as nonconforming, subject to the limitations of this Section. The burden of establishing that a sign is legally nonconforming rests entirely upon the owner of the sign.
- B. *Relationship to Variances and PUD Approvals.* Signs that were authorized by variance or PUD Approvals, to the extent they continue to conform to same, shall be considered “conforming” with regard to provisions of Chapter 2.7, *Signs*, that are inconsistent with said approvals.
- C. *Limitations.*
  1. A nonconforming sign shall not be structurally altered or relocated in any manner that increases its nonconformity or creates new nonconformity.

2. A nonconforming sign shall not be replaced, except in conformity with Chapter 2.7, *Signs*.
- D. *Termination of Nonconforming Status.* The nonconforming status of a sign is terminated upon any of the following events, and such sign shall thereafter be removed or brought into conformity with Chapter 2.7, *Signs*:
1. The sign is abandoned, in that it relates to former occupants of a subject property or activities upon a subject property that have not occupied or occurred upon (respectively) the subject property for a period in excess of 12 months.
  2. The sign sustains damage to the extent that repairs to the sign will cost more than 50 percent of the replacement cost of the sign.
  3. The sign becomes a safety hazard.
  4. The sign is not maintained in accordance with the applicable requirements of Division 2.7.5, *Sign Maintenance*.
  5. The sign is modified, relocated, repaired, maintained, or operated in a manner that does not comply with Chapter 2.7, *Signs*, or to the extent of legal nonconformity as to Chapter 2.7, *Signs*, with the limitations of this Section.

Sec. 5.1.4.4 NONCONFORMING LIGHTING

- A. *Generally.*
1. When nonconforming light sources (bulbs) are replaced, they shall be replaced with light sources that produce light at intensities and color temperatures that are compliant with the applicable requirements of Division 3.9.2., *Dark Skies*.
  2. When nonconforming luminaires (fixtures) are repaired or replaced, the provisions of Division 3.9.2., *Dark Skies*, shall apply within the scope of the repair or replacement (*e.g.*, if a non-shielded fixture is replaced, it shall be replaced with a shielded fixture).
  3. Nonconforming light poles are subject to Division 5.1.3., *Nonconforming Buildings or Structures (Except Signs)*.
- B. *Building Expansions, Parking Lot Improvements, and Expansions of Existing Uses.*
1. If an existing building, parking lot, or use is expanded or improved resulting in a material change to the exterior of the building, all new or relocated lighting shall be required to meet the provisions of Division 3.9.2., *Dark Skies*.
  2. All nonconforming parking lot lighting shall be brought into full compliance with Division 3.9.2., *Dark Skies*, if the land area occupied by parking lots on the subject property increases by more than 15 percent.
  3. All nonconforming lighting shall be brought into full compliance with Division 3.9.2., *Dark Skies*, when:

- a. An existing building is expanded such that its floor area grows by 25 percent or more;
  - b. The land area occupied by an outdoor land use increases by more than 35 percent; or
  - c. The value of proposed new, expanded, or upgraded buildings or site improvements (collectively, “new construction”) on the subject property exceeds two times the value of buildings and improvements on the subject property, as appraised by the Chaffee County Assessor’s Office, before the new construction.
- C. *Change of Use.* Modifications to nonconforming lighting are not required if the use of a building changes from one use to another without further changes to the site or the exterior of the building, unless a change of use requires limited or conditional use approval, in which case the conditions for approval may include requirements for additional lighting upgrades.
- D. *Redevelopment.* If the subject property is redeveloped, lighting shall fully conform to Division 3.9.2, *Dark Skies*.

Sec. 5.1.4.5 NONCONFORMING PARKING

- A. *Building Expansions and Expansions of Existing Uses.* If an existing building or use is expanded, additional parking is required only in proportion to the new area of the building or use.
- B. *Change of Use.* If the use of a building changes, resulting in a net additional demand for parking, then the number of new parking spaces that are required shall be calculated as the lesser of:
  - 1. The required parking for the new use according to Division 3.3.2., *Parking and Loading Calculations*; or
  - 2. (Number of existing parking spaces) + ((number of parking spaces required for the new use) - (number of parking spaces required for the former use))
- C. *Redevelopment.* If an existing building is redeveloped, parking shall be brought into conformity with this Code.

Sec. 5.1.4.6 NONCONFORMING DENSITY

If a subject property contains more dwelling units than are allowed by the zoning district in which the subject property is located, the building or buildings may be expanded or extended as may be allowed by this Code, but the physical aspects of such expansions or extensions shall be in compliance with this Code, and no new dwelling units shall be created.

Sec. 5.1.4.7 NONCONFORMING LOTS

- A. *General Exception for Residential and Agricultural Lots.* Lots of record that are used for residential or agricultural purposes shall be considered “conforming,” notwithstanding any other provision of this Code.
- B. *Vacant Lots.* In any zoning district in which single-unit detached dwellings are permitted, a single-unit detached residence and customary accessory buildings may be erected on any vacant lot of record that exists on the effective date of this Code. Applicable minimum setbacks (which may be reduced by variance or administrative variance) shall be met.
- C. *Combination Required.* Adjoining nonconforming lots shall be considered for the purpose of this Code to be an undivided parcel, and no portion of the parcel shall be sold or used in a manner that diminishes compliance with lot width, lot frontage, or lot area requirements established by this Code, if:
  - 1. The adjoining nonconforming lots are under single ownership on the effective date;
  - 2. Said lots are either vacant or used for nonresidential, non-agricultural purposes;
  - 3. One or more of the lots do not meet the requirements of this Code as to minimum area or frontage or both; and
  - 4. The combination is the minimum combination that is necessary to resolve (or improve, if complete resolution is not possible) all of the nonconformities with regard to lot width, lot frontage, or lot area.

Sec. 5.1.4.8 NONCONFORMITY TO AIRPORT OVERLAY DISTRICT STANDARDS

- A. *Generally.* The restrictions of Division 3.7.5., *Airport Overlay District*, shall not be construed to require the removal, lowering, or other change or alteration of any building, structure, or tree that is lawfully nonconforming to said Division as of the effective date, or to otherwise interfere with the continuance of nonconformity. Nothing contained therein shall require any change in the construction, alteration, or intended use of any building or structure, the construction or alteration of which was begun prior to the effective date and diligently pursued. Nonconformities within the airport overlay district are subject to the applicable provisions of this Chapter.
- B. *Marking and Lighting.* Notwithstanding the provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Airport.

## CHAPTER 5.2 Administration

### DIVISION 5.2.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 5.2.1.1 PURPOSE

The purpose of this Chapter is to establish development review authorities and outline application and review procedures for all development applications required by this Code, including noticing procedures, required steps for each application process, and basic submittal requirements.

#### Sec. 5.2.1.2 APPLICATION [UPDATED 10-8-2024]

- A. *Generally.* All procedures for obtaining development approvals, permits, and licenses pursuant to this Code, and for appealing decisions of the Director or the Planning Commission are set out in this Chapter.
- B. *Development Review Bodies.* Division 5.2.2., *Development Review Bodies*, sets out the administrative personnel, Boards, and Commissions that are responsible for the administration of this Code, along with their authority, composition, basic operational rules, and responsibilities.
- C. *Development Approval.* Division 5.2.3., *Development Approval*, sets out the approvals, permits, and licenses required by the County for the use and development of real property.
- D. *Administrative Manual and Engineering Criteria Manual.* Division 5.2.4., *Administrative Manual and Engineering Criteria Manual*, sets out standards and procedures for the creation and adoption of an Administrative Manual and an Engineering Criteria Manual that facilitate the implementation of this Code by providing additional detail regarding certain technical and application requirements.
- E. *Standard Application Review Procedures.* Division 5.2.5., *Standard Application Review Procedures*, sets out standardized steps in the application review process, some or all of which apply to any given application type, as provided therein.
- F. *Subdivision Exemption Standards and Procedures.* Division 5.2.6., *Subdivision Exemption Standards and Procedures*, sets out additional procedural or approval requirements that apply to subdivision exemption applications, as enumerated therein. The procedures and approval requirements in Division 5.2.6., *Subdivision Exemption Standards and Procedures*, are intended to be applied in conjunction with the standard review procedures in Division 5.2.5., *Standard Application Review Procedures*.
- G. *Subdivision Procedures.* Division 5.2.7., *Subdivision Procedures*, sets out additional procedural or approval requirements that apply to subdivision applications, as enumerated therein. The procedures in Division 5.2.7., *Subdivision Procedures*, are intended to be applied in conjunction with the standard review procedures in Division 5.2.5., *Standard Application Review Procedures*.



- H. *Planned Development Standards and Procedures*. Division 5.2.8., *Planned Development Standards and Procedures*, sets out additional procedural or approval requirements that apply to planned development (“PD”) applications, as enumerated therein. The procedures in Division 5.2.8., *Planned Development Standards and Procedures*, are intended to be applied in conjunction with the standard review procedures in Division 5.2.5., *Standard Application Review Procedures*.
- I. *Other Application-Specific Procedures*. Division 5.2.9., *Other Application-Specific Procedures*, sets out additional procedural or approval requirements that apply to applications for development approval, as enumerated therein, that are not addressed in Divisions 5.2.6. through 5.2.8., inclusive. The procedures in Division 5.2.9., *Other Application-Specific Procedures*, are intended to be applied in conjunction with the standard review procedures in Division 5.2.5., *Standard Application Review Procedures*.
- J. *Approvals and Denials*. Division 5.2.10., *Approvals and Denials*, sets out the effect of approval, the duration of approvals by type, and procedures for extending approvals. The Division also details the effect of a denial and restricts successive applications.
- K. *Statutory Vested Rights*. Division 5.2.11., *Statutory Vested Rights*, details the standards and procedures for the granting of vested rights as provided in C.R.S. § 24-68-101, *et seq.*
- L. *Administrative Modifications and Adjustments*. Division 5.2.12., *Administrative Modifications and Adjustments*, sets out standards and procedures for making minor administrative modifications to development approvals.
- M. *Major Amendments and Variances*. Division 5.2.13., *Major Amendments and Variances*, sets out the standards and procedures for major modifications to development approvals, and for obtaining variances from the strict application of the standards of this Code.
- N. *Appeals and Call-Ups*. Division 5.2.14., *Appeals and Call-Ups*, sets out the procedures for appealing decisions of the Director and the Planning Commission to the Board of Adjustment or the Board of County Commissioners, respectively, and the process for the Board of County Commissioners to “call up” a decision for review on its own initiative.

## DIVISION 5.2.2 DEVELOPMENT REVIEW BODIES

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### Sec. 5.2.2.1 DIRECTOR [UPDATED 10-8-2024]

- A. *Generally*. The Director is the Planning Director or their designee, or such other employee of or contractor to the County as may be designated by the County Administrator from time to time.
- B. *Authority and Responsibilities*.

1. The Director is designated to administer and enforce this Code, including but not limited to:
    - a. Developing uniform application forms and checklists for the various permits, approvals, licenses, and appeals that are identified by this Code;
    - b. Coordinating with other County departments and referral agencies with regard to application review;
    - c. Providing official interpretations of the provisions of this Code;
    - d. Evaluating whether any individual property, development, or land use is in compliance with the provisions of this Code; and
    - e. At the Director's discretion, establishing regular (but not less than weekly) schedules of hours during which Planning and Zoning staff will be made available for intake of applications for the various permits, approvals, and licenses that are identified by this Code, except that sign permits, creative sign program approvals, and special events permits shall be accepted during all Planning and Zoning Department business hours.
  2. The Director may request assistance from the Chaffee County Sheriff regarding enforcement of this Code in circumstances where such enforcement will prevent or respond to an immediate threat to public health or safety or the integrity of natural resources or wildlife.
  3. The Director is authorized to make inspections of buildings and premises to carry out the duty of enforcing of this Code.
  4. The Director shall carry out such other comparable duties regarding the administration, enforcement, explanation, and maintenance of this Code as assigned by the County Administrator from time to time.
- C. *Recommendations.* To the extent provided in Section 5.2.3.3., *Public Hearing Approvals*, and elsewhere in this Code, the Director shall make recommendations to the Planning Commission, Board of Adjustment, and Board of County Commissioners as to recommendations or decisions that said bodies are responsible for under this Code, as well as recommendations for amendment, repeal, and replacement of this Code.
- D. *Decisions.* The Director shall decide the application types that are assigned to the Director in Section 5.2.3.2., *Administrative Approvals*.

Sec. 5.2.2.2 PLANNING COMMISSION [UPDATED 10-8-2024]

- A. *Generally.* A Planning Commission is established under the authority of C.R.S. § 30-28-103(1). *See* C.R.S. §§ 30-28-103(1); 38-28-133(1)
- B. *Membership.* Members of the Planning Commission are appointed by the Board of County Commissioners. Each member of the Planning Commission shall be a resident of the County. The term of appointed members of the commission shall

be three years and until their respective successors have been appointed, but the terms of office shall be staggered by making the appointments so that approximately one-third of the members' terms expire each year. The terms of Planning Commissioners that were commenced prior to the effective date of this Code shall not be altered by the adoption of this Code. [See C.R.S. 30-28-103\(2\)](#).

- C. *Alternates*. The Board of County Commissioners may appoint alternate members of the Planning Commission, each of whom shall be a resident of the County, and, in the event any regular member is temporarily unable to act owing to absence from the County, illness, interest in any matter before the Planning Commission, or any other cause, their place may be taken during such temporary disability by an alternate member designated for that purpose.
- D. *Removal of Planning Commissioners; Vacancies*. The Board of County Commissioners may remove a member of the Planning Commission for nonperformance of duty, for misconduct, or for ineligibility, and may fill vacancies in the membership of the Planning Commission for the remainder of the term of a vacant seat.
- E. *Compensation*. Members of the Planning Commission shall receive such compensation as may be fixed by the Board of County Commissioners, and the Board of County Commissioners shall provide for reimbursement of the members of the Planning Commission for actual expenses incurred. [See C.R.S. § 30-28-103\(2\)](#).
- F. *Powers and Duties*. The Planning Commission shall have the power and duty to:
  - 1. Adopt, amend, and replace a Comprehensive Plan for Chaffee County by resolution; [See C.R.S. §§ 30-28-106\(1\); 30-28-108](#).
  - 2. Recommend additions or amendments to, or repeal or replacement of, this Code and the zoning map; [See C.R.S. §§ 30-28-111; 30-28-133](#)
  - 3. Review and decide applications for preliminary plats, except those that are delegated to the Director; and [See C.R.S. §§ 30-28-106\(1\); 30-28-108](#)
  - 4. Review and decide applications for location and extent permits; and [See C.R.S. § 30-28-110](#).
  - 5. Make such recommendations and decisions as are assigned to it in Section 5.2.3.3., *Public Hearing Approvals*, and elsewhere in this Code.
- G. *Meetings*. Meetings of the Planning Commission shall be held at the call of the chair and at such other times as the Planning Commission in its rules of procedure may specify. All meetings of the Planning Commission shall be open to the public.
- H. *Minutes of Proceedings; Public Records*. The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Planning Commission, and shall be a public record.

- I. *Form of Recommendations and Decisions.* Recommendations and decisions of the Planning Commission shall be made by written resolution that identifies the property that is the subject of the resolution and provides findings in support of the decision.

Sec. 5.2.2.3 BOARD OF ADJUSTMENT [UPDATED 10-8-2024]

- A. *Generally.* A Board of Adjustment is created as required by C.R.S. § 30-28-117. The Board of County Commissioners shall serve as the Board of Adjustment.
- B. *Powers and Duties.* The Board of Adjustment shall have the power and duty to:
  1. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an the Director based on or made in the enforcement of this Code; and
  2. Hear and decide applications for variances.
- C. *Meetings.* Meetings of the Board of Adjustment shall be held at the call of the chair and at such other times as the Board of Adjustment in its rules of procedure may specify. All meetings of the Board of Adjustment shall be open to the public.
- D. *Oaths and Compelled Attendance of Witnesses.* The chair, or in their absence the acting chair, may administer oaths and compel the attendance of witnesses by application to the district court.
- E. *Minutes of Proceedings; Public Records.* The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment, and shall be a public record.
- F. *Form of Decisions.* Decisions of the Board of Adjustment shall be made by written resolution that identifies the property that is the subject of the resolution and provides findings in support of the decision.

Sec. 5.2.2.4 BOARD OF COUNTY COMMISSIONERS [UPDATED 10-8-2024]

- A. *Generally.* The Board of County Commissioners is established pursuant to Article XIV, Section 6, *Colorado Constitution*.
- B. *Membership, Terms of Office, and Quorum.* Article XIV, Section 6, *Colorado Constitution* and C.R.S. § 1-4-205 set out the essential membership requirements, terms of office, and quorum requirements for the Board of County Commissioners.
- C. *Delegations.* The Board of County Commissioners delegates authority to the Director, the Planning Commission, and the Board of Adjustment and Appeals as provided in this Code, under the authority of C.R.S. § 30-28-133.5(1.5).
- D. *Appointments.* The Board of County Commissioners appoints members of the Planning Commission and the Board of Adjustment as provided in C.R.S. §§ 30-28-103 and 30-28-117, respectively.

- E. *Decisions.* The Board of County Commissioners shall make such decisions as are reserved to it in Section 5.2.3.3., *Public Hearing Approvals*, and elsewhere in this Code.

## DIVISION 5.2.3 DEVELOPMENT APPROVAL

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### Sec. 5.2.3.1 DEVELOPMENT APPROVAL REQUIRED [UPDATED 10-8-2024]

- A. *Generally.* Approvals, permits, or licenses are required for development in the County, unless specifically exempted by this Code. Most of the required approvals, permits, and licenses are described in this Division. Planned unit development approvals are detailed in Division 5.2.8., *Planned Unit Development Standards and Procedures*.
- B. *Related Chaffee County Approvals, Permits, and Licenses.* In addition to approvals, permits, or licenses that are required by this Code, including but not limited to:
1. Development within special flood hazard areas is subject to the Chaffee County Floodplain Management and Flood Damage Prevention Resolution, as amended (see **Appendix I, Resolution [TBD] Regarding Floodplain Management and Flood Damage Prevention**).
  2. Development of wireless telecommunications facilities is subject to the Chaffee County Telecommunications Facilities Resolution (see **Appendix J, Resolution [TBD] Regarding Wireless Telecommunications Facilities**), as amended.
  3. Short-term rentals are subject to licensing and operational restrictions pursuant to the Chaffee County Short-Term Rental License Program Resolution (see **Appendix M, Resolution [TBD] Regarding Short-Term Rental Licensing Program**), as amended.
  4. Certain development may be subject to the Chaffee County Areas and Activities of State Interest (1041) Regulations, as amended (see **Appendix N, Chaffee County Areas and Activities of State Interest (1041) Regulations**).
  5. Construction may be subject to adopted County building codes, the IWUIC, and the Colorado Plumbing Code, as may be amended by the County from time to time, as provided therein. [See C.R.S. § 12-155-106 \(regarding Colorado plumbing code and local amendments\)](#)

### Sec. 5.2.3.2 ADMINISTRATIVE APPROVALS

- A. *Generally.* Administrative approvals and permits are issued by the Director upon a finding of compliance with the requirements of this Code. No public hearing is required prior to the issuance of an administrative approval or permit.
- B. *Administrative Approvals, Permits, and Licenses Established.* The administrative approvals, permits, and licenses that are required by this Code are set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals*. [Updated 10-5-2024]

**Table 5.2.3.2., Administrative Reviews, Licenses, Permits, and Approvals [Updated 10-10-2024]**

<b>Approval, Permit, or License</b>	<b>Required For</b>	<b>Timing</b>	<b>Exceptions</b>	<b>Decision-Maker</b>	<b>Key References</b>
Administrative Modifications	Minor modifications to Code standards or conditions of approval as applied to administrative approvals or permits or public hearing approvals.	Prior to the issuance of approvals, permits, or licenses to which the modifications apply.	N/A	Director	Div. 5.2.12.
Camping on Private Land Permit (Commercial)	Establishment and use of commercial private lands camping facilities.	Prior to development and use of land for commercial private lands camping.	None	Director	§ 2.3.5.1.
Camping on Private Land Permit (Personal)	Personal use of private land for camping for a period that exceeds limitations of § 2.3.7.2.	Prior to exceeding time limitations of § 2.3.7.2.	None	Director	§ 2.3.7.2.
Development Agreement	Development that includes public improvements	Concurrent with final plat or other development approval that involves the improvements	Agreements that may involve private reimbursement obligations or expenditures of public funds	Director	
Final Plat (Major or Minor Subdivision) <sup>1</sup>	Subdividing land	After preliminary plan approval (if required); prior to development or sale of platted lots	As provided in C.R.S. § 30-28-101(10)(b), (c), and (d), Div. 5.2.6., and § 5.2.7.1.	Director	§§ 5.2.7.1. and 5.2.7.2.
Floodplain Development Permit	Development within a special flood hazard area (see <b>Appendix I</b> )	As provided in <b>Appendix I</b>	As provided in <b>Appendix I</b>	Floodplain Administrator	<b>Appendix I</b>
Fluvial Hazard Zone Use Permit	Development within a fluvial hazard zone	As provided in § 3.7.4.3.B.	Activities enumerated in § 3.7.4.3.C.	Director	Div. 3.7.4.
Limited Use Permit	Establishment of a land use for which a limited use permit is required.	Prior to establishment of the land use.	None	Director	Div. 2.2.2.
Major Accessory Use Permit	Establishment of a major accessory use	Prior to establishment of the major accessory use	None	Director	Div. 2.3.6.
Right-of-Way or Driveway Permit	Connection to County road	As provided in <b>Appendix C</b>	As provided in <b>Appendix C</b>	Director of Road and Bridge Dept.	<b>Appendix C</b>
Short-Term Rental License	Operating a short-term rental	As provided in <b>Appendix M</b>	As provided in <b>Appendix M</b>	Director	<b>Appendix M</b>
Sign Permit	Construction or installation of sign	Prior to construction or installation of sign; may be concurrent with building permit	As provided in §§ 2.6.1.5. and 2.6.1.6.	Director	Chapter 2.6
Site Plan Approval	Construction of buildings and site improvements.	Prior to or simultaneously with issuance of building permit.	Agricultural or ranching, single-unit detached residential, ADU, or duplex construction.	Director	<i>passim</i>
Sketch Plan Review	Conceptual review of proposed subdivision	Prior to submittal of preliminary plan	As determined by Director	Director	<i>passim</i>



Approval, Permit, or License	Required For	Timing	Exceptions	Decision-Maker	Key References
Special Event Permit	Conducting a special event.	Prior to setup of the special event.	No permit is required below certain thresholds; BOCC permit is required above certain thresholds. See § 5.2.9.6.	Director	§ 5.2.9.6.
Temporary Use Permit	Temporary commercial sales and temporary building / construction uses.	Prior to commencement of the temporary use.	As provided in § 2.3.2.2.B.	Director	§§ 2.3.2.2. and 2.3.2.3.
Zoning Permit	Establishment of a land use for which a zoning permit is required.	Prior to establishment of the land use.	None	Director	<i>passim</i>

**Table Note:**

<sup>1</sup> Final plat review applies to minor subdivisions (wherein administrative review of preliminary plan is concurrent with administrative review of final plat) and to major subdivisions (wherein the final plat implements a previously approved preliminary plan).

**Sec. 5.2.3.3 PUBLIC HEARING APPROVALS**

- A. *Generally.* Public hearing approvals and permits are issued by the County after compliance with all applicable requirements of this Code is demonstrated to the respective decision-maker(s) at a hearing.
- B. *Public Hearing Approvals Established.* The public hearing approvals that are required by this Code are set out in Table 5.2.3.3., *Public Hearing Approvals.*

**Table 5.2.3.3., Public Hearing Approvals [Updated 10-10-2024]**

Approval	Required For	Timing	Exceptions	Recommendation By	Decision Issued By	Key Reference
Camping on Private Land Permit (Commercial)	Issuance of Camping on Private Land Permit that does not qualify for administrative review.	Prior to development of campsites	N/A	Director	BOCC	§ 2.3.5.1.
Certificate of Designation	Establishment of a disposal use.	Prior to or concurrent with conditional use permit approval	N/A	Director; PC; CDPHE	BOCC	§ 2.2.2.8; C.R.S. §§ 25-15-200.1, <i>et seq.</i> ; 30-20-100.5, <i>et seq.</i>
Conditional Use Permit	Establishment of a land use for which a conditional use permit is required.	Prior to establishment of conditional use; may be concurrent with site plan	N/A	Director	BOCC	Div. 2.1.3., § 2.2.1.3, and Div. 2.2.2.
Creative Sign Program	Establishment of a Creative Sign Program	Prior to issuance of sign permits pursuant to Creative Sign Program standards	N/A	Director	BOCC	§ 5.2.9.7.



Approval	Required For	Timing	Exceptions	Recommendation By	Decision Issued By	Key Reference
Development Agreement	Development that includes public improvements with either reimbursement obligations or expenditures of public funds	Concurrent with preliminary plan or other development approval that involves the improvements	N/A			
Location and Extent	Construction or authorization of public buildings or structures, public utilities (whether publicly or privately owned), as provided in C.R.S. § 30-28-110(1)(d)	Prior to construction or authorization	N/A	Director	PC, subject to further review as provided in C.R.S. § 30-28-110(1)	C.R.S. § 30-28-110(1)
PD Development Agreement	Approval of final PD plan	Draft concurrently with conceptual PD plan; final concurrently with final PD plan	N/A	PC (as to draft) Director (as to final)	BOCC	Div. 5.2.8.
PD Plan (Conceptual)	Establishing standards for PD development	Prior to final PD plan approval	N/A	PC	BOCC	Div. 5.2.8.
PD Plan (Final)	Implementing standards for PD development	Prior to or concurrently with site plan approval or final plat	N/A	Director	BOCC	Div. 5.2.8.
Preliminary Plan (Major Subdivision)	Evaluation of a proposed subdivision prior to final plat	Prior to or concurrently with final plat	As provided in C.R.S. § 30-28-101(10)(b), (c), and (d), Div. 5.2.6., and § 5.2.7.1.	PC	BOCC	§ 5.2.7.2..
Rezoning	Reclassifying a subject property from one zoning district to another.	Any	N/A	PC	BOCC	§ 5.2.9.1.; C.R.S. §§ 30-28-111; 30-28-112
Rural Land Use Process Subdivision Exemption	Creation of "statutory cluster" subdivision	Prior to improvement or sale of "statutory cluster" lots	N/A	PC	BOCC	§ 5.2.6.12.
Special Event Permit	Special events that exceed thresholds for administrative approval	Prior to setup for special event	N/A	Director	BOCC	§ 5.2.9.6.

Approval	Required For	Timing	Exceptions	Recommendation By	Decision Issued By	Key Reference
Public Hearing Subdivision Exemption	Minor divisions or combinations of land and minor adjustments to or correction of plats, as set out in Div. 5.2.6.	If new lots, prior to improvement or sale of resulting lots; otherwise, any	Rural Land Use Process Subdivision Exemption (see above) and Vacation of Roads or Alleys (see below) have different procedures	Director	BOCC	Div. 5.2.6.
Text Amendment to this Code	Amending the text of this Code.	Any	N/A	PC	BOCC	C.R.S. §§ 30-28-111; 30-28-112; 30-28-133
Vacation of Road or Alley	Vacating a road or alley	Any	N/A	PC	BOCC	§§ 5.2.6.9. and C.R.S. § 43-2-303
Variance	Relief from the strict application of this Code.	Prior to development that requires variance; may be processed in tandem with other applications.	Not necessary if Administrative Modifications and Adjustments are available.	Director	BOA	§ 5.2.13.2.

Sec. 5.2.3.4 123 Go! PROGRAM ESTABLISHED [ADDED 10-9-2024]

- A. *Generally.* The 123 Go! program is established to implement the “fast track approval process” for affordable housing that is contemplated by C.R.S. § 29-32-105(2) (Proposition 123). It is the intent of the Board of County Commissioners to implement the affordable housing development objectives of Proposition 123 and to maximize state funding that may be available under its terms.
- B. *Application.* The 123 Go! program provides a prioritized, efficient approval process by which a final decision on applications for a limited use permit, variance, or other development permit (excluding subdivisions) for qualifying affordable housing development is reached not more than 90 calendar days after submission of a complete application, subject to the following:
1. The review period may be extended for an additional 90 days at the request of the applicant, for the purposes of compliance with state law or court order, or for a review period required by another agency for any component of the application requiring the agency’s approval;
  2. The review period may include extensions to allow for the submission of additional information or revisions to an application in response to requests from the County, plus 30 days after submittal of the information for the County to evaluate it (applicants are expected to provide such additional information or responses promptly, ideally within five business days after information is requested).
- C. *Prioritization.* Applications within the 123 Go! program are given priority in the County’s development review process and with regard to placement on the

agendas of the Planning Commission, Board of County Commissioners, and Board of Adjustment, as applicable.

- D. *Participation.* Participation in the 123 Go! program is optional, and an applicant may withdraw from the program at any time.

#### DIVISION 5.2.4 ADMINISTRATIVE MANUAL AND ENGINEERING CRITERIA MANUAL

##### Sec. 5.2.4.1 ADMINISTRATIVE MANUAL [UPDATED 10-7-2024]

- A. *Generally.* The Director shall compile, and thereafter periodically recommend updates to, uniform application forms, checklists, and explanations for the various permits, approvals, licenses, and appeals that are identified by this Code, provided that the application checklists and requirements are reasonably pertinent to the types of applications to which they relate, that they address all information requirements set out in C.R.S. § 30-28-133 and other applicable statutes, and that they are not otherwise inconsistent with this Code or Colorado law, and provided further, that application fees and escrows shall be separately determined by the Board of County Commissioners. Such compiled materials shall be presented to the Planning Commission for review and recommendation, and to the Board of County Commissioners for adoption. Thereafter, such materials shall be attached hereto as **Appendix A, Development Review Manual and Application Materials**. The Development Review Manual and Application Materials shall be used according to its terms, but where pertinent to subdivisions and subdivision exemptions shall, for the purposes of C.R.S. § 30-28-133, be considered a component of the Chaffee County Subdivision Regulations.
- B. *Illustrative Examples.* The Director may compile nonbinding illustrative examples and diagrams that are germane to the explanation of the requirements of this Code.

##### Sec. 5.2.4.2 ENGINEERING CRITERIA MANUAL [ADDED 10-7-2024]

The Director of the Road and Bridge Department shall compile, and periodically recommend updates to, standards, checklists, plans, cross-sections, and specifications for implementation of the technical requirements referenced in this Code and for such other public improvements as may be dedicated to or maintained by the County (in either normal or extraordinary circumstances) from time to time. Such standards, checklists, plans, cross-sections, and specifications shall represent sound engineering practice and not be inconsistent with this Code or Colorado law. Such compiled materials shall be presented to the Planning Commission for review and recommendation, and to the Board of County Commissioners for adoption. Thereafter, such materials shall be attached hereto as **Appendix B, Chaffee County Engineering Criteria Manual**. The Engineering Criteria Manual (“ECM”) shall be applied to all development according to its terms, but shall, for the purposes of C.R.S. § 30-28-133, be considered a component of the Chaffee County Subdivision Regulations.

## DIVISION 5.2.5 STANDARD APPLICATION REVIEW PROCEDURES

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### Sec. 5.2.5.1 *EX PARTE* COMMUNICATIONS

- A. *Generally.* It is the policy and practice of the County to decide applications only on the merits presented in the application, on-record public comments, and at public hearings (if public hearings are required). Therefore, *ex parte* communications are not allowed.
- B. *Timing.* The prohibition on *ex parte* communications begins on the date of formal application and ends when the appeal period for a decision on an application has expired, resulting in a final, non-appealable order. The appeal period referred to in this subsection includes both administrative appeals and judicial appeals.
- C. *Inadvertent Communications.*
  1. Elected and appointed officials who hear applications required by this Code shall not privately discuss the merits of a pending application or appeal. However, it is not always possible to prevent *ex parte* communications.
  2. If a communication is received outside of the record (*e.g.*, it is not in the application, agency comments, or public comments, nor was it presented at a noticed public hearing), then the official who is the recipient of the communication shall disclose the communication, including the speaker and the substance of the communication, on the record, at the commencement of the hearing on the application.
  3. The decision-maker or recommending body must base its decision only on the evidence presented on the record. The contents of *ex parte* communications shall not be considered part of the record for decision-making unless the information in the communication is also presented at the hearing (other than through the required disclosure).

### Sec. 5.2.5.2 PRE-APPLICATION CONFERRAL

- A. *Generally.* A pre-application conferral between the applicant and the Director or Planning Staff is required prior to the filing of all formal applications, except sign permit applications. The Director may waive the pre-application conferral for good cause shown.
- B. *Purpose.* The pre-application conferral is intended to provide information pertinent to the site and the proposal, to provide an understanding of the applicable review procedures and the standards to be met for approval of the application, and to explain the application materials required for submittal.
- C. *Procedure.*
  1. The applicant shall contact the Planning Department to schedule a pre-application conferral. The pre-application conferral shall be held in the Planning Department offices, other County facilities, or virtually, as determined by the Director.

2. The Director may require a site visit as part of the pre-application conferral, or as a follow-up to same.
- D. *Materials.* Unless otherwise specified by this Code, the applicant shall bring a conceptual sketch plan to the pre-application conferral. The conceptual sketch plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size, and the intensity of the proposed development. If the conceptual sketch plan is not sufficient to accurately convey these details, the applicant may be required to reschedule the pre-application conferral.
  - E. *Participants.* If the Director determines that the proposal raises potential issues for roads, access, parking, traffic, water supply, sanitation, or natural resource protection, the appropriate staff, referral agencies, and consultants shall be invited to the pre-application conferral. Whether or not such referral agencies attend the pre-application conferral, the Director shall identify which referral agencies will potentially be part of the review, and whether consultant reviews are likely to be required.
  - F. *Preliminary Determination of Applicable Review Procedures.* Based on the materials presented at the pre-application conferral, the Director shall suggest the appropriate review process for the proposed development in accordance with this Code. The Director may suggest alternative approaches based on alternative land uses or development patterns presented at the pre-application conferral.
  - G. *Preliminary Determination Regarding 123 Go! Program.* Based on the materials presented at the pre-application conferral, the Director shall determine whether the proposed development is a “qualifying affordable housing project,” that may participate in the 123 Go! program.
  - H. *Preliminary Determination Regarding Consultants.* Based on the materials presented at the pre-application conferral, the Director shall make an initial determination as to whether the County will retain consultants to assist with the evaluation of the application. Such determination is subject to change if the formal application is materially different from the concepts presented at the pre-application conferral, or if the County’s available resources are materially different at the time of formal application.
  - I. *Staff Comments and Written Summary.*
    1. Any comments made by County Staff during the pre-application conferral are preliminary in nature and not binding. Formal comments will not be provided by staff until after the complete application is submitted and adjacent or nearby property owners and referral agencies have had an opportunity to comment.
    2. The Director shall prepare a written summary within eight business days after the pre-application conferral, identifying the review process and anticipated time frames, and setting forth any concerns or conflicts raised by the proposal as presented. A copy of the written summary shall be provided

to the applicant, along with appropriate application materials, checklists, escrow agreements, and fee schedules.

3. The information provided in the written summary shall be valid for the shorter of:
  - a. Six months from the date of the written summary; or
  - b. The effective date of amendments to this Code that relate to code provisions that are addressed (directly or indirectly) by the written summary.

Sec. 5.2.5.3 NEIGHBORHOOD MEETING [UPDATED 10-10-2024]

A. *Generally.*

1. A neighborhood meeting is required for the following types of applications:
  - a. Rezoning;
  - b. Preliminary plans for subdivisions that will include five or more buildable lots;
  - c. Conceptual PD plans; and
  - d. Conditional use permits.
2. A neighborhood meeting is required for applications not listed in subsection A.1., above, if the Director determines that unique attributes of the proposal suggest that it may have significant impacts within the vicinity of the subject property.
3. In all other cases, neighborhood meetings are optional.

B. *Purpose.* A neighborhood meeting serves to provide a forum for information exchange between applicants and residents / property owners regarding the potential development. By conducting the neighborhood meeting prior to formal application submittal, it is expected that applicants will be able to address community concerns and consider whether adjustments to their formal application are appropriate and feasible to respond to community input.

C. *Meeting Format.*

1. The applicant shall conduct the neighborhood meeting virtually through a recognizable online platform. Optionally, an in-person meeting may be conducted in the general vicinity of the subject property.
2. The applicant shall track and record attendance either electronically or by way of a sign-in sheet, as appropriate.
3. The presentation at the neighborhood meeting is the responsibility of the applicant. Attendees shall be given an opportunity to ask questions of and make comments to the applicant regarding the application.

4. A member of Planning Department staff may attend the meeting to address procedural matters only.
- D. *Notice of Neighborhood Meeting.* Notice of neighborhood meetings shall be provided as set out in Section 5.2.5.12, *Public Notice and Mineral Estate Notice.*

Sec. 5.2.5.4 APPLICATION [UPDATED 10-8-2024, ADDING SUBSECTION C.]

- A. *Generally.* Applications shall be submitted electronically in a form promulgated by the Director. Applications may be pursued by the property owner or its designated agent (*e.g.*, a contract purchaser, a planner or engineer, or an attorney), provided that in the case of designation, the designee is authorized in writing by the property owner.
- B. *Neighborhood Meeting Materials.* If a mandatory neighborhood meeting was held, the application shall include a sign-in sheet with names and addresses of attendees, and a written summary of the meeting discussion and outcomes. If an optional neighborhood meeting was held, the application may include such information.
- C. *Property Tax Status.* No application shall be processed without confirmation from the applicant that all property taxes and assessments levied by the County against the subject property have been paid, as certified by the County Treasurer's Office. This requirement shall not be construed to require the early payment of property taxes. However, should property tax payments become delinquent, the County may suspend application processing.

Sec. 5.2.5.5 APPLICATION FEES AND ESCROWS

- A. *Generally.* Fees shall be charged to offset the cost of application processing (including any application for amendments of existing approvals), reviews, public notices, hearings, document recording, and recordkeeping. Application fees to be charged by the County shall be established, from time to time, by resolution adopted by the Board of County Commissioners.
- B. *Recording Fees.* Recording fees assessed by the Chaffee County Clerk and Recorder's Office shall be paid by the County at the time of any required recording, using funds held in escrow for that purpose.
- C. *Referral Agency Fees.* The applicant may be required to pay any fees assessed by referral agencies in advance of their review and comment. Failure to obtain comments from referral agencies due to failure to pay review fees may result in delay or denial of an application.
- D. *Escrow for Consultant Review.*
  1. Consultant Review Authorized.
    - a. The Director may authorize all or a portion of the review of a development application, including subdivision applications, to be performed by an outside consultant, if:



- i. The Director, Board of County Commissioners, or Planning Commission determines that consultant review would provide necessary specialized evaluation required for certain aspects of the development application; or
    - ii. The Director determines that consultant review is necessary due to County resource constraints.
  - b. The costs of consultant review are the responsibility of the applicant and shall be paid in conjunction with the adopted fee schedule.
2. Initial Escrow Payment.
  - a. If the Director determines that an application will require review by professional consultants, then the applicant shall execute an escrow agreement in a form approved by the County Attorney, and make an initial escrow payment in an amount sufficient to cover the estimated review costs.
  - b. The Director shall provide the applicant with a preliminary estimate of professional consultant review fees at a time established during the pre-application conferral by agreement with the applicant. Alternatively, the Director may advise the applicant regarding the amount of a fixed-fee that has been established in advance for the type of application presented.
3. Use of Escrow Payment. The County may draw upon the escrow to pay the fees and expenses of professional consultants retained by the County to review the application.
4. Additional Escrow Funds. The Director may require additional escrow funds to be paid for additional services related to the application, should they become necessary. If a balance is due at the time an application is approved, it shall be paid by the applicant as a condition of approval.
5. Return of Escrow Funds. Escrow funds shall be returned to the applicant as follows:
  - a. If the Director decides that the use of consultants is not necessary, then escrow funds shall be returned to the applicant within 30 days after the decision.
  - b. If the applicant withdraws the application, then the Director shall notify the consultants to stop work within 24 hours of the withdrawal. The Director shall then return the escrow to the applicant, less the amount required to pay the consultant for work actually performed, after final payment to the consultants.
  - c. When the application is decided, any positive escrow balance shall be returned to the applicant within 60 days.

6. Account Reports. Applicants shall be provided with an accounting of the use of escrow funds within five business days after a written request for same.
7. Fixed Fee Consultant Review. The Director is authorized to establish:
  - a. A roster of consultants that are pre-qualified to conduct reviews of various types; and
  - b. For routine application types with predictable review fees, a schedule of fixed fees for consultant review.

Sec. 5.2.5.6 COMPLETENESS REVIEW [UPDATED 10-10-2024]

- A. *Generally.* During the completeness review period, the County determines whether the required application materials have been provided, whether all applicable review fees and escrows have been paid, and (except in the case of sign permits) whether the property tax payments for the subject property are current. Completeness review is not a substantive review of the application.
- B. *Timing.* In general, completeness review shall be completed within 12 business days after receipt of the application and applicable application fees. However:
  1. For 123 Go! program applications and creative sign programs, the determination shall be made within 10 business days, and shall be combined with sufficiency review (*see* Section 5.2.5.7., *Technical Sufficiency Review*); and
  2. For sign permits and special event permits, the determination shall be made within five business days.
- C. *Application is Not Complete.* If the application is not complete, the Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied.
- D. *Application is Complete.* If the application is complete, the Director shall certify it as complete, stamp it with the date of determination of completeness, and notify the applicant that the application has been accepted by the County as complete. For 123 Go! program applications, the date of such determination is the date the “fast track” review period commences.
- E. *Extension of Time for Completeness Review.* Except with regard to sign permit, special event permit, and 123 Go! program applications, the Director may extend the time for completeness review up to an additional 12 business days, if:
  1. The scope of the development application is such that additional time for the staff to review the application is necessary; or
  2. The Planning Department’s workload, and prioritization of sign permits, special event permits, and 123 Go! program applications justify the extension of time as to non-priority applications.

Sec. 5.2.5.7 TECHNICAL SUFFICIENCY REVIEW [UPDATED 10-9-2024]

- A. *Generally.*
1. In general, technical sufficiency review is performed within 16 business days after a determination of that an application is complete pursuant to Section 5.2.5.6., *Completeness Review*.
  2. 123 Go! program applications and applications for sign permits, creative sign programs, and special event permits shall undergo concurrent completeness review and technical sufficiency review, which shall be completed within applicable time frames for completeness review set out in Section 5.2.5.6., *Completeness Review*.
- B. *Technical Sufficiency Required.* All applications shall be technically sufficient for review, meaning that:
1. The application materials are internally consistent and are presented as required by this Code and the applicable application forms and checklists promulgated by the Director.
  2. Materials are prepared by qualified professionals (where such qualifications are required), and signatures and certifications are present, if required.
  3. The application materials are technically sufficient (*e.g.*, legal descriptions and calls and distances on surveys describe closed polygons within acceptable tolerances, calculations that are provided are performed according to the methodologies set out in this Code, etc.) to demonstrate compliance with applicable standards of this Code.
- C. *Insufficient Applications.*
1. An application is insufficient if it does not meet the standards of subsection B., above.
  2. If an application is determined to be insufficient, the Director shall notify the applicant and provide a written explanation regarding the materials that must be submitted, or revisions that must be made, in order to continue processing the application.
  3. The applicant shall provide the materials or revisions that are required to make the application sufficient within 12 business days after the date of the notice.
  4. If an applicant fails to submit the required materials within the time period specified in subsection C.3., above, or if the applicant fails to submit a sufficient application after three rounds of review, then the application fee shall be retained, and any further resubmittal shall be accompanied by a new application fee.
- D. *Sufficient Applications.* Technically sufficient applications shall be processed according to the applicable standards and procedures of this Code.

Sec. 5.2.5.8 STALE APPLICATIONS

- A. *Generally.* This Section is intended to extinguish applications that become stale due to inaction by the applicant.
- B. *Expiration of Stale Applications.* When an action by the applicant is required for further processing of an application (for example, if revisions are requested after agency referrals), the application shall become void:
  - 1. Six months after the date that the action is requested, if the applicant either fails to take action or fails to request an extension of time pursuant to subsection C., below; or
  - 2. Upon failure to timely provide requested information to make an application technically sufficient pursuant to section 5.2.5.7., *Sufficiency Review*.
- C. *Extension of Time.* The time for expiration of an application may be extended by up to six additional months upon written request of the applicant before the end of the period set out in subsection B., above.

Sec. 5.2.5.9 ADMINISTRATIVE REVIEW [UPDATED 10-9-2024]

- A. *Generally.* Upon determination that an application is complete and sufficient, the Director shall cause the application to be reviewed for technical compliance with all applicable requirements of this Code, as follows:
  - 1. Appropriate County staff or consultants shall review the application; and
  - 2. The application shall be promptly referred to applicable referral agencies and individuals for review and comment pursuant to section 5.2.5.10, *Referrals*.
- B. *Recommended Revisions.*
  - 1. The Director shall provide comments from County staff or consultants (collectively, "staff comments") to the applicant. Staff comments shall provide staff or consultant input and address or include comments by referral agencies and interested individuals. The applicant shall revise and resubmit the application with appropriate changes based on staff comments, and with responses to staff comments that did not result in changes to the application.
  - 2. Upon receipt of a re-submittal responding to staff comments, the Director may refer the application to referral agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments (or lack thereof), or require the agency's technical expertise for appropriate review.
  - 3. The re-submittal shall not require an application fee unless both of the following conditions are met:
    - a. The revisions are inappropriate or incomplete; and

- b. Repeated failure to address comments requires more than three rounds of revisions.
- C. *Administrative Recommendation, Decision, or Referral.* Promptly after determination that a complete application addresses the comments and recommendations provided pursuant to subsection B., above (or, after finding that no revisions will be required):
  1. If the application is for a sign permit, then the Director shall approve, approve with conditions unrelated to the content of the sign, or deny the sign permit within 5 business days after the application is determined to be complete and technically sufficient. The Director shall thereupon provide written notice to the applicant, either issuing the sign permit or providing the specific basis for denial.
  2. If the application is for a special event permit that is subject to Director decision, then the Director shall approve, approve with conditions unrelated to the content of the event, or deny the special event permit, within 10 business days after the application is determined to be complete and technically sufficient. The Director shall thereupon provide written notice to the applicant, either issuing the special event permit or providing the specific basis for denial.
  3. If the application is for approval of a creative sign program or special event permit that is subject to Board of County Commissioners (“BOCC”) review, then the Director shall make a recommendation regarding the application and forward the recommendation, the application materials, and referral comments to the BOCC within 30 calendar days after a determination of completeness and technical sufficiency.
  4. If the application is for a subdivision exemption, plat amendment, or final plat that is delegated to the Director, the Director shall provide notice of the application as provided in Section 5.2.5.11., *Public Notice and Mineral Estate Notice*. The Director shall thereafter proceed as provided in Subsection C.5., below, paying due regard to any comments received. C.R.S. 38-28-133.5
  5. If the application is for an administrative approval or permit (other than specifically listed above), then the Director shall:
    - a. Approve, approve with conditions, or deny the application, as appropriate, and thereupon provide written notice to the applicant, either issuing the approval or approval with conditions, or providing the specific basis for denial; or
    - b. Upon a determination that the development, as proposed, may have material impacts on neighboring properties or County resources that are unusual in kind or degree, or that there is material potential for disagreement regarding whether the application complies with the standards of this Code, the Director may refer the application to the Planning Commission for review and recommendation and the Board of

County Commissioners for decision according to the applicable standards of this Code, and thereupon provide written notice to the applicant regarding such referral.

6. For 123 Go! program applications, the Director shall prioritize review, make a recommendation regarding the application, and forward the recommendation along with the application materials and referral comments to the next body that will consider it within a time frame that allows for completion of fast-track review within the period established by Section 5.2.3.4., *123 Go! Program Established*, as may be extended therein.
7. If the application is for a public hearing approval or permit (other than a creative sign program or 123 Go! program application), then the Director shall make a recommendation regarding the application and forward the recommendation and the application materials and referral comments to the next body that will consider it for further recommendation or approval.

D. *Meeting Logistics.*

1. If the application is for a public hearing approval or permit, then the Director shall set the application on the agenda of the next body that will consider the application.
2. Generally, the application shall be heard during the next regular meeting of the body which meets the following two conditions:
  - a. There is sufficient time to meet applicable public notice requirements; and
  - b. There is available room on the agenda.
3. 123 Go! program applications shall have priority placement on agendas, in terms of both date and time. The Planning Commission, Board of Adjustment, and Board of County Commissioners may, but is not required to, call special meetings for the purposes of considering 123 Go! program applications.
4. Applications for creative sign programs shall be heard within 45 calendar days after the date of referral and recommendation pursuant to Subsection C.3., above.
5. The Director shall coordinate with recommending and decision-making bodies to fix reasonable times for hearings. Said bodies are authorized to convene special meetings to hear applications as they determine appropriate.
6. The Director shall provide notice to the applicant regarding the time and place of the public hearings.

Sec. 5.2.5.10 REFERRALS [UPDATED 10-8-2024]

- A. *Generally.* Applications shall be referred as required by state law, and may be referred for review by agencies or consultants as determined by the Director, according to the procedures set out in this Section. *See C.R.S. § 30-28-136.*
- B. *Comment Period.*
1. Unless otherwise provided by state law or this Code, the comment period for referral agency review shall be 21 calendar days from the date that the application is transmitted to the referral agency, or the date of payment of the agency's required review fees, whichever is later.
  2. A necessary extension of not more than 30 calendar days may be provided if it is agreed to by the applicant and the Board of County Commissioners as provided in C.R.S. § 30-28-136(2), and, as applicable to 123 Go! program applications, C.R.S. § 29-32-105.
  3. Responses from referral agencies not received in a timely manner may not be included in the processing of the application. However, nonresponse does not operate as a waiver of the authority of agencies that have concurrent jurisdiction with the County.
- C. *Review Fee by Referral Agency.* A referral agency may impose a fee for the review of a proposed development application. The costs of referral agency review are the responsibility of the applicant and shall be paid in conjunction with any adopted fee schedule.
- D. *Mandatory Referral Agencies.* The following are mandatory referral agencies:
1. Appropriate school districts; *see C.R.S. § 30-28-136(1)(a)*
  2. Each county and municipality within a two-mile radius of any portion of the subject property; *see C.R.S. § 30-28-136(1)(b)*
  3. Utility providers; *see C.R.S. § 30-28-136(1)(c)*
  4. Local improvements and service districts that serve the subject property; *see C.R.S. § 30-28-136(1)(c)*
  5. Ditch companies with infrastructure traversing, bounding, or within 150 feet of the subject property; *see C.R.S. § 30-28-136(1)(c)*
  6. Colorado State Forest Service, as applicable; *see C.R.S. § 30-28-136(1)(d)*
  7. The Upper Arkansas Conservation District; *see C.R.S. § 30-28-136(1)(f)*
  8. Chaffee County Public Health or Colorado Department of Public Health and Environment, as applicable to the water supply and wastewater treatment proposal; *see C.R.S. § 30-28-136(1)(g)*
  9. The State Engineer; *see C.R.S. § 30-28-136(1)(h)*
  10. The Colorado Geological Survey; *see C.R.S. § 30-28-136(1)(i)*



11. Any local government or agency that has entered into an intergovernmental agreement with the County that applies to the area where the development will occur;
  12. The Chaffee Housing Authority;
  13. Colorado Parks and Wildlife, and any other affected land management agency; and
  14. Airport boards and authorities and Federal Aviation Administration, if the subject property is within an airport overlay zone.
- E. *Optional Referral Agencies.* The Director may refer the application to any other local group or appointed board that may have an interest in the application, including but not limited to the Cattlemen’s Association, Arkansas Headwaters Recreation Area, Board of Realtors, and Chaffee Heritage Area Advisory Board. Comments provided by these entities shall be construed as advisory only, and response is not required.

Sec. 5.2.5.11 PUBLIC NOTICE AND MINERAL ESTATE NOTICE [UPDATED 10-10-2024]

- A. *Generally.* Public notice of meetings, hearings, appeals, and vested rights shall be provided in accordance with this Section, related provisions of this Code, and Colorado law.
- B. *Cost of Notice; Responsibility for Notice.* The County shall provide published notice and internet notice. The cost of such notice shall be included in the development review fee. The applicant shall provide mailed and posted notice, the cost of which shall be paid directly by the applicant.
- C. *Applicant’s Certification.* Prior to the event that is the subject of public notice, the applicant shall provide the Director with an executed affidavit certifying that the requirements as to the applicant’s responsibility for the applicable forms of notice under this Section have been met, which shall be accompanied by receipts for mailing costs and dated, geolocated photographs of signs, as applicable. The Director shall make available sample certifications that address all applicable forms of public notice required by this Code.
- D. *Failure to Provide Notice; Defective Notice.* Failure to timely provide the required affidavit, or evidence that a mailing list or notice letter was defective, shall be cause to suspend the review process until proper notice is provided. Such suspension may be ordered by the Director or body that is responsible for the meeting, hearing, or decision that is the subject of the notice.
- E. *Continuation of Hearings and Neighborhood Meetings.* A hearing or neighborhood meeting for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this Division, provided that the date, time, and location of the continued hearing or meeting is announced to the public at the time of continuance.
- F. *Required Notice by Application Type.*

1. Except with regard to mineral estate notice (see subsection G.4., below), published, posted, mailed, or internet notice, or a combination thereof, shall be provided within the time frames set out in Table 5.2.5.11.A., *Notice Requirements by Application Type*. Requirements for published, posted, mailed (including required notice areas), and internet notice are set out in subsections G. and H., below.

**Table 5.2.5.11.A., Notice Requirements and Notice Periods by Application Type [Updated 10-10-2024]**

Application Type	Published Notice	Posted Notice	Mailed Notice / Notice Radius	Internet Notice
Conditional Use Permit	-	15 days	15 days (600 foot radius)	15 days
Conditional Use Permit with Certificate of Designation	-	45 days	45 days (2,640 foot radius)	45 days
Final Plat (Major Subdivision)	-	15 days	15 days (600 foot radius)	15 days
Final Plat (Minor Subdivision)	-	15 days	15 days (adjacent property owners)	15 days
Location and Extent	-	15 days	-	15 days
Camping on Private Land Permit (Commercial)	-	15 days	15 days (adjacent property owners)	15 days
PD Plan (Conceptual)	15 days	15 days	15 days (600 foot radius)	30 days
PD Plan (Final)	-	15 days	15 days (600 foot radius)	15 days
Preliminary Plan (Major Subdivision)	-	15 days	15 days (600 foot radius)	15 days
Rezoning	15 days	15 days	15 days (600 foot radius)	15 days
Rural Land Use Process	-	15 days	15 days (adjacent property owners)	15 days
Public Hearing Special Event Permit	-	7 days	-	7 days
Public Hearing Subdivision Exemption	-	15 days	15 days (300 foot radius)	15 days
Vacation of Right-of-Way	30 days	30 days	30 days (all property owners adjacent to right-of-way and whose access may be affected)	30 days
Variance	-	15 days	15 days (adjacent property owners)	15 days
Administrative Subdivision Exemption (see § 5.2.6.1.A.1.a. to d., inclusive)	-	15 days	15 days (adjacent property owners)	15 days
Vacation of Recorded Subdivision Plat / Lot Line Eliminations (see § 5.2.6.1.A.1.e. and C.R.S. § 30-28-139)	15 days prior to hearing, if requested	15 days prior to hearing, if requested	120 days' notice of County's intent (from receipt, not postmark); 15 days prior to hearing, if requested (directly affected property owners)	15 days prior to hearing, if requested
Vacation of Established Road or Alley	10 days	10 days	10 days (to last-known address of all owners of adjacent properties that are one acre or larger in area)	10 days

2. With regard to mailed notice, the Director may require an expanded notice area for applications that:
  - a. Require spacing from other uses that is greater than the radius of the notice area for the application type; and
  - b. Are likely to involve impacts on County resources that, in the judgment of the Director, will extend beyond the radius of the notice area for the application type.

**G. Contents of Public Notice.**

1. Generally. Table 5.2.5.11.B., *Contents of Public Notice by Notice Type*, sets out the general information that is required for each type of required notice. A checkmark (“✓”) in a table cell means that the specified information is required, and a dash (“-”) in a table cell means that the specified information is not required.

**Table 5.2.5.11.B., Contents of Public Notice by Notice Type**

Required Information	Published Notice	Posted Notice	Mailed Notice	Internet Notice
The purpose (application type(s)) for which notice is provided	✓	✓	✓	✓
The County's case number	✓	✓	✓	✓
Project name	✓	✓	✓	✓
The address of the project, or if no address, the nearest major crossroads	✓	-	✓	✓
A vicinity map identifying the site with respect to major cross-streets and community landmarks	-	-	✓	✓
Legal description of subject property, or if lengthy, a statement that the legal description of the subject property is on file with Planning and Zoning Department	✓	-	✓	✓
The existing zoning and proposed zoning, if the application is for rezoning	✓	✓	✓	✓
A brief summary of the proposed development	✓	-	✓	✓
Applicant contact (applicant or applicant's representative) (name, company name, phone number, email address)	Individual or Company Name Only	-	✓	✓
County contact	Planning and Zoning Department Phone Only	Planning and Zoning Department Phone Only	Contact Information for Staff Planner Assigned	Contact Information for Staff Planner Assigned
URL where additional project information is provided (may be provided by QR code)	-	✓	✓	✓
Time, date, and location of public meeting, public hearing, or neighborhood meeting, as applicable	✓	✓	✓	✓
Deadline for submittal of written comments to Director, if applicable	✓	✓	✓	✓
A statement that interested parties may appear and speak on the matter at the neighborhood meeting or public hearing and/or file written comments with the Director	-	-	✓	✓

2. Neighborhood Meetings. Notices of neighborhood meetings shall include the date, time, and location of the Neighborhood Meeting, a copy of the site plan submitted at the Concept Plan phase, a copy of the Concept Plan decision, if applicable, and a brief description of the proposed application.
3. Vested Rights. The contents of notices pertaining to vested rights are further specified by Section 5.2.11.3, *Notice of Hearing and Decision; Form of Approval*, and Section 5.2.11.4., *Notice of Final Approval*.
4. Planned Development Amendments. Notice of hearings regarding amendments to conceptual PD plans, final PD plans, and PD development agreements shall be provided to all owners of property within the boundaries of the PD. [Added 10-3-2024]

5. Mineral Estate Notice. If required by C.R.S. 24-65.5-101, *et seq.*, the applicant shall provide notice to the mineral estate holder not less than 30 calendar days prior to the initial public hearing on the application for development approval via certified mail, return receipt requested or nationally recognized overnight courier. A copy of the notice shall be provided to the County, including the names and addresses to which the notice was sent, in like manner. *See C.R.S. 24-65.5-103.*
6. Administrative Subdivision Exemption, Plat Amendment, and Final Plat Decisions. In addition to the requirements of Table 5.2.5.11.B., *Contents of Public Notice by Notice Type*, notices of pending decisions of the Director as to administrative subdivision exemptions, plat amendments, and final plats must:
  - a. Invite the submission of written comments prior to the administrative decision; and
  - b. State that an appeal from the Director's decision to the Board of County Commissioners is available pursuant to Section 5.2.14.1., *Administrative Appeals*, Chaffee County Land Use Code. *See C.R.S. § 30-28-133.5(1)(c).* [Added 10-9-2024]

H. *Specific Requirements by Notice Type.*

1. Published Notice. Published notice shall be published in a newspaper that meets the requisites enumerated in C.R.S. § 24-70-103. The Director shall request proof of such notice in the form required by C.R.S. § 24-70-105, and keep same in the record of the matter for which notice was provided. [Updated 10-2-2024]
2. Posted Notice.
  - a. Posted notice shall be provided on signs provided by the applicant at the applicant's expense. It is the applicant's responsibility to post the sign(s) and ensure that they remain in place from the date of posting to the date of the meeting, hearing, or decision to which they relate.
  - b. Posted notice shall be provided with one sign per road frontage. For property with more than 1,500 feet of road frontage along one road, two signs shall be posted along that road. Signs shall be placed in a manner that makes them clearly visible to passers-by. The posting location shall be in accordance with a posting plan submitted by the applicant and approved by the Director to optimize notice to the public. Such notice shall be in compliance with the sign specifications, materials, and templates approved by the Director.
3. Mailed Notice. Unless otherwise required by Colorado law or this Code, mailed notice shall be delivered via First Class Mail, postage prepaid, to the names and addresses that appear in the records of the Chaffee County Assessor not more than 30 days before the mail notices are sent for those

properties within the notice area specified in Table 5.2.5.11.A., *Notice Requirements by Application Type*.

4. Internet Notice. The County may create and maintain web pages for the purposes of public notice, and once such web pages are established, the Director shall cause timely notice of applications and decisions for which Internet notice is required to be published upon them. Such internet notice shall provide, at a minimum, a way for interested persons to request an opportunity to review the application materials; and may also provide for electronic access to the application materials.

Sec. 5.2.5.12 PUBLIC MEETINGS AND PUBLIC HEARINGS [UPDATED 10-9-2024]

- A. *Generally*. The decision-making body (Planning Commission, Board of County Commissioners (“BOCC”), or Board of Adjustment, based on application review type), shall:
  1. Approve, approve with conditions, or deny the application, based upon compliance with the applicable standards in this Code; or
  2. Continue the hearing unless such continuance is prohibited by this Code or Colorado law; or
  3. For BOCC hearings after recommendation of the Planning Commission, remand the application to the Planning Commission unless such remand is prohibited by this Code or Colorado law.
- B. *123 Go! Program Applications*. 123 Go! program applications shall be decided within 90 days after the Director’s determination of completeness, subject to any extensions as provided in Section 5.2.3.4., *123 Go! Program Established*. To prevent misuse of the 123 Go! program, if at the time of public hearing the BOCC determines that the applicant’s assurances that the proposed development will continue to be a “qualifying affordable housing project” indefinitely are insufficient, the BOCC may deny the application.
- C. *Public Hearing Procedures*. If a public hearing is required for the application, review and decision by the Planning Commission, Board of Adjustment, or BOCC shall only occur following a public hearing, and the decision shall be made on the record of the hearing.

Sec. 5.2.5.13 CONTINUANCES AND WITHDRAWAL

- A. *Continuances*.
  1. Requests for continuance by the applicant of any proceeding called for in this Code may be granted at the discretion of the body holding the public meeting or public hearing. If granted, the applicant shall pay all additional costs associated with the rescheduling of the proceeding.
  2. No public hearing shall continue for more than 40 days from the date of commencement without the written consent of the applicant. Any

continuation of a public hearing shall be to a date certain. *See* C.R.S. 30-28-133.5(5).

- B. *Withdrawal.* Any application may be withdrawn, either in writing or on the record, prior to or during the meeting or hearing at which the application is considered, if it is withdrawn before official action is taken on the application.

DIVISION 5.2.6 SUBDIVISION EXEMPTION STANDARDS AND PROCEDURES [ADDED ENTIRE DIVISION 10-4-2024]

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Sec. 5.2.6.1 PURPOSE AND APPLICABILITY

- A. *Purpose.* This Division includes standards and procedures for processing the following types of land divisions that are designated by the County and C.R.S. § 30-28-101(10)(d) as subdivision exemptions:
1. The following administrative subdivision exemption types are approved by the Director's signature upon the subdivision exemption plat or map:
    - a. Lot and Boundary Line Adjustments
    - b. Agricultural Subdivision Exemptions
    - c. Limited Plat Amendments
    - d. Minor Divided Subdivision Exemption
    - e. Vacation of Recorded Subdivision Plat / Lot Line Elimination
  2. The following public hearing subdivision exemption types are approved by resolution of the Board of County Commissioners and, as applicable, the chair's signature upon the subdivision exemption plat or map:
    - a. Condominium Plats
    - b. Exemption for Public Benefit
    - c. Road and Alley Vacations
    - d. Rural Land Use Process
    - e. Resolution of Illegal Land Divisions
- B. *Applicability.* The Sections set out within this Division apply individually to the types of subdivision exemptions referred to therein.

Sec. 5.2.6.2 LOT AND BOUNDARY LINE ADJUSTMENTS

- A. *Generally.* Revisions to boundary lines or lot lines that do not increase the number of parcels or lots previously approved or are for the purpose of correcting an engineering or survey error in a recorded final plat, may be processed as subdivision exemptions. This Section shall not operate to exclude other methods for establishing boundaries and resolving boundary disputes, as same may be available under the authority of C.R.S. § 38-44-101, *et seq.*, or for

correcting recorded final plats under the limited circumstances set out in C.R.S. § 38-51-111.

B. *Review Procedures.* The procedures for lot line and boundary line adjustments are set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals.*

C. *Approval Criteria.*

1. A lot line or boundary line adjustment may be approved if it is demonstrated that the lot line or boundary line adjustment:
  - a. Creates no more than the previously recorded number of lots and parcels within the subject property, and does not:
  - b. Create lots or parcels that are not in compliance with this Code; or
  - c. Exacerbate existing nonconformities.
  - d. Does not require relocation of existing building envelopes, either by specific relocation thereof, or by an encroachment of a setback line within an existing building envelope.
2. In addition to the approval criteria enumerated in subsection C.1., above, if the request involves an original or resulting lot or parcel that is crossed by a municipal boundary, and the municipal comprehensive or master plan lacks specific guidance to approve a request for boundary line revision, the Board of County Commissioners must find the following:
  - a. There has been substantial change in the vicinity of the property in question, or time and experience have shown that the existing boundary or lot line is unwise or in need of change; and
  - b. The impact of the boundary or lot line revision request on the immediate neighborhood, vicinity, and community as a whole will be neutral or positive.

#### Sec. 5.2.6.3 AGRICULTURAL SUBDIVISION EXEMPTIONS

- A. *Generally.* Agricultural subdivision exemptions are a limited exemption that is intended to facilitate subdivision of a single parcel to create one new residential lot, while the remainder of the subject property continues to be used for agricultural or ranching purposes. A subject property may be divided using agricultural subdivision exemptions three times, and thereafter standard subdivision review procedures are required.
- B. *Review Procedures.* The procedures for agricultural subdivision exemption review are set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals.*
- C. *Approval Criteria.* An agricultural subdivision exemption may be approved if it is demonstrated that:
1. The subject property is used for agricultural or ranching purposes;



2. No other agricultural subdivision exemption has been approved regarding any part of the subject property within the same calendar year;
3. The agricultural subdivision exemption has been applied not more than two times to any part of the subject property prior to filing of the agricultural subdivision exemption application that is under review;
4. The result of the agricultural subdivision exemption is:
  - a. One new residential lot that conforms to the requirements of this Code (including but not limited to minimum area, setbacks, easements, and access permit);
  - b. An agricultural tract that is at least 35 acres in area that remains in agricultural use as defined in C.R.S. § 35-1-102(1), as amended; and
  - c. A relationship among residential lots (if more than one agricultural subdivision exemption has been applied) and agricultural tracts on the parcel that:
    - i. Maintains primary access for adjacent properties and safe access for properties located across the road, as applicable;
    - ii. Connects road networks, as applicable;
    - iii. Accommodates existing ditches and ditch easements, as applicable; and
    - iv. Does not fragment the land in ways that materially undermine the utility of the land for agricultural or ranching use and wildlife movement.
5. The new residential lot shall take access from a local road or minor collector. Access from a major collector or arterial may be approved as an alternative only if it is demonstrated that:
  - a. Access from a local road or minor collector is infeasible;
  - b. Access to the major collector or arterial is configured so that vehicles do not back onto the road; and
  - c. The access meets the requirements of the Engineering Standards or the Colorado Department of Transportation (“CDOT”) issues an access permit pursuant to the State Highway Access Code (2 CCR § 601-1), as applicable.
6. If the new residential lot adjoins an existing County road, the ultimate right-of-way for that road shall be dedicated to Chaffee County along the residential lot frontage, and as necessary to complete scheduled capital improvements, address safety, drainage, or maintenance issues, or improve intersection design, additional right-of-way may be required along the agricultural or ranching tract frontage.

- D. *1041 Regulations Exemption.* Agricultural subdivision exemptions are exempt from the provisions of Chapter 9 of the Chaffee County 1041 Regulations.

Sec. 5.2.6.4 LIMITED PLAT AMENDMENTS

- A. *Generally.* Amendments of previously approved and recorded final plats and subdivision exemptions that do not affect lot boundaries are subdivision exemptions.
- B. *Review Procedures.* The procedures for limited plat amendment review are set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals.*
- C. *Approval Criteria.* Limited plat amendments may be approved if it is demonstrated that:
  - 1. The limited plat amendment corrects one or more technical errors (but not lot or boundary lines) in an approved and recorded plat, including but not limited to: building envelopes, addresses, legal descriptions, acknowledgements, dedication language, plat notes, and other items that do not constitute substantial modification of the approved plat; and
  - 2. The correction is consistent with an approved site plan or subdivision plat and complies with all applicable requirements of this Code.

Sec. 5.2.6.5 MINOR DIVIDED SUBDIVISION EXEMPTION

- A. *Generally.* A minor divided subdivision exemption may be used to create two parcels from a single ownership that is divided by a County Road, State Highway, railroad, river, or major stream that is beyond the control of the property owner.
- B. *Review Procedures.* The procedures for limited plat amendment review are set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals.*
- C. *Approval Criteria.* A minor divided subdivision exemption may be approved if it is demonstrated that:
  - 1. The subject property is comprised of land under single ownership that:
    - a. Was divided by a deeded County Road, State Highway, or existing railroad; or
    - b. Is traversed by the Arkansas River, the South Arkansas River, the North Fork of the South Arkansas River Chalk Creek, Cottonwood Creek (including North and South branches), Clear Creek, Poncha Creek, Trout Creek, or Brown's Creek; and
  - 2. The lots created by the subdivision exemption conform to applicable zoning, density, frontage, setback, fire protection, state highway access, addressing, and lot area requirements; and
  - 3. The lots created by the subdivision are served with adequate water and wastewater facilities based on their contemplated use.

Sec. 5.2.6.6 VACATION OF A RECORDED SUBDIVISION PLAT / LOT LINE ELIMINATION

- A. *Generally.* The vacation of a recorded subdivision plat / lot line elimination exemption is used to vacate all or a portion of a plat, or to eliminate lot lines within a plat, or to provide for the merger of unplatted parcels.
- B. *Review Procedures.*
  - 1. The procedures for limited plat amendment review are generally set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals.*
  - 2. Owners of affected properties may request a hearing within 120 days after receipt of notice of the County's intent to vacate a plat, eliminate lot lines, or merge unplatted parcels.
  - 3. If a hearing is requested, not less than 15 days' notice of the hearing shall be provided by publication, internet, and by First Class mail to affected landowners.
  - 4. If a hearing is not timely requested, the Director may approve the vacation of the recorded subdivision plat, the elimination of lot lines, or the merger of unplatted parcels.
- C. *Approval Conditions.*
  - 1. As to partial vacations of plats and elimination of lot lines within a subdivision, a revised final plat shall be provided, showing the consolidated lots and any remaining roads, utilities, easements, or other public facilities and dedications.
  - 2. Eliminated lot lines shall not be re-established and consolidated lots shall only be re-subdivided subject to a subdivision approval pursuant to this Land Use Code.

Sec. 5.2.6.7 CONDOMINIUM PLATS

- A. *Generally.* Condominium plats may be processed as subdivision exemptions. However, applicants are advised that the approval of a condominium plat does not constitute the creation of a condominium, which is subject to additional requirements, including but not necessarily limited to those set out in the *Condominium Ownership Act, C.R.S. § 38-33-101, et seq.*
- B. *Review Procedures.* The procedures for lot condominium plat review are set out in Table 5.2.3.3., *Public Hearing Approvals.*
- C. *Approval Criteria.* A condominium plat may be approved if it is demonstrated that the condominium plat:
  - 1. Is consistent with the approved site plan or subdivision final plat within which the subject property is located;
  - 2. Complies with applicable regulations of the zoning district (or final PD plan and PD development agreement) within which the subject property is located, including permissible residential densities;

3. Covenants, conditions, and restrictions (“CCRs”) make adequate provision for the perpetual maintenance of common elements and limited common elements at no cost to the County, and the elements of the CCRs that implement this Code or conditions of site plan, subdivision, final PD plan, or PD development agreement approval are enforceable by the County;
4. A development agreement is signed and submitted by the applicant, and an adequate financial guarantee for improvements is posted or will be posted prior to approval of the condominium plat, if necessary to secure the construction of required public improvements; and
5. A prior finding has been made, or the application demonstrates that:
  - a. A water supply is available that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
  - b. If a public sewage disposal system is proposed, provision has been made for such system and, if other methods of sewage disposal are proposed, such systems will comply with applicable regulations; and
  - c. All areas of the subject property that are affected by soil or topographical conditions that present hazards or require special precautions have been identified, and the proposed uses of said areas are compatible with such conditions. *See C.R.S. § 30-28-133.5(1.5)(a).*

Sec. 5.2.6.8 EXEMPTION FOR PUBLIC BENEFIT

- A. *Generally.* Subdivision exemptions are allowed for uses with public benefit including but not limited to provision of parcels and tracts for historic preservation, public open space, public schools, essential services, minor utilities, irrigation ditches, and roads, and comparable publicly-owned, utility, or public-serving facilities with reasonable assurances of indefinite continued operation.
- B. *Review Procedures.* The procedures for exemption for public benefit review are set out in Table 5.2.3.3., *Public Hearing Approvals*.
- C. *Approval Criteria.* Exemptions for public benefit may be approved if:
  1. Indefinite public benefit is shown, as described in Subsection A., above, and
  2. A prior finding has been made, or the application demonstrates that:
    - a. A water supply is available that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
    - b. If a public sewage disposal system is proposed, provision has been made for such system and, if other methods of sewage disposal are proposed, such systems will comply with applicable regulations; and
    - c. All areas of the subject property that are affected by soil or topographical conditions that present hazards or require special

precautions have been identified, and the proposed uses of said areas are compatible with such conditions. *See* C.R.S. § 30-28-133.5(1.5)(a).

Sec. 5.2.6.9 ROAD AND ALLEY VACATIONS

- A. *Generally.* Vacations of public roads and alleys are processed as public hearing subdivision exemptions. If the road or street is within a platted Townsite or subdivision, the plat shall be designated as a replat of a portion of the Townsite or subdivision, and the portions of the road or alley vacated shall be incorporated into the adjacent lots.
- B. *Review Procedures.* The procedures for vacation of a road or alley are set out in Table 5.2.3.3., *Public Hearing Approvals*.
- C. *Approval Criteria.* Criteria specific to road or alley vacations are established in CRS § 43-2-303, and shall present a compelling local interest in addition to meeting the following minimum criteria
1. The land to be vacated is no longer necessary for current or future public use and convenience;
  2. The road or alley to be vacated is located entirely within the unincorporated County, or if it is located within the County and a municipality or another County, it is vacated by joint action of the Board of County Commissioners and the other local government;
  3. The vacation will not create a land-locked parcel without direct access onto a public road or an established public or private access easement connecting said parcel with an established public road;
  4. The vacation is consistent with the Comprehensive Plan and other adopted County policies and plans, including any adopted Transportation Plan, Sub-Area Plan, Trails Master Plan, or streets/roadway plan, and future transportation or utility needs;
  5. The vacation will not frustrate the implementation of a major streets plan adopted by a municipality with extraterritorial jurisdiction over major streets that includes the subject property;
  6. The right-of-way is not being used for any governmental purpose;
  7. None of the right-of-way to be vacated constitutes a boundary line between two jurisdictions within the County, or between the County and an adjoining County, unless specifically addressed in an IGA or pre-annexation agreement, as applicable;
  8. The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the present or future quality of public facilities or services provided to any parcel of land, including but not limited to emergency response, law enforcement, access, and utility service; and
  9. Rights-of-way or easements may that are necessary for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for

ditches or canals and appurtenances, and for electric, telephone, telecommunications, and similar lines, are granted or reserved.

Sec. 5.2.6.10 RURAL LAND USE PROCESS

- A. *Generally.* A development approved pursuant to the statutory rural land use process is eligible for the cluster well exemption set forth in C.R.S. § 30-28-404.
- B. *Review Procedures.* The procedures for the rural land use process are set out in Table 5.2.3.3., *Public Hearing Approvals*.
- C. *Approval Criteria.* A statutory rural land use cluster may be approved if it is demonstrated that:
  - 1. The size, location, and dimensions of the resulting lots comply with the requirements of this Code and provide reasonable building envelopes, taking into account natural and man-made hazards and natural resources and any applicable well and OWTS spacing requirements;
  - 2. Two-thirds of the total area of the subject property shall be preserved as contiguous open space to be used for resource stewardship, including but not limited to wildlife habitat, corridor, or range protection; grazing or crop land; critical natural areas; or similar uses, arranged as provided in this Code, and:
    - a. If the resource stewardship area relates to highest value habitat, high value habitat, big game migration corridors, or big game winter range, the conservation area shall be protected by a perpetual conservation easement or similar legal protection approved by the Board of County Commissioners; or
    - b. If the resource stewardship area relates to working agricultural or ranch lands, the resource stewardship area shall be protected from inconsistent development for a minimum of at least forty (40) years from the date the statutory cluster subdivision is approved; and
  - 3. The residential density of the proposed statutory cluster does not exceed two dwelling units for every 35 acres or one dwelling unit for each 17.5-acre increment;
  - 4. If a public sewage disposal system is proposed, provision has been made for such system and, if other methods of sewage disposal are proposed, such systems will comply with state and local laws and regulations that are in effect at the time of submission of the minor subdivision application;
  - 5. All areas of the proposed statutory cluster subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and the proposed uses of these areas are compatible with such conditions;

6. Building envelopes are provided on the statutory cluster subdivision plat as may be required to ensure the protection of natural resources or the avoidance, minimization, or mitigation of natural hazards; and
7. Where well water is used, the annual withdrawal rate will not exceed the rate of one acre-foot for each 35 acres within the statutory cluster development unless an approved water augmentation plan to offset such additional use is provided.

Sec. 5.2.6.11 RESOLUTION OF UNLAWFUL LAND DIVISIONS

- A. *Generally.* Unlawful land divisions may be resolved, allowing for (among other things) the lawful conveyance of the subject property and the issuance of building permits by way of the “resolution of unlawful land divisions” subdivision exemption.
- B. *Review Procedures.* The procedures for vacation of a road or alley are set out in Table 5.2.3.3., *Public Hearing Approvals*.
- C. *Approval Criteria.* A resolution of unlawful land division subdivision exemption may be approved if it is demonstrated that:
  1. The approval is not being utilized for the purpose of evading the requirements and intent of this Code with regard to subdivision;
  2. It is not feasible to restore affected parcels back to their last legal configuration and there are no other available subdivision or subdivision exemption options to rectify the unlawful subdivision (*e.g.*, the owner of the subject property does not own a parcel of land adjacent to the subject property, whereby combining the parcels could establish a parcel that is not a “subdivision” or “subdivided land” as defined in C.R.S. § 30-28-101(10));
  3. The owner of the subject property did not cause the unlawful subdivision to occur (as the original grantor or grantee);
  4. At least 10 years has elapsed since the unlawful subdivision occurred;
  5. The subject property has access to the state highway system as required by C.R.S. § 30-28-133.1;
  6. A water supply is available that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the subject property;
  7. If a public sewage disposal system is proposed, provision has been made for such system and, if other methods of sewage disposal are proposed, such systems will comply with applicable regulations; and
  8. All areas of the subject property that are affected by soil or topographical conditions that present hazards or require special precautions have been identified, and the proposed uses of said areas are compatible with such conditions; and



9. Rectification of the unlawful subdivision will promote the lawful use and proper stewardship of land; and
10. Approval of the resolution of unlawful land division will not adversely impact the surrounding land uses.

## DIVISION 5.2.7 SUBDIVISION PROCEDURES [ADDED 10-1-2024]

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### Sec. 5.2.7.1 MINOR SUBDIVISION

- A. *Generally.* The minor subdivision review process is a streamlined plat review process for subdivisions that create no more than four (total) lots, and that do not create improvements that require the expenditure of public funds. Minor subdivisions involve concurrent review of preliminary plans and final plats. The type of subdivision may be a conventional subdivision or a ROSI subdivision.
- B. *Limitations.* A subject property may be divided using the minor subdivision process only once. Except in cases where a subdivision exemption process is available, further subdivision after minor subdivision requires major subdivision review.
- C. *Review Procedures.* The procedures for minor subdivision review are set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals.*
- D. *Approval Criteria.* A minor subdivision may be approved if it is demonstrated that:
  1. The resulting division of land complies with all applicable requirements of this Code for the type of subdivision proposed;
  2. Definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
  3. If a public sewage disposal system is proposed, provision has been made for such system and, if other methods of sewage disposal are proposed, such systems will comply with state and local laws and regulations that are in effect at the time of submission of the minor subdivision application;
  4. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and the proposed uses of these areas are compatible with such conditions. *See C.R.S. § 30-28-133(6).*
- E. *Further Subdivision.* Further subdivision of lots platted through the Minor Subdivision process shall only be further subdivided using the Major Subdivision process.

### Sec. 5.2.7.2 MAJOR SUBDIVISION

- A. *Generally.* The major subdivision review process applies to subdivisions that do not qualify for subdivision exemptions or minor subdivision review procedures. Major subdivision involves three steps:

1. An administrative sketch plan review;
  2. A public hearing preliminary plan review (and if the development agreement involves public or private reimbursement obligations or the potential expenditure of public funds, development agreement review as to those provisions); and
  3. An administrative final plat and development agreement review or finalization (if review occurred during step 2., above).
- B. *Review Procedures.* The procedures for major subdivision review are set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals*, as to sketch plan and final plat review, and Table 5.2.3.3., *Public Hearing Approvals*, as to preliminary plan review. Development agreements may be subject to either administrative or public hearing review, depending upon their scope (see Subsection A., above).
- C. *Sketch Plan Review.*
1. Generally. Sketch plan review is intended to provide administrative review at a conceptual level of the feasibility and design characteristics of the proposed subdivision. At the sketch plan review stage, the applicant shall provide a preliminary report on major features (see Section 4.2.2.1., *Preliminary Report on Major Features*) and a conceptual design for the proposed subdivision.
  2. Review Procedures. The procedures for sketch plan review are set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals*. The Director shall review the materials, provide them to affected referral agencies as the Director determines appropriate.
  3. Comments to Applicant. Sketch plan review concludes with written comments being provided to the applicant regarding issues that must be resolved by the preliminary plan and final plat. Sketch plan review is for informational purposes only, and is not considered a formal approval.
- D. *Preliminary Plan Review.*
1. Generally. Preliminary plan review is intended to evaluate the feasibility, design characteristics, and preliminary engineering of a proposed land division based on the applicable standards of this Code and the ECM. If the applicant proposes a development agreement that involves public or private reimbursement obligations or the potential expenditure of public funds, then such provisions of the development agreement shall be reviewed concurrently with the preliminary plan.
  2. Review Procedures. The procedures for preliminary plan review are set out in Table 5.2.3.3., *Public Hearing Approvals*.
  3. Concurrent Processing with Final Plat. The Director may approve concurrent processing of the preliminary plan and the final plat if:

- a. All application requirements for preliminary plan and final plat are included in the submittal; and
  - b. The applicant acknowledges in writing that proceeding with concurrent preliminary plan and final plat review is at the applicant's own risk that required modifications to the preliminary plan may create substantial additional expense to the applicant with regard to the redesign of the final plat and associated construction documents.
4. Approval Criteria.
- a. A preliminary plan may be approved if it is demonstrated that:
    - i. The resulting division of land complies with all applicable requirements of this Code for the type of subdivision proposed (*i.e.*, the data, surveys, analyses, studies, plans, and designs as may be required by this Code and upon request of the reviewing bodies have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the County); [See C.R.S. § 30-28-133\(5\)](#).
    - ii. Definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed; [See C.R.S. § 29-20-303\(1\)](#) (preliminary plan is the stage of major subdivision review that the County determines "that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate").
    - iii. If a public sewage disposal system is proposed, provision has been made for such system and, if other methods of sewage disposal are proposed, such systems will comply with state and local laws and regulations that are in effect at the time of submission of the minor subdivision application;
    - iv. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and the proposed uses of these areas are compatible with such conditions; and [See C.R.S. § 30-28-133\(6\)](#).
    - v. The preliminary plan has a favorable recommendation from Chaffee County Public Health or Colorado Department of Public Health and Environment regarding the proposed method of sewage disposal. [See C.R.S. § 30-28-136\(1\)\(g\)](#)
  - b. Development agreement terms regarding reimbursement requirements that obligate the owner or owners of property that is adjacent to or has presumed use of the improvements when the subject property is developed may be approved if it is demonstrated that:
    - i. The reimbursement obligations represent the fair share contributions of the property owners that will incur the

obligations; and

- ii. The term for reimbursement does not exceed 15 years. *See C.R.S. § 30-28-133(12)*
- c. Development agreement terms that obligate the County to expend public funds shall be in the public interest, shall obligate the County to not more than its proportional fair share of costs in service to those interests, and shall comply with Colorado law, including the Taxpayer's Bill of Rights.

E. *Final Plat and Development Agreement Review.*

1. Generally. Final plat review is the last step of the major subdivision process. Approved final plats may be recorded and thereafter land so subdivided may be lawfully conveyed with reference to the plat. Final plats are processed concurrently with development agreements.
2. Review Procedures. The procedures for minor subdivision review are set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals.*
3. Approval Criteria. A final plat and development agreement may be approved if it is demonstrated that:
  - a. The resulting division of land substantially conforms to the subdivision design set out in the preliminary plat for the area encompassed by the final plat;
  - b. The development agreement conforms to any requirements established during preliminary plan review, and sets out:
    - i. The applicant's commitment to construct, or the plan, method, and parties responsible for the construction of, the public improvements shown in the final plat documents;
    - ii. Financial guarantees that are sufficient, in the judgment of the Director, to make reasonable provision for the completion of said improvements in accordance with design and time specifications;
    - iii. Approval conditions and that are not required to be completed prior to recordation of the final plat;
    - iv. Ongoing commitments of the applicant with regard to development within the subject property; and
    - v. Such other terms as the Director, in consultation with the County Attorney, determines are necessary to protect the County's interests in the proper implementation of the final plat approval.
  - c. The resulting division of land complies with all applicable requirements of this Code for the type of subdivision proposed;
  - d. If it is obvious that the water demands or supply for the proposed subdivision are materially changed since the preliminary plan approval,

definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed; *See C.R.S. § 29-20-303(1)*.

- e. If the method of wastewater collection and treatment is materially changed since the preliminary plan approval, then:
  - i. If a public sewage disposal system is proposed, provision has been made for such system; or
  - ii. If other methods of sewage disposal are proposed, such systems will comply with state and local laws and regulations that are in effect at the time of submission of the final plat application; and
- f. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and the proposed uses of these areas are compatible with such conditions. *See C.R.S. § 30-28-133(6)*.

#### Sec. 5.2.7.3 CORRECTION PLAT (MOVED HERE, 10-1-2024)

- A. *Generally.* The Board of County Commissioners may approve a correction plat at a public meeting, if the sole purpose of such correction plat is to correct one or more technical errors in an approved plat, and such correction plat is consistent with an approved preliminary plan. Applications for a correction plat shall indicate the technical errors to be corrected, and do not require further studies, referrals, or reviews that are associated with preliminary plans or final plats. *See C.R.S. § 30-28-133(9)*.
- B. *Exception.* If the technical error or errors of an approved plat meet the description of any errors under C.R.S. § 38-51-111(2), then a surveyor's affidavit of correction shall be prepared in lieu of a correction plat. *See C.R.S. §§ 30-28-133(9); 38-51-102*.

### DIVISION 5.2.8 PLANNED DEVELOPMENT STANDARDS AND PROCEDURES (ADDED DIVISION 10-1-2024)

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#### Sec. 5.2.8.1 PURPOSE, INTENT, AND INTERPRETATION

- A. *Purpose.* A planned development ("PD") allows for variations from the strict application of the standards of the County's other zoning districts (collectively, "conventional districts") in order to achieve a more desirable environment than would be possible through their strict application. PDs provide an opportunity for a mixture of uses and housing types in a coordinated manner that may not be permissible under conventional district regulations. A PD essentially creates a customized zoning district that contains the permissible uses and development standards for the subject property.

- B. *Intent.* The conventional districts are intended to provide significant flexibility with regard to the use of land and the form of development, in a manner that is responsive to natural resource constraints and consistent with the Comprehensive Plan. As such, it is the intent of the Board of County Commissioners that this Division be rarely used. PD should be applied to truly novel or exceptional development that provides material benefits to the County in terms of land use amenity or natural resource stewardship.
- C. *Interpretation.* This Division is to be interpreted in a manner that is consistent with the “Planned Unit Development Act of 1972,” C.R.S. § 24-67-101, *et seq.*

#### Sec. 5.2.8.2 PERMISSIBLE USES

- A. *Generally.* Land uses that are proposed to be allowed within a PD may include all uses that are permitted in the underlying zoning district where the PD is located, or a subset thereof, and any other uses that are physically, functionally, and aesthetically compatible with the uses contemplated by the Comprehensive Plan and other County adopted plans for the area in which the subject property is located. All uses shall be selected, arranged, and designed in consideration of the subject property’s physical and environmental characteristics.
- B. *Definition of Uses.* Allowed uses shall be specified in the conceptual PD plan and final PD plan, and shall utilize the land use vocabulary of Division 2.1.3., *Land Use by Zoning District*, unless such vocabulary does not encompass a particular proposed use. All specified land uses do not utilize the land use vocabulary of Division 2.1.3. shall be defined in an appendix to the PD development agreement.

[See C.R.S. § 24-67-105\(2\).](#)

#### Sec. 5.2.8.3 WAIVER OR MODIFICATION OF ZONING REQUIREMENTS

The Board of County Commissioners may waive or modify specifications, standards, and requirements such as density, setbacks, height restrictions, land dedications (except school dedications, if required by this Code), improvement standards, and related requirements that would be otherwise applicable to a particular land use, if such waiver or modification furthers the objectives of this Code, the Comprehensive Plan, and meets the approval standards set out in these PD regulations, resulting in truly novel or exceptional development. [See C.R.S. § 24-67-105\(7\).](#)

#### Sec. 5.2.8.4 MINIMUM SCALE

A PD may be applied to any subject property, regardless of its land area, and may contain any number of dwelling units or square feet of nonresidential development. [See C.R.S. § 24-67-105\(2\).](#)

#### Sec. 5.2.8.5 APPROVAL STANDARDS

- A. *Generally.* A PD may be approved or amended if it is demonstrated that the standards of this Section are met.



- B. *Consistency with the PD Intent Statement.* The proposed development shall be consistent with the intent of these PD regulations and the purposes of the Planned Unit Development Act of 1972 in that it provides for novel or exceptional development that could not otherwise be approved in a conventional district. Examples of novel or exceptional development include, but are not limited to development that:
1. Encourages innovations in agricultural, recreational, residential, commercial, or industrial developments through diversity in the type, design, density, and lay-out of lots and buildings, and a heightened efficiency of use of developed land and open space;
  2. Encourages mixing of compatible land uses that cannot otherwise be developed in mixed-use configurations in the MUR or MUC zoning district, to stimulate economic vitality, stability, or sustainability;
  3. Provides more efficient use of roads, streets, and highways; promotes the creation of extraordinary paths and trails that provide convenient pedestrian, bicycle, equestrian (as appropriate) access internally, to and through open space, and to nearby public lands; or allows for substantially more cost-effective and efficient extensions of public infrastructure into areas where it is needed;
  4. Provides for clustered designs that are more protective of open space, wildlife habitat, riparian corridors, and comparable natural and scenic resources than can be achieved within conventional districts through the application of conservation subdivision principles, and that conserves the resource value of the land for a long period of time;
  5. Allows for a range of use types and housing formats at different price points, such that the diversity of businesses and households in close proximity to each other is enhanced;
  6. Encourages energy efficiency, alternative energy sources, and the use of microgrids or other emerging utility infrastructure that enhances the reliability or resiliency of utility services;
  7. Encourages agriculture and local food production by preserving existing irrigated agricultural parcels in a manner that exceeds that which can be achieved within conventional districts through the application of conservation subdivision principles.
- C. *Consistency with Adopted Plans.* The proposed development shall be consistent with the goals of County-adopted plans, including the Chaffee County Comprehensive Plan, the Commercial Land Use Policy, the Chaffee County Heritage Area Management Plan, the Chaffee County Trails Master Plan, the Salida Regional Transportation Plan, and other plans adopted by the Board of Commissioners. For the purposes of this standard, “consistent” means that the PD will, on balance, advance goals, strategies, objectives, or policies within the plan, and that trails shown on the Chaffee County Trails Master Plan are provided. If



the PD does not relate to any goals, strategies, objectives, or policies within a plan, it shall be considered consistent if it does not undermine the implementation of the plan. [See C.R.S. § 24-67-104\(1\)\(f\) \(general conformity with comprehensive plan is a required finding\)](#)

- D. *Relationship to Surrounding Area.* The use, design, operational characteristics, and landscaping of the proposed development shall be physically and functionally compatible with the scale, intensity, and type of uses that are located on or approved for adjacent property.
- E. *Visual Impacts.* Construction on ridgelines that are visible from major roadways or residential development shall be designed and situated to blend into the surrounding natural environment.
- F. *Road and Multimodal Circulation System.*
  - 1. The proposed development shall provide appropriate access from public roads as well as an adequate internal road circulation system that is designed for the type of traffic generated in terms of safe movement in all seasons (including prevention of vehicular-pedestrian and vehicular-wildlife conflicts), separation from living areas, convenience, access, and wildlife crossing.
  - 2. The PD shall provide an integrated system of pedestrian and bicycle connections throughout the PD and shall connect to adjoining properties and rights of way as appropriate. Equestrian trails may also be provided as appropriate to the context of the subject property and the design intent of the PD.
  - 3. Private internal streets may be allowed, provided that adequate access for police and fire protection is provided and continuously maintained.
- G. *Housing.*
  - 1. The PD shall not restrict the development of accessory dwelling units in a manner that is more restrictive than the underlying zoning district. [\(implementing policy objective of C.R.S. § 24-67-105\(5.3\)\).](#)
  - 2. If the proposed development includes more than 10 housing units:
    - a. It shall provide for a variety of housing formats (or lot sizes, if housing formats are restricted by the availability of public water systems or domestic wastewater treatment systems) to achieve varied price points or ownership forms or both;
    - b. It shall implement such affordable housing requirements that may be adopted by Chaffee County from time to time; and
    - c. It shall include provisions for recreational opportunities and amenities for the residents of the PD.
- H. *Natural and Man-Made Hazards.* The proposed development shall avoid, minimize, or mitigate impacts to natural resources, and avoid, minimize, or mitigate natural and man-made hazards in the manner that is set out in Chapter

3.6, *Natural Resource Stewardship*, and Chapter 3.7, *Natural or Man-Made Hazards*, or in a manner that is materially more effective, giving priority to design and operational techniques that emphasize avoidance first, then minimization, then mitigation.

I. *Open Space*.

1. Generally. If the proposed development involves subdivision or condominium development, it shall provide common open space (either land or water or both that are within the subject property and used for agricultural or ranching purposes; natural resource stewardship; natural hazard avoidance; or wilderness, active, or passive parks, or trails that are intended to serve the needs of the residents, occupants, or owners of the PD, but not including roads, parking, or loading areas) in the following minimum proportions:
  - a. Residential PD: 25 percent of the subject property;
  - b. Nonresidential PD: 8 percent of the subject property;
  - c. Mixed-use PD: a percentage of the subject property that is calculated based the application of subsections I.1.a. and I.1.b., above, to the areas used for residential and nonresidential purposes, respectively, with areas of vertical mixed-use being counted as nonresidential, and undeveloped areas being counted as residential. *See C.R.S. § 24-67-105(6)(a).*
2. Protection of Open Spaces. Designated open spaces within the PD, including those spaces being used as public or private recreation sites, shall be protected by appropriate plat notes, covenants, conditions, and restrictions, or conveyances or dedications, which shall provide for the long-term maintenance and management of said open spaces at no cost to the County. *See C.R.S. § 24-67-105(6)(b).*
3. Payment in Lieu. The County may accept a payment in lieu of the provision of open space pursuant to Division 4.5.2., *Open Space/Amenities Dedication Requirements*.

J. *Density and Intensity*. In general, development within a PD shall be of an aggregate density and intensity of use that does not exceed that of the underlying zoning district. Additional density or intensity of use may be approved by way of the public benefit incentive program set out in Section 5.2.8.6, *Public Benefit Incentive*. *See C.R.S. § 24-67-105(4).*

K. *Consistency with Approved Conceptual PD Plan (Final PD Plan and PD Development Agreement only)*. All final PD plans and PD development agreements shall be consistent with the standards and conditions of approval that are set out in the approved conceptual PD plan for the subject property.

Sec. 5.2.8.6 PUBLIC BENEFIT INCENTIVE

A. *Purpose*. The public benefit incentive is intended to use density as an incentive to encourage quality residential or commercial development that respects and

preserves existing landscapes and sensitive environmental areas, that provides community facilities, that maintains agriculture and preserves irrigated lands, that supports local food production, that provides local job creation, or that otherwise provides important public benefits consistent with the Chaffee County Comprehensive Plan.

B. *Criteria for Application of Public Benefit Incentive.* Additional residential density or nonresidential intensity may be granted if at least one of the following public purposes is achieved:

1. Sensitive Land/Historic Resource Protection. The proposed PD will provide a materially greater degree of protection of open space, irrigated land, historic or cultural resources, natural resources, or scenic resources than is required by the otherwise applicable standards of this Code.
2. Community Facilities. The proposed PD contributes land or builds desired community facilities, within or outside of the PD (but concurrently with the PD) that serve not only the residents of the PD, but also serve surrounding communities or the public (*e.g.*, active, passive, or wilderness parks; public transportation; schools; government facilities or infrastructure; significant trail connections; fire stations; and similar community-serving facilities), or provides affordable housing opportunities.
3. Local Agricultural Production Opportunities. The PD provides significant areas land or meaningful opportunities to maintain or increase local agricultural diversity, viability, economic security, or production capabilities, either for the PD development or the community-at-large (*e.g.*, including community farms or agricultural cooperatives, central farm product distribution hubs, or other activities that promote local agricultural production or create opportunities to add value to agricultural products produced in the County).

#### Sec. 5.2.8.7 CONCEPTUAL PD PLAN REVIEW AND APPROVAL PROCEDURES

- A. *Generally.* The review procedures for conceptual PD plan review are set out in Table 5.2.3.3., *Public Hearing Approvals*. This Section provides supplemental requirements for certain review steps. Where this Section is silent as to a particular review step, the general requirements for that review step (in Division 5.2.5., *Standard Application Review Procedures*), apply without modification.
- B. *Application.*
1. Applications shall be submitted as provided in Sections 5.2.5.4., *Application*, and 5.2.5.5., *Application Fees and Escrows*, except that application intake shall be at a meeting during which the decision time frame is discussed (*see* Subsection B.2., below). Applications shall include, at a minimum:
    - a. The following information in a format approved by the Director:
      - i. Application form, application fees, and escrows (as applicable)

- ii. Vicinity map;
      - iii. Site plan;
      - iv. Written description;
      - v. Land suitability analysis;
      - vi. Impact analysis;
      - vii. Grading, erosion, and sediment control report and plan;
      - viii. Drainage report; and
      - ix. Draft PD Agreement; and
    - b. Such additional information as may be required by the Planning Commission or Board of County Commissioners, as either may determine germane to the processing of the application. *See C.R.S. § 24-67-105(5).*
  2. At the time of filing of the application, the applicant and Director shall agree to a time certain within which the application will be decided. While the County may decide the application before the expiration of the time certain, the Director shall not agree to a time certain of less than nine months from the application date. *See C.R.S. § 24-67-105.5(4).*
- C. *Public Meetings and Public Hearings.*
1. Decision-Making Deadline. Any PD application that has been neither approved, conditionally approved, nor denied within the time certain mutually agreed to by the County and the applicant at the time of filing shall be deemed approved. *See C.R.S. § 24-67-105.5(4).*
  2. Exceptions to Decision-Making Deadline. Subsection C.1. shall not apply if:
    - a. The applicant withdraws the application; or
    - b. The applicant waives the time certain for decision-making. *See C.R.S. § 24-67-105.5(4) and (5).*
  3. Extension of Decision-Making Deadline. The deadline in Subsection C.1. may be extended unilaterally by the County to receive a recommendation from an agency to which a PD application was referred. However, such extension shall not exceed 30 days unless the agency has notified the County that it will require additional time to complete its recommendation. *See C.R.S. § 24-67-105.5(4).*
  4. Expeditious Hearings Required. All required public hearings on PD applications shall be conducted expeditiously and concluded when all those present and wishing to testify have done so. *See C.R.S. § 24-67-105.5(3).*
- D. *Continuances and Withdrawal.* No public hearing on a PD application shall continue for more than 40 days from the date of commencement, except by written consent of the applicant. Any continuation of a public hearing shall be to a date certain. *See C.R.S. § 24-67-105.5(3).*

- E. *Duration of Approval; Effect of Lapse.* The duration of a conceptual PD plan approval shall be as provided in Section 5.2.10.3., *Duration and Lapse of Approval*, and may be extended as provided in Section 5.2.10.4., *Extension of Approval*. Upon lapse of a conceptual PD plan approval, the applicant shall apply for rezoning or re-apply for the conceptual PD plan approval. If the applicant fails to apply for rezoning within 90 days after the lapse of a conceptual PD plan, the Board of County Commissioners may introduce and consider an ordinance to rezone the subject property to a conventional district that is consistent with the future land use designation of the subject property as described in the Comprehensive Plan.

Sec. 5.2.8.8 CONCEPTUAL PD PLAN AMENDMENT PROCEDURES

A. *Generally.*

1. The applicant may request amendments to an approved conceptual PD plan or its conditions of approval prior to applying for final PD plan, concurrently with an application for final PD plan approval, or in conjunction with an application for amendments to an approved final PD plan.
2. Applications for amendments to a conceptual PD plan or its conditions of approval must be signed by all owners of property within the boundaries of any specific area that is the subject of the amendment.

B. *Required Findings.* No amendment to a conceptual PD plan may be approved unless it is demonstrated that:

1. The conceptual PD plan, as amended:
  - a. Continues to meet the standards set out in Section 5.2.7.5., *Approval Standards*, and, if applied (or if application is sought), Section 5.2.7.6., *Public Benefit Incentive*;
  - b. Is consistent with the efficient development and preservation of the entire PD; and
  - c. Does not affect in a substantially adverse manner either the enjoyment of land adjoining upon or across a road from the PD, or the public interest; and
2. The amendment is not granted solely to confer a special benefit upon any person. *See C.R.S. § 24-67-106(3)(b).*

C. *Minor Amendments.*

1. Minor amendments to an approved conceptual PD plan or its conditions of approval may be approved or approved with conditions by the Director if it is demonstrated that:
  - a. The amendments address physical, ecological, geological, or market conditions or constraints that were not anticipated during the conceptual PD approval process;

- b. The amendments do not materially increase the impacts of the development upon the road network, public infrastructure, natural resources, or agricultural or ranching operations;
  - c. The amendments do not materially increase risks (within the PD boundaries or outside of them) related to natural or man-made hazards; and
  - d. The request is within the following limitations:
    - i. The uses that are allowed within the PD, or specifically within various areas of the PD, are not changed;
    - ii. Building setbacks are not decreased by more than 10 percent, except that building setback adjustments are not allowed if they would result in violations of the IBC, the IRC, or the IWUIC, an encroachment into an easement that does not allow for construction of buildings, or a setback of less than five feet to a lot line;
    - iii. The number of approved dwelling units is not increased, and the number of approved affordable housing dwelling units is not decreased;
    - iv. The maximum floor area or height of nonresidential uses is not increased more than five percent;
    - v. The internal pedestrian and vehicular circulation system maintains its essential characteristics, or changes make the system demonstrably safer or less impactful to natural resources, livestock, and wildlife;
    - vi. The locations of connections to public roads outside of the PD are maintained, or upon consultation with the jurisdiction that controls the road, make traffic patterns on the road demonstrably safer or less impactful to natural resources, livestock, and wildlife;
    - vii. If the conceptual PD plan is divided into planning areas, not more than five percent of the nonresidential floor area in any planning area is reallocated to another planning area; and
    - viii. If the conceptual PD plan is divided into planning areas, not more than five percent of the dwelling units in any planning area is reallocated to another planning area.
2. In the alternative to subsection B.1., above, minor amendments to an approved conceptual PD plan or its conditions of approval may be approved or approved with conditions by the Director according to specifications for amendment that may be approved in a PD development agreement.
3. In the alternative to subsection B.1. and B.2., above, minor amendments to an approved conceptual PD plan or its conditions of approval may be

approved or approved with conditions in order to correct obvious scrivener's errors in order to prevent future misinterpretation of the approval documentation.

4. If the Director denies a request for minor amendment, the applicant may request that it be processed as a major amendment.

D. *Major Amendments.* Major amendments to an approved conceptual PD plan shall be processed in the same manner as an initial approval of a conceptual PD plan. If a request for a major amendment to a conceptual PD plan is denied, the conceptual PD plan will not be so amended, but the denial shall not affect the legal status of the conceptual PD plan in any other manner.

E. *Relationship to Variances.* In general, amendments to conceptual PD plans shall be processed according to the standards of this Section and no conceptual PD plan shall be modified by variance. However, the application of PD standards to an individually-owned residential lot that is designated for single-unit detached dwelling, duplex, multiplex, manufactured home, or tiny home purposes may be modified by variance.

#### Sec. 5.2.8.9 FINAL PD PLAN REVIEW AND APPROVAL [UPDATED 10-8-2024]

A. *Generally.* The review procedures for final PD plan review are set out in Table 5.2.3.3., *Public Hearing Approvals*. This Section provides supplemental requirements for certain review steps. Where this Section is silent as to a particular review step, the general requirements for that review step (in Division 5.2.5., *Standard Application Review Procedures*), apply without modification. The final PD plan shall meet all planning, engineering, and surveying requirements of this Code, the Administrative Manual, and the Engineering Criteria Manual for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.

B. *Application.* The application materials required for final PD plan review are set forth as follows:

1. Applications shall be submitted as provided in Sections 5.2.5.4., *Application*, and 5.2.5.5., *Application Fees and Escrows*, except that application intake shall be at a meeting during which the decision time frame is discussed (see Subsection B.2., below). Applications shall include, at a minimum:

- a. The following information in a format approved by the Director:
  - i. Application form, application fees, and escrows (as applicable)
  - ii. Vicinity map;
  - iii. Site plan;
  - iv. Written description, if updated;
  - v. Land suitability analysis, if updated;
  - vi. Impact analysis, if updated;



- vii. Grading, erosion, and sediment control report and plan, if updated;
  - viii. Drainage report, if updated;
  - ix. Final engineering plans for streets, water systems, wastewater systems (except OWTS for individual residential lots), and drainage, if no subdivision is proposed; and
  - x. Final PD agreement; and
- b. Such additional information as may be required by the Planning Commission or Board of County Commissioners, as either may determine germane to the processing of the application. *See C.R.S. § 24-67-105(5).*
- 2. At the time of filing of the application, the applicant and Director shall agree to a time certain within which the application will be decided. While the County may decide the application before the expiration of the time certain, the Director shall not agree to a time certain of less than nine months from the application date. *See C.R.S. § 24-67-105.5(4).*
- C. *Public Meetings and Public Hearings.*
- 1. Decision-Making Deadline. Any PD application that has been neither approved, conditionally approved, nor denied within the time certain mutually agreed to by the County and the applicant at the time of filing shall be deemed approved. *See C.R.S. § 24-67-105.5(4).*
  - 2. Exceptions to Decision-Making Deadline. Subsection C.1. shall not apply if:
    - a. The applicant withdraws the application; or
    - b. The applicant waives the time certain for decision-making. *See C.R.S. § 24-67-105.5(4) and (5).*
  - 3. Extension of Decision-Making Deadline. The deadline in Subsection C.1. may be extended unilaterally by the County to receive a recommendation from an agency to which a PD application was referred. However, such extension shall not exceed 30 days unless the agency has notified the County that it will require additional time to complete its recommendation. *See C.R.S. § 24-67-105.5(4).*
  - 4. Expeditious Hearings Required. All required public hearings on PD applications shall be conducted expeditiously and concluded when all those present and wishing to testify have done so. *See C.R.S. § 24-67-105.5(3).*
- D. *Continuances and Withdrawal.* No public hearing on a PD application shall continue for more than 40 days from the date of commencement, except by written consent of the applicant. Any continuation of a public hearing shall be to a date certain. *See C.R.S. § 24-67-105.5(3).*
- E. *Duration of Approval; Effect of Lapse.* The duration of a final PD plan approval shall be as provided in Section 5.2.10.3., *Duration and Lapse of Approval*, and may be extended as provided in Section 5.2.10.4., *Extension of Approval*. Upon lapse of

a final PD plan approval, the applicant shall re-apply for a final PD plan under the provisions of this Code that apply at the time of the re-application.

Sec. 5.2.8.10 FINAL PD PLAN AMENDMENT PROCEDURES

- A. *Generally.* The applicant may request amendments to an approved final PD plan or its conditions of approval at any time, and such request may be processed concurrently with a request for amendment to a conceptual PD plan. Applications for amendments to a final PD plan or its conditions of approval must be signed by all owners of property within the boundaries of any specific area that is the subject of the amendment.
- B. *Required Findings.* No amendment to a final PD plan may be approved unless it is demonstrated that:
1. The final PD plan, as amended:
    - a. Is consistent with the conceptual PD plan (if not, an amendment to the conceptual PD plan is also required);
    - b. Continues to meet the standards set out in Section 5.2.8.5., *Approval Standards*, and, if applied (or if application is sought), Section 5.2.8.6., *Public Benefit Incentive*;
    - c. Is consistent with the efficient development and preservation of the entire PD; and
    - d. Does not affect in a substantially adverse manner either the enjoyment of land adjoining upon or across a road from the PD, or the public interest; and
  2. The amendment is not granted solely to confer a special benefit upon any person. *See C.R.S. § 24-67-106(3)(b).*
- C. *Minor Amendments.*
1. Minor amendments to an approved final PD plan or its conditions of approval may be approved or approved with conditions by the Director if it is demonstrated that:
    - a. The amendments address physical, ecological, geological, or market conditions or constraints that were not anticipated during the conceptual PD approval process;
    - b. The amendments do not materially increase the impacts of the development upon the road network, public infrastructure, natural resources, or agricultural or ranching operations;
    - c. The amendments do not materially increase risks (within the PD boundaries or outside of them) related to natural or man-made hazards; and
    - d. The request is within the following limitations:

- i. The uses that are allowed within the PD, or specifically within various areas of the PD, are not changed;
  - ii. Building setbacks are not decreased by more than 10 percent, except that building setback adjustments are not allowed if they would result in violations of the IBC, the IRC, or the IWUIC, an encroachment into an easement that does not allow for construction of buildings, or a setback of less than five feet to a lot line;
  - iii. The number of approved dwelling units is not increased, and the number of approved affordable housing dwelling units is not decreased;
  - iv. The maximum floor area or height of nonresidential uses is not increased more than five percent;
  - v. The internal pedestrian and vehicular circulation system maintains its essential characteristics, or changes make the system demonstrably safer or less impactful to natural resources, livestock, and wildlife;
  - vi. The locations of connections to public roads outside of the PD are maintained, or upon consultation with the jurisdiction that controls the road, make traffic patterns on the road demonstrably safer or less impactful to natural resources, livestock, and wildlife.
2. In the alternative to subsection C.1., *supra* or C.3., *infra*, minor amendments to an approved conceptual PD plan or its conditions of approval may be approved or approved with conditions by the Director according to specifications for amendment enumerated in an approved PD development agreement.
  3. In the alternative to subsection C.1. and C.2., *supra*, minor amendments to an approved conceptual PD plan or its conditions of approval may be approved or approved with conditions to correct obvious scrivener's errors in order to prevent future misinterpretation of the approval documentation.
  4. If the Director denies a request for minor amendment, the applicant may request that it be processed as a major amendment.

D. *Major Amendments.*

1. Generally. Major amendments to an approved conceptual PD plan shall be processed in the same manner as an initial approval of a conceptual PD plan.
2. Approved Amendments. If a request for a major amendment is approved, depending on the nature of the changes, the recorded conceptual PD plan shall either be identified as vacated and replaced with the amended conceptual PD plan; or the relevant amendments shall be itemized and recorded separately with reference to the reception number of the conceptual PD plan that is amended.

3. Denied Amendments. If a request for a major amendment to a conceptual PD plan is denied, the conceptual PD plan will not be so amended, but the denial shall not affect the legal status of the conceptual PD plan in any other manner.

E. *Relationship to Variances.* In general, amendments to conceptual PD plans shall be processed according to the standards of this Section and no conceptual PD plan shall be modified by variance. However, the application of PD standards to an individually-owned residential lot that is designated for single-unit detached dwelling, duplex, multiplex, manufactured home, or tiny home purposes may be modified by variance.

#### Sec. 5.2.8.11 PD DEVELOPMENT AGREEMENT REVIEW, APPROVAL, AND AMENDMENT

- A. *Generally.* The PD development agreement is reviewed concurrently with the conceptual PD plan (as a draft agreement) and the final PD plan (as a final agreement). A development agreement as described in Section 5.2.7.2., *Major Subdivision*, may also be required, depending upon whether the PD involves the construction or installation of public improvements.
- B. *Approval Criteria.* A PD development agreement may be approved if it is demonstrated that:
  1. The PD development agreement is consistent with goals and policies of the Comprehensive Plan and any intergovernmental agreement affecting land use or development of the subject property;
  2. The PD development agreement contains landscape design guidelines that include design criteria for the construction of parks, trails, rights-of-ways, and all other land held in common, and said landscape design guidelines are consistent with applicable provisions of the IWUIC and advance County objectives with regard to water conservation;
  3. The PD development agreement includes development and site design standards and requirements for the PD development that:
    - a. Implement the final PD plan; and
    - b. Prioritize avoidance of risks associated with natural hazards and areas of significant natural resources, minimize such risks and impacts if unavoidable, and mitigate such risks and impacts where minimization is insufficient to prevent material risks or impacts.

#### Sec. 5.2.8.12 RECORDING OF PD APPROVAL DOCUMENTS; ANNOTATION OF ZONING MAP

- A. *Generally.* Final PD plans and PD development agreements shall be recorded in the public records of Chaffee County, Colorado at the applicant's expense. Approval of the PD shall be indicated on the zoning map as soon as practicable after the final PD plan becomes effective.
- B. *Timing.* Recordation of the final PD plan shall not occur until:

1. All conditions of approval have been satisfied; and
  2. The Board of County Commissioners has approved a PD development agreement.
- C. *Effect of Recording.* Final PD plans shall not become effective until they are recorded.

Sec. 5.2.8.13 PLANNED DEVELOPMENT (“PD”) IN CONJUNCTION WITH SUBDIVISION

- A. *Generally.* Applications for subdivision approval may be processed concurrently with a PD, as provided in this Section. The Director may waive duplicative application and information requirements (except review fees) with regard to for applications for subdivision approval when they are submitted simultaneously with a PD.
- B. *Timing of Subdivision Sketch Plans.* Subdivision sketch plans may be processed concurrently with the conceptual PD plan or between PD plan review phases. However, subdivision sketch plan approval within a PD will not be granted prior to conceptual PD plan approval.
- C. *Timing of Subdivision Preliminary Plans.* Subdivision preliminary plans may be processed concurrently with or after final PD plan review. However, subdivision preliminary plan approval will not be granted prior to final PD plan approval. If a subdivision has multiple filings, a master plan including all filings shall be included with the conceptual PD plan submittal or subdivision sketch plan submittal.
- D. *Timing of Subdivision Final Plats.* Subdivision final plats may be submitted during the recordation phase of the PD process, but shall not be recorded before the final PD plan and PD development agreement. *See C.R.S. § 24-67-107(4).*

DIVISION 5.2.9 OTHER APPLICATION-SPECIFIC PROCEDURES (RENUMBERED; RELOCATED SOME SECTIONS 10-1-2024)

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Sec. 5.2.9.1 REZONING

- A. *Generally.* The Board of County Commissioners (“BOCC”) may approve an application for rezoning if it finds that:
  1. The criteria of subsections C. and D., below, are met; and
  2. One or more of the alternatives set out in subsection E., below, are met;
  3. The subject property is a legal lot of record (or group of contiguous legal lots of record); and
  4. No legal lot of record will contain multiple zones within its boundaries as a result of the rezoning.
- B. *Exception for County-Initiated Legislative Rezoning.* Legislative rezonings that are initiated by the County are not subject to the provisions of this Section.

C. *Resource Protection Policy.*

1. It is the policy of the BOCC not to rezone property in a manner that would create or facilitate the creation of development rights or entitlements that would either:
  - a. Reduce the level of protection for significant natural resources (*e.g.*, wildlife, wildlife habitat or migration corridors, exceptional natural features, wetlands and waterbodies, and prime farmland) that exist on the subject property;
  - b. Expose additional people or personal property to unmitigated natural hazards that are present on the subject property (*e.g.*, fire, flood, fluvial, or geological hazards); or
  - c. Adversely impact any existing ranching or agricultural operation on land that is not a part of the rezoning application (including maintenance of historic irrigation ditches, and access to or operation of active ranching or agricultural operations).
2. This policy may be waived upon a finding by the BOCC that:
  - a. Alternative means have been implemented to achieve a comparable or better level of resource protection, protection from hazards, or avoidance of impacts on ranching and agriculture (*e.g.*, conservation easements, development agreements, or other comparable mechanisms for resource protection); or
  - b. The policy is materially outweighed by a substantial community interest that is served by approval of the rezoning (*see* Subsection D.2., below).

D. *Plan Consistency and Public Benefits.* All applications for rezoning shall meet the following criteria:

1. The proposed zoning district, as applied to the subject property, is substantially consistent with:
  - a. The future land use of the subject property, as designated by the Comprehensive Plan;
  - b. The goals and policies of the Comprehensive Plan and any applicable adopted area plan or community plan of the County.
2. Rezoning to the proposed zoning district will provide a benefit to the community or immediate area that cannot be provided under the existing zoning district, and the balance between the anticipated benefit, if any, and the anticipated burden on the community or immediate area, if any, is either neutral or favors the rezoning;
3. Adequate community facilities are addressed as follows:

- a. Adequate community facilities are available to serve development of the subject property under the regulations of the proposed zoning district;
  - b. The proposed zoning district would limit demands upon community facilities more than the existing zoning district; or
  - c. Reasonable assurances are provided that adequate community facilities will be made available to serve new development by the time the new development places demands on the facilities.
- E. *Additional Findings.* The BOCC may approve an application for rezoning upon a determination that at least one of the following four criteria has been met. This finding is in addition to required findings regarding the criteria of subsections C. and D., above:
- 1. Alternative #1: Plan Implementation. The proposed zoning district is more appropriate than the existing zoning district to implement an adopted or approved current County plan (*e.g.*, the Comprehensive Plan), or a State plan that is approved by the County.
  - 2. Alternative #2: Change in Character of the Area. The proposed zoning district is more appropriate than the existing zoning district because:
    - a. There has been a change in character or capacity of public infrastructure in the area (*e.g.*, installation of public facilities, other zoning district changes, new growth trends, deterioration, development transitions, etc.); and
    - b. The proposed zoning district allows for the reasonable development or redevelopment of the subject property in a manner that will be compatible with its existing or planned context.
  - 3. Alternative #3: Need for Zoning District in Land Inventory. The proposed zoning district is more appropriate than the existing zoning district because the proposed zoning district will promote a balance of land uses in the County, within appropriate contexts, that will improve economic opportunity, community mobility, or diversity in housing in alignment with the Comprehensive Plan.
  - 4. Alternative #4: Correction of an Error. The rezoning corrects an error of a technical nature (*e.g.*, a discrepancy between zoning district boundaries and lot lines or rights-of-way).

Sec. 5.2.9.2 FLUVIAL HAZARD ZONE USE PERMIT

- A. *Generally.* A fluvial hazard zone use permit (“FHZ Use Permit”) is required for certain activities and land use approvals as set out in Section 3.7.4.3., *Applicability; Permit Required.*
- B. *Review Procedure.* The review procedure for administrative modifications is set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals.*



- C. *Approval Criteria.* The approval criteria for an FHZ use permit are set out in Division 3.7.4., *Fluvial Hazard Zones*.

Sec. 5.2.9.3 MAJOR ACCESSORY USE LICENSE

- A. *Generally.* A major accessory use license is required for certain accessory uses that are specified in Chapter 2.3., *Temporary and Accessory Uses*.
- B. *Review Procedures.* The review procedure for major accessory use licenses is set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals*.
- C. *Approval Criteria.* A major accessory use permit may be approved if it is demonstrated that:
  - 1. The major accessory use will be sited and operated in accordance with the applicable requirements of this Code;
  - 2. If the major accessory use increases the water demand generated by the subject property, then definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the major accessory use; and
  - 3. If the major accessory use increases the wastewater generation of the subject property, or changes the composition of the wastewater such that additional or alternative treatment is required, then an appropriate wastewater system is provided to serve the subject property, including the major accessory use.
- D. *License Conditions.* The Director may attach such terms and conditions to the major accessory use license as are necessary to ensure compliance with applicable standards of this Code. All applicants for major accessory uses shall acknowledge that they have received and reviewed the provisions of Chapter 2.3., *Temporary and Accessory Uses*, that apply to their major accessory use.
- E. *Term and Renewal.* Major accessory use licenses shall have a term of one year, and shall be renewable annually upon application by the licensee. Renewal of the license shall be granted if it is demonstrated that the licensee has complied with the terms and conditions of the license. If a major accessory use license is not renewed in any given year, a new major accessory use license shall be required to resume the use, and such license shall be subject to then-applicable renewal requirements.

Sec. 5.2.9.4 LANDOWNER CAMPING PERMITS

- A. *Generally.* A landowner camping permit is required for camping activities that extend longer than 90 days in any calendar year.
- B. *Term; Renewal.* Landowner camping permits shall have a term of six months, and may be renewed for two additional six-month periods.
- C. *Requirements.* The landowner camping permit may be issued if it is demonstrated that:

1. The landowner has applied for a building permit for a principal building;
2. The landowner provides a letter from the homeowners association, if applicable, stating any requirements of the association for such temporary habitation have been met;
3. The camping equipment to be utilized is hard-sided (*e.g.*, an RV, camper van, park model, or tiny home);
4. The subject property has available potable water supply, which may include hauled water;
5. The subject property has available wastewater facilities, or wastewater is contained by the camping equipment (*e.g.*, in a tank in an RV) or portable toilets, such that it can be disposed of off-site in approved collection facilities;
6. The subject property has available refuse containers and refuse collection service;
7. No waste of any kind, including graywater, is discharged into or allowed to accumulate on the subject property; and
8. The campsite is set back:
  - a. 50 feet from all property lines;
  - b. 100 feet from all dwelling units on adjacent properties;
  - c. 100 feet from waterways;
  - d. 50 feet from ditch easement boundaries; and
  - e. 50 feet from floodplains.

D. *Suspension and Revocation.* Violation of any portion of this Code, or of any standard, condition, safeguard, or commitment as stated herein or in any adopted County code, ordinance, or resolution, or State of Colorado Regulation, shall be sufficient grounds for the Planning Director to suspend or revoke of any approved camping permit or use following a 15-day written notice sent by certified mail, return receipt requested, to the applicant.

#### Sec. 5.2.9.5 SPECIAL EVENTS PERMITS

- A. *Generally.* This Section provides for the regulation and permitting of special events to ensure the orderly, compatible, and safe use of property for special events by requiring adequate provision of parking, sanitary facilities, utilities, telecommunications, County roadway management, and safety services in order to protect the health, safety, and welfare of the people of Chaffee County.
- B. *Applicability.* This section shall apply to special events on public or private property, as well as for events that impact any County right-of-way, regardless of whether or not a temporary road closure (partial or full) is required.
- C. *Limitations.*

1. No private property shall be used for more than five special events that require special events permits per year, not more than three of which involve more than 2,000 attendees.
  2. The Director may limit the number of special events permits available for special events that are anticipated to involve more than 2,000 attendees if they are proposed to occur within any two-week period. Such limitations shall be administered based on a first-come, first-served permitting procedure based on the date of submittal of a complete application, that is unrelated to the content of speech or expressive conduct that is anticipated at the special event.
- D. *Special Event Permit Required; Exemptions.* A special event permit is required for events with anticipated impacts above a certain threshold, as provided in subsections B. and C., below, except that a special event permit is not required for:
1. Event Uses a Special Event Facility Approved for Special Events. If an event is to be conducted in a permanent facility that was constructed and approved for such events, or on a site approved for uses that customarily host special events (fairgrounds; outdoor commercial amusement; outdoor stadium, arena, amphitheater, or drive-in theater; rural resort; schools, universities, and colleges; and places of assembly) per Division 2.1.3., *Land Use by Zoning District*, and the operation of the event is:
    - a. Within the capacity of the facility; and
    - b. Complies with any conditions of the approval of the facility.
  2. Private Events. An event that is reasonably considered to be a private social event (such as a graduation party, holiday family gathering, wedding, funeral, picnic, or similar), has fewer than 150 attendees, and maintains amplified sound at or below the levels defined in Section 3.9.3.1., *Noise*.
- E. *Permit Threshold Calculations.* A special event permit is required for any special event that scores two or more points using the scale set out in Table 2.3.2.1.A., *Special Event Permit Thresholds*. The approval authority for such permit is set out in subsection E., below.

**Table 2.3.2.1.A., Special Event Permit Thresholds**

Event Feature	Points
25 to 149 attendees	0
150 to 249 attendees	1
250 to 999 attendees	2
1,000 to 4,999 attendees	3
5,000 or more attendees	4
on-site camping	1
acquisition of a liquor license	1
impacts to County roads, including substantially increased traffic or a need for additional traffic controls	2
multi-day events	2
amplified sound that exceeds thresholds in Section 3.9.3.1., <i>Noise</i> or creates vibrations that exceed thresholds in Section 3.9.3.2., <i>Ground Vibration</i>	3
road closure request (partial or full)	3
multi-year event permit change	4

Event Feature	Points
Initial application for multi-year event	5

F. *Approval Authority.* Special events permits shall be issued by the Director, issued by the Director after consultation with other County Staff, or issued by the Board of County Commissioners, depending upon the point score attributed to the proposed special event pursuant to subsection D., above. The approval authority for each point threshold is set out in Table 2.3.2.2.B., *Special Event Permit Approval Authority.*

**Table 2.3.2.2.B., Special Event Permit Approval Authority**

Event Score	Approval Authority
0-1	no special event permit required
2-3	Director
4	Director with Consultation
5 or more	BOCC

G. *Special Event Permit Application.* The minimum application requirements and fees shall be as approved by resolution of the Board of County Commissioners.

1. Applications for Director review or Director with consultation review shall be submitted a minimum of 45 calendar days prior to the proposed special event.
2. Applications for Board of County Commissioners review shall be submitted a minimum of 90 calendar days prior to the special event.
3. Applications that are not submitted within the minimum timeframe may be summarily denied.

H. *Application Review.* Applications shall be processed in accordance with Sections 5.2.5.1., *Ex Parte* Communications through 5.2.5.13, Continuances and Withdrawal, as set out in Table 2.3.2.2.C., *Review Procedures.*

**Table 2.3.2.2.C., Review Procedures**

Procedure Section	Director Review	Director with Consultation Review	BOCC Review
5.2.5.1., <i>Ex Parte</i> Communications	Not Applicable	Not Applicable	Applicable
5.2.5.2., Pre-Application Conferral	Optional	Optional	Optional
5.2.5.3., Neighborhood Meeting	Not Applicable	Not Applicable	Not Applicable
5.2.5.4., Application	Applicable	Applicable	Applicable
5.2.5.5., Application Fees and Escrows	Applicable	Applicable	Applicable
5.2.5.6., Completeness Review	Applicable	Applicable	Applicable
5.2.5.7., Technical Sufficiency Review	Applicable	Applicable	Applicable
5.2.5.8., Stale Applications	Applicable	Applicable	Applicable
5.2.5.9., Administrative Review	Applicable	Applicable	Applicable
5.2.5.10., Referrals	Applicable	Applicable	Applicable
5.2.5.11., Public Notice	Not Applicable	Not Applicable	Applicable
5.2.5.12., Public Meetings and Public Hearings	Not Applicable	Not Applicable	Applicable
5.2.5.13., Continuances and Withdrawals	Applicable to Withdrawals Only	Applicable to Withdrawals Only	Applicable

- I. *Standards of Operation.* An applicant for a special event permit shall demonstrate that the event will comply with all applicable County and State regulations. Unless otherwise set out in the special event permit, special events shall be set up, operated, and torn down as follows:
  1. Temporary Structures.
    - a. Event tents and other temporary structures shall meet the requirements of the fire protection district with jurisdiction and shall meet the accessory use setback requirements in this Code.
    - b. All grandstands, bleachers, scaffolding, platforms and other structures shall be constructed pursuant to requirements of the Chaffee County Building Department, as applicable. When determined necessary by the Building Inspector, plans showing structural details shall be submitted for review before construction begins.
  2. Amplified Sound and Noise Parameters. Special events shall be subject to Division 3.9.3., *Noise and Ground Vibration*, unless specifically approved otherwise by the special event permit issuing authority.
  3. Electrical Connections. Temporary electrical connections shall be permitted and inspected as required by applicable building, electrical, and fire codes, and shall be designed and installed in accordance with the requirements of the electric utility provider.
  4. Overnight Camping. If a special event includes overnight camping, it must be on-site and meet all other requirements of this Section with regards to sanitation facilities, refuse management, noise limitations, and similar requirements.
  5. Sanitation Facilities. Enclosed toilets meeting all state and local specifications, as determined by the Chaffee County Department of Public Health and Environmental Health, shall be conveniently located throughout the property used for the event, sufficient to provide healthful facilities for the maximum number of event attendees anticipated at any single time. Sanitation facilities shall comply with Americans with Disabilities Act Accessibility Guidelines, which require that five percent of the total number, and no less than one toilet facility per each cluster of toilet facilities, to be accessible to attendees with disabilities.
  6. Refuse Management. All solid waste, litter, and recyclable materials shall be removed from the subject property within 24 hours following conclusion of the special event. For multiple-day events and events with on-site camping, the grounds shall be maintained during each day of the event with no accumulations onsite or offsite that would create a nuisance or pose a health hazard. The applicant must comply with the approved litter containment and refuse management plan as well as comply with waste reduction strategies as required by the County.

7. Amusement Rides. All mechanical equipment associated with amusement rides shall conform to the applicable requirements of U.S. Consumer Product Safety Commission (“CPSC”). All applicable licenses or certifications shall be provided to the Director as a condition of permit issuance. The County may 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 CPSC.
8. Emergency Services Operational Standards. Emergency services operational standards will be determined by the County based on the projected number of attendees, the location and duration of the special event, access to the special event, and the nature of the special event.
9. Traffic, Parking, and Public Safety.
  - a. In consultation with the Chaffee County Sheriff, the fire protection district with jurisdiction, the Emergency Services (“EMS”) Director, the Emergency Management Director, and the Road and Bridge Department, 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, dust control, and general event signage.
  - b. Vehicles shall not be parked in any manner that would create a hazard as determined either by the Chaffee County Sheriff or the Road and Bridge Department. Parking along a County Road is not allowed unless specifically requested in the application and approved by the County within the permit.
  - c. The adequacy of the plans shall be determined by the consulted agencies and departments, and agencies and departments shall provide a written estimated cost figure to the Director for any services required from them. The estimated cost of such plan shall be paid by the applicant at the time the permit is issued or as otherwise designated by the County. Any required service agreements shall also be executed at the time the permit is issued.
10. Sheriff Personnel. Upon receiving a special events permit referral from the Director, the Chaffee County Sheriff shall have the authority to determine if additional law enforcement personnel will be needed to control traffic or crowds, and to address public safety needs associated with the special event. The Chaffee County Sheriff shall provide a written estimated cost figure to the Planning Department. The estimated cost of such activity shall be paid by the applicant at the time the permit is issued or as otherwise designated by the County. Any required service agreements shall also be executed at the time the permit is issued.
11. Emergency Management and EMS Personnel. The County’s offices of Emergency Management (“EM”) and EMS, upon receiving a referral of an application for a Special Events application from the Planning Department,



shall have the authority to determine if additional emergency services personnel and ambulances and similar equipment will be needed on standby at the event. EM and EMS and shall provide a written estimated cost figure to the Planning Department. The estimated cost of such activity shall be paid by the applicant at the time the permit is issued or as otherwise designated by the County. Any required service agreements shall also be executed at the time the permit is issued.

12. Hours of Operation. Hours during which the normal activity of a special event may take place shall be between 7:00 AM and 10:00 PM, unless otherwise specified in the special event permit. The approved special event permit may allow for an extension of the hours of operation for up to one hour due to a weather event that causes delay.
  13. Animal Control. All domestic and exotic animals associated with a special event shall be transported and handled in compliance with County, State, and Federal regulations, and be controlled on the property on which the special event is permitted unless otherwise specified in the special event permit.
  14. Noxious Weed Mitigation. If the special event involves construction activities or other activities that may contribute to the spread of noxious weeds, it shall comply with the Chaffee County weed management plan, State law, and direction of the County Weed Supervisor.
- J. *Administrative Approval.* If the event score results in two to three (2-3) points per Table 2.3.2.1.A., *Special Event Permit Thresholds*, a designated Planning Department staff member shall process the application within the department. The Planning Director, at their sole discretion, may require a public hearing at the Board of County Commissioners if they determine that the application impacts neighboring properties due to excessive noise, access and road closures, or other impacts as defined in this Section.
- K. *Administrative Review with Confirmation.* If the event score results in four (4) points per Table 2.3.2.1.A., *Special Event Permit Thresholds*, two designated members of the Planning Department shall review the application independently and the Planning Director or designee shall coordinate approval or denial of the application.
- L. *Board of County Commissioners Review.* If the event score results in five (5) or more points per Table 2.3.2.1.A., *Special Event Permit Thresholds*, the application shall be considered by the Board of County Commissioners. Any application heard by the Board of County Commissioners shall be pursuant to a public hearing noticed as provided in Section 5.2.5.11., *Public Notice and Mineral Estate Notice*.
- M. *Action on Application.* The Director or Board of County Commissioners, as applicable, shall consider the following criteria, and shall either approve, approve with conditions, or deny the application. The Director shall notify the applicant of the approval, conditions of approval or basis for denial in writing within five business days after the date of decision. Notice of the decision shall also be



provided to the affected municipalities, referral agencies, departments, and approval bodies, as appropriate.

- N. *Review Criteria.* All of the following criteria must be met for a special event permit to be issued:
1. The event meets the criteria to be considered a special event for which special event permit approval is required.
  2. The event is consistent with the public health, safety, and welfare requirements of the County. Specifically, the event will not be unduly hazardous to participants or County residents and visitors and there are sufficient resources to manage County road impacts, traffic patterns, detours, traffic control, and emergency services. Any anticipated adverse impacts to on-site and off-site properties, County infrastructure, and emergency service providers have been adequately mitigated.
  3. The event will not substantially interfere with any construction or maintenance work scheduled to take place on or near any affected public right-of-way.
  4. The event does not conflict with an application approved prior to the subject application.
  5. The event is capable of complying with applicable regulations.
  6. Referral agencies have reviewed the application and the applicant is able to comply with the standards required for the event by each referral agency.
  7. If another jurisdiction has permitting jurisdiction with respect to the event, the Chaffee County permit is not valid unless and until that jurisdiction has issued its permit.
  8. Standards of operation have been or will be met.
  9. All submittals have been provided and all fees have been paid. Information contained in such submittals appears to be substantially complete and accurate.
- O. *Appeal of Decision or Call-up by Board of County Commissioners.* The applicant may request reconsideration of an administrative decision by the Board of County Commissioners, or the Board of County Commissioners may also decide to consider the decision using the process outlined in Section 5.2.14.2., *Call-Ups*, explaining the issues being appealed and the reason the administrative action is believed to necessitate review.
- P. *Permit Conditions.* If permit application approval is granted, the County may impose such conditions as it reasonably deems to be necessary to provide that the Special Event shall comply with the representations set forth in the application, standards of operation, applicable regulations, and does not significantly negatively impact on-site or off-site properties, County

infrastructure, emergency service providers, or public health, safety and welfare, including (without limitation) 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 condition prior to the event and any damages are repaired.
  2. Referral Agency Fees. Provision for a bond or other financial guarantee to referral agencies as required to cover the cost of providing service and/or mitigate impacts of the event.
  3. Operational Limitations. Operational limitations, including but not limited to, limits on the maximum daily attendance and the event's hours of operation, and limitations on exterior lighting, noise and parking.
- Q. *Restrictions on Transfer*. Permits may be transferred to another party only with the written consent of the approval authority.
- R. *Duration of Permit*. A Special Event Permit shall be valid for the duration of the event function for which the application was approved, but in no case shall the permit be valid for more than a consecutive 10-day event period (including setup and takedown) unless specifically approved in advance of the event by the Planning Department or the Board of County Commissioners, as applicable.
- S. *Permit Extensions*. An applicant may request that the duration of the permit be extended by submitting a letter of request to the Planning Department, who shall process the request in the same manner as the original application.
- T. *Permit Revocation*. Prior to or during the Special Event, if the applicant fails to comply with required permit conditions, operational standards or representations by the applicant that affect the health safety or welfare of the public, the Special Event Permit may be revoked by the Planning Director. The Sheriff or their designee has the right to halt any Special Event due to an emergency situation affecting public safety such as criminal activity, fires, floods, or similar events.
- U. *Multi-Year Permits*. A permit may be administratively renewed for an annual event with acknowledgement by referral agencies. The renewal of such permit shall be subject to the following criteria:
1. The event takes place no more than once per calendar year where the duration of the event is no more than 10 consecutive days (including setup and takedown) unless specifically approved in the original permit.
  2. The event is consistent in size, scope, impact, and operations as stated within the original approved permit. The Director shall have the ability to require a new application and review should the event change markedly in the size, scope, impact, or operations or the permittee fails to comply with permit requirements.
  3. Conditions and/or circumstances within the County and/or affected municipalities have not markedly changed such that the event's expected

impacts to the community may be substantially different than at the time of original permit issuance, and the applicant has demonstrated that any required conditions of approval for mitigating impacts have been effective.

#### Sec. 5.2.9.6 CREATIVE SIGN PROGRAMS

- A. *Generally.* The requirements of Chapter 2.7., *Signs*, are intended to ensure that signs that meet certain minimum standards for public safety and consistency with the desired character and quality of development in the County may be promptly approved and displayed. In some cases, alternative standards may improve aesthetic and functional qualities. Approval of a creative sign program pursuant to the standards of this Section allows for unified presentation of signage throughout a development, flexibility to provide for unique environments, and pre-approval of designs and design elements to make processing of subsequent applications for sign permits more efficient. To this end, a Sign Design Program alternative is hereby created.
- B. *Authorization to Modify Requirements.* Signage which is proposed as part of a creative sign program may deviate from the standards of Chapter 2.7., *Signs*, in terms of the types and numbers of signs allowed, the maximum sign area, maximum sign height, and materials standards, subject to compliance with an approved creative sign program. Illumination and electronic message center requirements cannot be modified with a creative sign program.
- C. *Contents of Creative Sign Program.* A creative sign program shall set forth a master plan for signage for an entire development. Creative sign programs shall set out:
  1. The boundaries of the subject property in which the creative sign program will be implemented;
  2. Architectural elevations of the buildings on the subject property;
  3. Sign dimensions and approximate locations;
  4. Materials and colors;
  5. A design theme with illustrative examples of each sign type, the form of each sign type, and the proposed general locations of each sign type; and
  6. A demonstration that the creative sign program will improve the aesthetics of the development, reduce sign clutter, and avoid or mitigate adverse impacts on the use, enjoyment, or value of adjacent and nearby property.
- D. *Review Procedure.* The review procedure for a creative sign program is set out in Table 5.2.3.3., *Public Hearing Approvals*.
- E. *Approval Criteria.* The Board of County Commissioners (“BOCC”) may approve a creative sign program if it finds that the creative sign program results in a substantially improved (*e.g.*, higher quality materials, more creative design, and / or less overall clutter), comprehensive, and unified proposal compared to what is allowed through strict compliance with Chapter 2.7., *Signs*. In addition, creative sign programs must comply with the following standards:

1. A creative sign program shall not authorize sign structures, design elements, obstructions, mounts, or locations that are prohibited by Section 2.7.2.1., *Prohibitions*, nor shall it authorize sign illumination in the rural sign district in excess of the limits set out in Section 2.7.2.2., *Sign Illumination*.
  2. Setbacks for detached signs may be different from the requirements of Chapter 2.7., *Signs*, if it is demonstrated that there is no impact on public safety or utility easements, the placement of the sign structure is in compliance with IWUIC, and all other requirements for approval of a creative sign program are met.
  3. All signs shall be architecturally integrated into or complementary to the design and materials of the buildings on, and character of, the subject property, and shall use similar and coordinated design features, materials and colors. The creative sign program shall establish an integrated architectural vocabulary and cohesive theme for the development.
  4. The height, area, type, number and location of signs permitted through the creative sign program shall be determined by the BOCC based on a demonstration that:
    - a. The proposed creative sign program justifies the modifications based on technical issues, or compensation for an identified practical difficulty or unusual aspect of the subject property or proposed development (*e.g.*, the overall size of the development and the scale of the uses located or anticipated to be located there are of a magnitude that requires larger sign areas and / or consolidation of signage to reasonably allocate the areas available for displaying messages);
    - b. The proposed creative sign program provides compensating design features and mitigation measures that demonstrate the modification represents an improvement in quality without detriment to surrounding properties or the natural environment; and
    - c. The signage complies with applicable design standards and construction specifications that are not modified by the creative sign program.
- F. *Limitations*. The flexibility that may be authorized through a creative sign program approval is limited as follows:
1. Maximum sign area and sign height for the subject property by way of a creative sign program shall be established in the creative sign program (as to particular signs or for the entire site), but shall not exceed the following limits:
    - a. The total permitted sign area for detached permanent signs shall not exceed:
      - i. In the Rural Sign District, 150 percent of the sign area for detached permanent signs that would otherwise be permissible if the

- property were in strict compliance with Chapter 2.7., *Signs*.
- ii. In the Suburban Sign District, 200 percent of the sign area for detached permanent signs that would otherwise be permissible if the property were in strict compliance with Chapter 2.7., *Signs*.
- b. The total permitted sign area for attached permanent signs shall not exceed:
    - i. In the Rural Sign District, 125 percent of the sign area for attached permanent signs that would otherwise be permissible if the property were in strict compliance with Chapter 2.7., *Signs*
    - ii. In the Suburban Sign District, 175 percent of the sign area for attached permanent signs that would otherwise be permissible if the property were in strict compliance with Chapter 2.7., *Signs*.
  - c. The permitted sign height for detached permanent signs shall not exceed 150 percent of the permitted sign height for the type of sign to which the increase in height is applied.
- G. *Existing Signs*. In addition to proposed new signage, all existing signs on a subject property for which a creative sign program approval is sought shall be addressed in the application. The BOCC may require removal or modification of existing signs (whether currently conforming or nonconforming) as a condition of approval of a creative sign program, or may approve existing signs as part of the program (after which approval, a nonconforming sign will be considered "conforming").
- H. *Conditions of Approval*. The BOCC may impose reasonable conditions on the creative sign program that are not related to the content of the signs or the viewpoints of the sign users, in order to ensure continuing compliance with the standards of this Code and the approved creative sign program.
- I. *Effect of Approval*. Upon approval of a creative sign program, issuance of a sign permit for the subject property shall be based on compliance with the standards set out in the creative sign program. Creative sign program may also specify types of signs that may be installed without further permits.
- J. *Amendment of Approval*. A creative sign program may be amended by the same process that is used to create the creative sign program. An application for amendment to a creative sign program shall not affect the validity of the creative sign program unless and until the application is approved and conditions of approval, if any, are accepted by the applicant.

## DIVISION 5.2.10 APPROVALS AND DENIALS

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### Sec. 5.2.10.1 EFFECT OF APPROVAL

- A. *Generally*. It is the intent of the Board of County Commissioners that development approved pursuant to this Code be carried out in a timely manner pursuant to the

specifications, terms, and conditions of approval; and that the steps within each approval process be carried out with diligence.

B. *Effect of Approval or Permit.*

1. Approval of an application means that the County consents to the particular use, plan, or other specific activity for which the approval was granted. Physical development of land may require a sequence of related (and increasingly detailed) approvals.
2. Supplemental materials that are provided in support of an approval become part of the approval (*e.g.*, elevations, lists of building materials, etc.) unless otherwise noted in the approval itself.
3. Approvals and permits may be transferred to a subsequent owner of the property for which the approval or permit was issued, unless the approval or permit is specifically designated as non-transferable by this Code or a condition of approval. Transferred permits shall continue to be valid for their full original terms, and the transferee may apply for an amendment to the approval or permit in the same manner as the original applicant.

Sec. 5.2.10.2 RECORDING OF APPROVAL

A. *Generally.* The following approvals shall be recorded in the public records of Chaffee County, Colorado at the applicant's expense:

1. Conceptual PD Plans;
2. Conditional use permits;
3. Creative sign programs;
4. Development agreements;
5. Final PD Plans;
6. Final plats;
7. PD Development Agreements.
8. Subdivision Exemptions (all types); and
9. Variances.

B. *Subdivision Plats.* The plat for an approved subdivision shall be submitted to the Board for signature within 30 days after the date of approval of the application, on reproducible film stock measuring 24 inches x 36 inches with clear margins of two inches on the left-hand (short) side and one-half inch on the other sides. The plat shall be signed by all owners of record and all lienholders. All conditions of approval shall be met prior to signature by the Board of County Commissioners, including execution of an development agreement (if required). After all signatures are provided, the final plat shall be filed for recording with the County Clerk and Recorder. The final plat does not become effective until it is recorded.



Sec. 5.2.10.3 DURATION AND LAPSE OF APPROVAL

- A. *Administrative Approvals.* The administrative approvals described in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals*, except a final plat or development agreement, shall be valid for one year from the date of approval.
- B. *Discretionary Approvals.* Discretionary approvals will lapse and be of no further force or effect if a complete application for the next stage of approval is not filed before the deadline set out in this subsection:
  - 1. The public hearing approvals described in Table 5.2.3.3., *Public Hearing Approvals*, shall lapse as follows:
    - a. One year from date of approval:
      - i. Conditional use permit.
      - ii. Variance
    - b. Two years from date of approval:
      - i. Conditional use permit with certificate of designation.
      - ii. Preliminary plat.
      - iii. Conceptual PD plan.
    - c. Three years from date of approval:
      - i. Final development plan.
      - ii. Location and extent permits.
- C. *Development Agreements.* A development agreement is valid for the term set out in the development agreement.
- D. *Approvals That Do Not Lapse.* Rezoning, vacations or abandonments of roads or alleys, text amendments to this Code, comprehensive plan amendments, recorded final plats, and administrative appeals do not lapse.

Sec. 5.2.10.4 EXTENSION OF APPROVAL

- A. *Generally.* The term of permits and approvals may be extended by written request according to the standards and procedures of this Section.
- B. *Timing of Application for Extension.* Expired permits and approvals cannot be extended. Written requests for extensions shall be received not later than 30 days prior to the expiration of the permit or approval. Untimely requests for extensions will not be granted unless it is demonstrated that extraordinary circumstances (*e.g.*, an unusual severe weather event) justify the request.
- C. *Extensions for Extraordinary Circumstances.* The Board of County Commissioners may, by resolution, extend the term of all permits and approvals County-wide or in designated areas of the unincorporated County in response to extraordinary circumstances, such as flood, blizzard, wildfire, tornado, or other natural or man-



made disaster which makes it temporarily infeasible to commence or continue with construction. The period of such extensions shall be determined by the Board of County Commissioners.

- D. *Administrative Extensions.* Unless otherwise provided in the permit or approval, the Director may grant one extension of any permit or approval for a period not to exceed the original term or eighteen 18 months, whichever is shorter, or such other period as may be specifically allowed by this Code. Such extensions may be granted upon timely written request with good cause shown.
- E. *Extensions After Hearing.*
1. Unless otherwise provided in the permit or approval, a hearing is required for:
    - a. Extensions for terms that are longer than those which can be granted by the Director pursuant to subsection D., above; and
    - b. Second (and subsequent) extensions.
  2. Extensions of public hearing approvals pursuant to this subsection shall be heard by the body that granted the original approval. Extensions of administrative approvals, permits, or licenses pursuant to this subsection shall be heard by the Board of Adjustment.
  3. Extensions may be granted after hearing if it is demonstrated that:
    - a. There is good and reasonable cause for the request; and
    - b. The applicant has provided reasonable assurances that it will perform (or cause to be performed) the work authorized by the permit or approval within the extended term.
- F. *Extensions Pursuant to Permit or Approval Terms.* If a method of extension is provided within a permit or approval, or related development agreement between the applicant and the County, then such method of extension shall supersede this Section with respect to said permit or approval.
- G. *Effect of Appeals, Litigation, or Mediation.*
1. If there is an appeal, litigation, or mediation during the time period that limits the applicant's ability to use or develop land pursuant to a permit or approval granted by the County, then the term of the permit or approval shall be tolled for the duration of the appeal, litigation, or mediation, and the date shall be recalculated upon conclusion of the appeal, litigation, or mediation.
  2. The new expiration date shall be established by adding the number of days that the approval would have remained valid before the appeal, litigation, or mediation commenced to the date the appeal, litigation, or mediation was concluded by:

- a. The expiration of the subsequent appeal period after final judgment or order in the initial appeal or litigation, or, if no appeal is available, after issuance of the final judgment or order; or
  - b. The termination of mediation by resolution of the conflict or impasse.
3. This subsection does not apply to litigation which is related to enforcement of a violation of this Code, nor does it apply to litigation pursuant to C.R.C.P. 106(a)(4) if relief in the form of a stay is not granted to the petitioner pursuant to C.R.C.P. 65 (as provided in C.R.C.P. 106(a)(4)(V)).

Sec. 5.2.10.5 EFFECT OF DENIAL; SUCCESSIVE APPLICATIONS

- A. *Generally.* It is the policy of the County not to hear successive applications for the same approval, permit, or license for which a substantially similar application was denied. The limitations of this Section prevent the consideration of successive applications.
- B. *Time Required Between Substantially Similar Applications.* If an application for approval or permit is denied, a substantially similar application will not be accepted for:
  - 1. Six months from the date of denial in the case of administrative approvals, permits, and licenses; and
  - 2. 12 months from the date of denial for all other approvals.
- C. *Exceptions to Successive Application Restrictions.* The Director may allow exceptions to this Section if one of the following is found:
  - 1. The application is not substantially similar; or
  - 2. There has been a material change of circumstances that justifies consideration of a substantially similar application (by way of illustrative example, if a spacing requirement was the reason for the denial, then the use from which spacing is required moved away, or if a provision of this Code that was the basis for the denial was amended or repealed).

DIVISION 5.2.11 STATUTORY VESTED RIGHTS

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Sec. 5.2.11.1 APPLICATIONS

- A. *Generally.* Except as otherwise provided in Subsection B., below, an application for approval of a site-specific development plan, as well as the approval, conditional approval or denial of approval of the plan, shall be governed only by the land use regulations in effect at the time an application is submitted to the County. For the purposes of this Section, land use regulations include this Code, as well as any zoning or development regulations that have previously been adopted that apply to the subject property and that remain in effect at the time of the application for approval of the plan.

- B. *Exceptions.* Notwithstanding the limitations contained in Subsection A., above, the Board of County Commissioners may adopt a new or amended regulation when necessary for the immediate preservation of public health and safety and may enforce such regulation in relation to applications pending at the time such regulation is adopted.

[See C.R.S. § 24-68-102.5](#)

Sec. 5.2.11.2 VESTED PROPERTY RIGHTS; ESTABLISHMENT; EXCEPTIONS

- A. *Site-Specific Development Plans.* The following types of site-specific development plan approvals may establish vested property rights in accordance with Article 68, Title 24, C.R.S.:
1. Final PD Plans;
  2. Final subdivision plats;
  3. Conditional use permits; and
  4. Development agreements.
- B. *Other Approvals; Additional Vested Development Rights.* A development agreement may provide for vesting of additional development rights, or for a longer vesting period than provided for in Article 68, Title 24, C.R.S. Such a development agreement may be part of a final PD plan, final subdivision plat, or conditional use permit approval, or a development agreement may provide for vesting rights in additional types of site-specific development plans than those specified above.
- C. *Establishment of Vested Rights.* A vested property right shall be deemed established with respect to any property upon the approval or conditional approval by resolution or ordinance of a site-specific development plan establishing vested right, following notice and public hearing.
- D. *Effect of Vested Rights.* A vested property right shall attach to and run with the subject property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan or development agreement, including any amendments thereto.
- E. *Vested Rights Period.* In general, vested rights shall expire three years after their effective date. However, such period may be extended by development agreement as a legislative act of the Board of County Commissioners if it determines that such extension is warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions.
- F. *Exceptions.* A vested property right, once established by pursuant to this Division, shall preclude any zoning or land use action by the County or pursuant to an initiated measure which would alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the site-specific development plan, except:

1. With the consent of the applicant;
2. Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of the establishment of the vested right, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare; or
3. To the extent that compensation is paid as provided in Article 68, Title 24, C.R.S.

*See C.R.S. § 24-68-102.5*

Sec. 5.2.11.3 NOTICE OF HEARING AND DECISION; FORM OF APPROVAL

- A. *Generally.* No site-specific development plan that establishes a vested property right shall be approved unless and until notice thereof has been given and a public hearing thereon has been conducted.
- B. *Timing of Notice of Public Hearing.* At least 14 days' notice of the time and place of the hearing shall be published in a newspaper of general circulation in the County. Notice of said public hearing shall include language stating that the approval or conditional approval of the site-specific development plan will create a vested property right.
- C. *Form of Approval.* Final approval from the Board of County Commissioners shall be by ordinance or resolution. A site-specific development plan shall be deemed approved on the effective date of the approving ordinance or resolution.

Sec. 5.2.11.4 NOTICE OF FINAL APPROVAL

- A. *Generally.* Approval of vested rights 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 right to referendum or judicial review shall not begin to run until the date of publication, in a newspaper of general circulation within the County, of the notice specified in this Section advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to Title 24, Article 68, C.R.S.
- B. *Notice of Final Approval.*
  1. As soon as practicable following the date a site-specific development plan is approved, and not later than 14 calendar days following such approval date, the applicant shall cause a notice to be published advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to Article 68, Title 24, C.R.S.
  2. Such notice shall be substantially in the following form:

Notice is hereby given to the general public of the approval of a site-specific development plan, and the creation of a vested property right pursuant to Title 24, Article 68, C.R.S., pertaining to the following described property:  
 [The property shall be described in the notice, and appended to said notice shall be the ordinance or resolution granting such approval.]

3. Not less than five business days after the date of publication, the applicant shall deliver to the Director sworn proof of publication for the County's records. *See C.R.S. § 24-70-105 (proof of publication)*

#### Sec. 5.2.11.5 REQUIREMENTS OF ORDINANCE OR RESOLUTION

Any ordinance or resolution approving a site-specific development plan shall, but not by way of limitation, include the following provisions, unless expressly exempted by the Board of County Commissioners:

1. The rights granted by the site-specific development plan shall remain vested for a period of three years (or such longer period as may be established in a development agreement) from the effective date of the approval. However, any failure to abide by any of the terms and conditions attendant to the approval shall result in the forfeiture of said vested property rights. Failure to properly record all plats and agreements required of the developers to be recorded by the Chaffee County Land Use Code shall also result in the forfeiture of said vested property rights. *See C.R.S. § 24-68-104*
2. The approval granted hereby 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 provided for in Chaffee County Land Use Code § 5.2.8.4, *Notice of Final Approval*. *See C.R.S. § 24-68-103(1)(c)*
3. Zoning that is not part of the site-specific development plan approved hereby shall not result in the creation of a vested property right. *See C.R.S. § 24-68-103(2)*
4. Nothing in this approval shall exempt the site-specific development plan from subsequent reviews and approvals required by this approval or the general rules, regulations, resolutions, and ordinances of the County, provided that such reviews and approvals are not inconsistent with this approval. *See C.R.S. § 24-68-104*
5. The establishment of a vested property right shall not preclude the application of ordinances or regulations that are general in nature and are applicable to all property subject to land use regulations by the County, including but not limited to building, fire, plumbing, electrical, and mechanical codes. In this regard, as a condition of this site-specific development approval, the applicant shall abide by any and all such applicable building, fire, plumbing, electrical, and mechanical codes, unless an exemption therefrom is granted in writing. *See C.R.S. § 24-68-105(2)*

#### Sec. 5.2.11.6 NO RIGHTS CREATED

Nothing in this division is intended to create any vested property right other than those that are available to applicants pursuant to the provisions of the Vested Rights Statute (Article 68, Title 24, C.R.S.) In the event of the repeal or invalidation of the Vested Rights Statute, this Division shall be deemed to be repealed and the provisions hereof no longer effective.

## DIVISION 5.2.12 ADMINISTRATIVE MODIFICATIONS

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### Sec. 5.2.12.1 PURPOSE AND APPLICABILITY

- A. **Purpose.** The purpose of this Division is to establish a procedure for the administrative modification of public hearing approvals, principally to facilitate changes that are necessary to respond to field conditions or reasonable changes in design to optimize an approved development.
- B. **Applicability.** This Division applies to all public hearing approvals except that:
  - 1. All modifications to certificates of designation shall be processed as major modifications;
  - 2. Modifications that are suitable for processing as subdivision exemptions shall be processed as subdivision exemptions; and
  - 3. Modifications to PD approvals shall be processed as provided in Section 5.2.8.8., *Conceptual PD Plan Amendment Procedures*, Section 5.2.8.10, *Final PD Plan Amendment Procedures*, and Section 5.2.9.11., *PD Development Agreement Review, Approval, and Amendment*, as applicable; and
  - 4. Modifications to creative sign programs are processed as provided in Section 5.2.9.6., *Creative Sign Programs*.

### Sec. 5.2.12.2 ADMINISTRATIVE MODIFICATIONS

- A. **Generally.** Administrative modifications may be approved, approved with conditions, or denied administratively by the Director.
- B. **Limitations.**
  - 1. Administrative modifications shall not be granted if any of the following would result:
    - a. An increase the number of approved dwelling units (with ADUs counted as 0.5 dwelling units per ADU), except that for nonresidential development, an administrative modification may allow for the addition of ADUs that are accessory to the nonresidential uses if otherwise permissible by this Code;
    - b. An increase of five percent or more in the floor area of non-residential buildings (except buildings used for agricultural or ranching purposes);
    - c. An increase of more than five percent in the land area occupied by active outdoor nonresidential uses (except agriculture, ranching, open space, natural resource stewardship areas, or public parks);
    - d. A decrease in building or structure setbacks of more than 10 percent;
    - e. An increase in building or structure height of more than five percent;
    - f. A decrease in required off-street parking of more than 10 percent; and

2. Applications that fall outside of the limitations set out in this Subsection B. shall be processed as major amendments.
- C. *Review Procedure.*
1. The review procedure for administrative modifications is set out in Table 5.2.3.2., *Administrative Reviews, Licenses, Permits, and Approvals.*
  2. The Director may refer an administrative amendment to the Planning Commission for review and decision. If so referred, the decision of the Planning Commission shall constitute a final decision that is subject to appeal to the Board of County Commissioners.
- D. *Approval Criteria.* An administrative amendment may be approved if it is demonstrated that:
1. As modified, the proposed development complies with all applicable requirements of this Code, including such modifications previously authorized by the Board of County Commissioners or the Board of Adjustment;
  2. Any change in the locations of connections to public roads outside of the subject property improve traffic circulation within the subject property and on the adjacent road, and do not compromise emergency access;
  3. The modification does not increase the impact of the development on natural resources, including highest value habitat, high value habitat, big game migration corridors, or big game winter range;
  4. The modification does not increase exposures to natural or man-made hazards, and all areas of the subject property that are affected by soil or topographical conditions that present hazards or require special precautions have been identified, and the proposed uses of said areas, as modified, are compatible with such conditions;
  5. The modification will not result in an increase in water demand (for potable water, irrigation, or fire protection), or if it does, the application demonstrates that a water supply is available that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of development proposed; and
  6. The modification will not result in a material increase in the quantity, or decrease in the quality, of wastewater, or if it does, the application demonstrates that appropriate provision has been made for a domestic or industrial wastewater treatment system or OWTS that complies with applicable regulations.



## DIVISION 5.2.13 MAJOR AMENDMENTS AND VARIANCES

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### Sec. 5.2.13.1 MAJOR AMENDMENTS [ADDED 10-10-2024]

- A. *Generally.* Amendments to any public hearing approval that are not subject to the administrative modifications and adjustments detailed in Division 5.2.12., *Administrative Modifications and Adjustments*, are considered major amendments.
- B. *Procedures.* Major amendments shall be reviewed, processed, noticed, and heard in the same manner as the original approval for which the amendment is sought. If approved, major amendments shall be recorded in the same manner as applicable to the original approval.

### Sec. 5.2.13.2 VARIANCES

- A. *Generally.* Where, by reason of exceptional narrowness, shallowness, or shape of a subject property at the time of the enactment of this Code or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the subject property, the strict application of any regulation in this Code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, the Board of Adjustment may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning resolutions.
- B. *Solar Access.* In determining whether difficulties to, or hardship upon, the owner of such property exist, the adequacy of access to sunlight for solar collectors installed on or after January 1, 1980, may properly be considered. *See C.R.S. § 30-28-118(2)(c).*
- C. *Residential Density within the Airport Overlay District.*
  - 1. Any new development within the runway approach surface within the airport overlay district that proposes a minimum lot size that is smaller, or a density that is higher, than the airport overlay district allows, shall not proceed with the subdivision process unless a variance is issued for the decrease in lot area or increase in density.
  - 2. When considering a variance request the Board of County Commissioners will also consider the following additional standards when reviewing a variance request:
    - a. Any comments from the Federal Aviation Administration (“FAA”) and Airport Sponsor;
    - b. The physical, functional, and operational compatibility between the airport and the surrounding land uses;
    - c. The health, safety and general welfare of the potential property users of the subject property;

- d. The risks to air travel; and
  - e. Whether the applicant has proposed mitigation to alleviate issues with compatibility of uses, and health, safety, and general welfare of the proposed development.
3. In no event shall the County approve density within the runway approach surface that greater than one unit per two acres.

## DIVISION 5.2.14 APPEALS AND CALL-UPS

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### Sec. 5.2.14.1 ADMINISTRATIVE APPEALS

#### A. *Generally.*

- 1. Appeals of any order, requirement, decision, or refusal made by the Director in the course of the administration or enforcement of the provisions of this Code (collectively, "Director actions") shall be heard by the Board of Adjustment. Appeals of Director actions may be filed by the applicant or any person aggrieved by the Director action (including any officer, department, board, or bureau of the County). *See C.R.S. § 30-28-118(2)(a).*
- 2. Appeals of decisions of the Planning Commission shall be heard by the Board of County Commissioners. Such appeals may be taken by the applicant or any person aggrieved by the Planning Commission decision. Planning Commission recommendations and Planning Commission decisions regarding revisions to or replacement of the Comprehensive Plan are not subject to appeal.

#### B. *Notice of Appeal.* Appeals are initiated by way of a notice of appeal. The notice of appeal shall specify the grounds thereof with specificity, and shall contain narrative as to how the alleged error in decision-making causes harm to the appellant.

#### C. *Timing.*

- 1. The notice of appeal shall be filed with the Director within 21 calendar days after the date the decision appealed from was communicated to the applicant in writing. Such date shall be the date of emailing or hand delivery, or, if the decision was communicated by mail only, three days after the date of mailing.
- 2. Upon receipt of a timely appeal, the Director shall promptly forward all papers constituting the record of action upon which the appeal was taken to the Board of Adjustment or Board of County Commissioners, as appropriate.

#### D. *Hearing; Notice of Hearing.*

- 1. A public hearing on the appeal shall be set for the next available agenda of the Board of Adjustment or Board of County Commissioners that is not less than 21 calendar days after the date that the notice of appeal is filed.

2. Notice of the public hearing shall be provided as set out in Section 5.2.5.11, *Public Notice and Mineral Estate Notice*. Written notice shall also be sent by first class mail to the party appealing, the owner of the property that is the subject of the appeal, and the applicant, if different from the appellant or owner.
- E. *Hearing Procedure*. At the hearing, any party may appear in person or by agent or attorney. The Board of Adjustment or Board of County Commissioners may affirm, reverse (wholly or partly), or modify the order, requirement, decision or determination appealed and may make such order, requirement, decision or determination as in their considered judgment ought to be made in the premises, and to that end shall have all powers of the officer from whom the appeal is taken.
- F. *Decision*.
1. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of an administrative official or agency.
  2. The concurrent vote of a majority of members of the Board of County Commissioners shall be necessary to reverse any decision or determination of the Planning Commission.

Sec. 5.2.14.2 CALL-UPS

The Board of County Commissioners may initiate appeals under Section 5.2.14.1., *Administrative Appeals*, by successful motion during the next regular meeting of the Board of County Commissioners following the date the decision appealed from was communicated to the applicant in writing, as specified in Section 5.2.14.1.C.1. Such an appeal shall be known as a “call-up,” and except as modified by this Section, shall be processed and noticed as provided in Section 5.2.14.1., *Administrative Appeals*. Filing of a notice of appeal shall not be required to initiate a call-up; however, the general reasons for the call-up shall be specified in the motion.

## CHAPTER 5.3 Enforcement and Remedies

### DIVISION 5.3.1 PURPOSE AND APPLICATION OF CHAPTER; VIOLATIONS

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Sec. 5.3.1.1 PURPOSE AND INTENT [UPDATED 10-10-2024]

- A. *Purpose*. The purpose of this Chapter is to establish mechanisms to enforce the provisions set forth in this Code under the authority of, and subject to the limitations of, Colorado law.
- B. *Intent*. It is the intent of this Chapter to set out enforcement mechanisms and available remedies, but not to exclude any other procedures or remedies that may be available to the County in law or in equity. It is the further intent of this Chapter that the election of one remedy shall not preclude the further election of other remedies in the interest of enforcing this Code, approved PD plans and

development agreements, conditions of development approval, and development agreements.

Sec. 5.3.1.2 APPLICATION; VIOLATIONS

- A. *Generally.* Within the unincorporated areas of Chaffee County, this Chapter shall apply to the following if in violation of the requirements of this Code, conditions of development approval, or requirements of a development agreement:
  - 1. The erection, construction, reconstruction, alteration, or change in the use of any building or other structure;
  - 2. The use of any building, structure, or land; or
  - 3. The subdivision of any land.
- B. *Subdivision Violations.* Without limitation as to Subsection A., above, it is specifically unlawful:
  - 1. To record any subdivision plat or subdivision exemption plat unless the same bears thereon, by endorsement or otherwise, the approval of the Board of County Commissioners or designee as provided herein; or
  - 2. To transfer legal or equitable title or sell any subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners or designee as provided herein, and recorded or filed in the Office of the Chaffee County Clerk and Recorder. [See C.R.S. § 30-28-110.](#)

DIVISION 5.3.2 ENFORCEMENT PROCEDURES

Sec. 5.3.2.1 WARNINGS AND WRITTEN DIRECTIONS; SUMMONS AND COMPLAINT

- A. *Notice of Warning.* If the Director becomes aware of any violation of this Code, the Director shall cause written notice to be delivered to the violator to correct the violation within 10 days after the date of the notice.
- B. *Issuance of Summons and Complaint.* If the person or entity to whom notice has delivered pursuant to Subsection A., above, fails to correct the alleged violation(s) within the 10-day period, the Director may request that the Chaffee County Sheriff issue a summons and complaint to said person or entity, including the following information:
  - 1. The nature of the violation with sufficient particularity to give notice of the charge; and
  - 2. Instructions requiring that the person or entity appear in County Court at a definite time and location.
- C. *Notice and Recordation of Summons and Complaint.* One copy of the summons and complaint issued pursuant to Subsection B., above, shall be served by the Chaffee County Sheriff by in-person service or by certified mail. One copy each shall be

retained by the Sheriff and the Director, and one copy shall be transmitted by the Sheriff to the Clerk of the County Court.

*See C.R.S. § 30-28-124(1)(b)*

Sec. 5.3.2.2 IMMEDIATE ORDERS AND IMMEDIATE ACTIONS

A. *Stop-Work Orders.*

1. If any work is being done contrary to the provisions of this Code or conditions of development approval, the Director may order the work stopped by notice in writing served on any persons engaged in the work or directing the work. Without limiting the application of the foregoing, a stop-work order may be issued against any person, firm, or corporation violating any provision of Division 3.6.6, *Irrigation Ditches and Reservoirs*.
2. Stop work signs and notices shall not be disturbed or removed except with the authority of the Director.
3. Work stopped under this subsection shall not resume until authorized by the Director.
4. Issuance of a stop-work order shall not preclude the County from taking further legal action or seeking civil or criminal penalties as provided in this Code.

B. *Occupancy Violations.*

1. The Director may issue an order to discontinue the use of a building or structure that is being used in violation of this Code.
2. The Director may order that a building or structure or a portion thereof be vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within 10 days after receipt of notice.

C. *Disconnection of Utilities.*

1. The Director may order the disconnection of any utility supplied to a building, structure, system or equipment regulated by this Code when it is determined that the system, equipment, or portion thereof has become hazardous or unsafe.
2. Written notice of such order to disconnect service, and the reasons for it, shall be given within 24 hours to the owner and occupants of such building, structures or premises.
3. In cases of immediate danger to life or property, such disconnection shall be made immediately without notice. Where utilities are provided by a public utility, the Director shall immediately notify the serving utility in writing of the issuance of such order to disconnect.

*See C.R.S. § 30-28-124(2)*

Sec. 5.3.2.3 USE OF FINANCIAL GUARANTEES [UPDATED AND SIMPLIFIED 10-10-2024]

- A. *Generally.* If the Board of County Commissioners (“BOCC”) determines that an applicant will not construct any or all of the improvements for which financial guarantees were provided in accordance with County specifications, the Board of County Commissioners may order the withdrawal of such funds from the financial guarantee as may be necessary to construct the improvements in accordance with the specifications. *See C.R.S. § 30-28-137.*
- B. *Notice.* The Director shall send said notice by certified mail, return receipt requested, to the last known address of the applicant (and, if applicable, the surety), a written notice of withdrawal of funds from the financial guarantee, which shall contain the following information:
  - 1. The reason for and amount of withdrawal from the financial guarantee, specifying each default or violation with references to the section or sections of the permit, this Code, or applicable agreements;
  - 2. The applicant’s right to respond by request for a public hearing by the BOCC and notice of automatic withdrawal if the applicant does not respond; and
  - 3. The deadline for response by the applicant.
- C. *Response.* The permit holder may request a hearing by the BOCC, by written request to the Director within 30 calendar days of receipt of the notice of withdrawal from the financial guarantee.
  - 1. If the applicant submits a timely request for hearing by the BOCC, the Director shall schedule a public hearing within 30 calendar days of receipt of the request for hearing.
  - 2. If the applicant does not submit a timely request for hearing by the BOCC, the BOCC may order the withdrawal from the financial guarantee.

Sec. 5.3.2.4 JUDICIAL PROCESS

- A. *Generally.* Except as otherwise provided in this Chapter and Colorado law, this Code shall be enforced in the County Courts of Chaffee County, Colorado.
- B. *Planned Development.* The County may enforce the provisions of approved PD plans relating to the use of land and the location of common open space, as well as the terms of approval and the terms set out in PD development agreements at law or in equity, without limitation on any power or regulation otherwise granted by law. *See C.R.S. § 24-67-106.*

DIVISION 5.3.3 REMEDIES

Sec. 5.3.3.1 NATURE OF REMEDIES; PREFERENCE FOR CIVIL REMEDIES

State law provides for civil and criminal remedies for violations of this Code. It is the County’s policy preference to pursue compliance by prioritizing education and voluntary corrections over litigation, and where litigation is necessary, to elect civil

remedies over criminal ones where there is discretion to do so, except in egregious cases.

Sec. 5.3.3.2 REVOCATION OR WITHHOLDING OF LICENSES, PERMITS, AND APPROVALS [ADDED 10-10-2024]

The County may enforce this Code by withholding building permits, licenses, permits, or other approvals until compliance is demonstrated. *See C.R.S. § 30-28-114.*

Sec. 5.3.3.3 CIVIL FINES [ADDED 10-10-2024]

Any person, firm, or corporation violating this Code, a condition of approval created pursuant hereto, or a provision of a final PD plan or PD development agreement commits a civil infraction. Each day during which such illegal erection, construction, reconstruction, or alteration continues is considered a separate offense. The County may enforce this Code in County Court, and, in addition to or in the alternative to other legal remedies, may seek civil fines and penalties as provided in C.R.S. § 30-28-124.5. *See C.R.S. § 30-28-124.*

Sec. 5.3.3.4 ENFORCEMENT OF DEVELOPMENT AGREEMENTS

The County may seek declaratory or injunctive relief, specific performance, liquidated damages, compensatory damages, or any appropriate relief pursuant to contract law to enforce development agreements and PD development agreements, however titled.

Sec. 5.3.3.5 OTHER CIVIL REMEDIES [ADDED 10-10-2024]

In addition to other remedies provided by law, the County may enforce this Code by way of an action for injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove any unlawful installation, construction, reconstruction, alteration, or use, or to enjoin the sale of subdivided land prior to the recording of an approved final plat. *See C.R.S. §§ 30-28-114; 30-28-110(4)(a).*

Sec. 5.3.3.6 CRIMINAL PENALTY FOR UNLAWFUL SUBDIVISION [ADDED 10-10-2024]

Any subdivider, or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners 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 \$1,000.00 nor less than \$500.00 for each parcel of or interest in subdivided land which is sold. *See C.R.S. § 30-28-110(4)(a).*



# ARTICLE 6. MEASUREMENTS, CALCULATIONS, INTERPRETATION, RULES OF CONSTRUCTION, WORD USAGE, ACRONYMS, AND DEFINITIONS

## CHAPTER 6.1 Measurements and Calculations

### DIVISION 6.1.1 PURPOSE AND APPLICATION OF CHAPTER

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#### Sec. 6.1.1.1 PURPOSE

The purpose of this Chapter is to set out the methodologies for measurements and calculations that are used in the administration of this Code.

#### Sec. 6.1.1.2 APPLICATION [ADDED 10-5-2024]

The measurements and calculations set out in this Chapter apply throughout this Code where such measurements or calculations are referenced.

### DIVISION 6.1.2 MEASUREMENTS

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#### Sec. 6.1.2.1 BUILDING COVERAGE

- A. *Generally.* Building coverage is measured as the area of a lot or parcel that is occupied by principal and accessory buildings at ground level.
- B. *Inclusions.* Building coverage also includes the following areas, whether they are fully enclosed or not:
  - 1. The horizontal area directly under carport roofing systems; and
  - 2. The horizontal area directly under overhangs, covered porches, cantilevers, and decks to the extent that they project more than two feet from building walls.
- C. *Exclusions.* Eaves, overhangs, and decks that project less than two feet from the building walls are not included in the measurement of building coverage.

#### Sec. 6.1.2.2 BUILDING HEIGHT

- A. *Generally.* Building height is measured from a horizontal reference plane at the elevation of the average existing grade across the front building line, measured at major building corners, to the highest point among the following:
  - 1. The midpoint of a sloped (gable, hip or gambrel) roof;
  - 2. The top of the parapet of a flat roof system; or
  - 3. The deck line of a mansard roof.
- B. *Exceptions.*

1. The following building elements and appurtenances are excepted from the building height measurement in all cases, but only to the minimum degree necessary to achieve compliance with applicable building codes (or if not regulated by building codes, to provide for appropriate function):
  - a. Chimneys;
  - b. Vents (*e.g.*, attic fans, cupola vents, radon mitigation, plumbing vents, etc.);
  - c. Light collection domes for daylighting systems; and
  - d. Roof-mounted solar collectors that are:
    - i. On sloped roof systems, mounted parallel to the roof plane, and not more than six inches above the roof surface; or
    - ii. On flat roof systems, extending not more than six feet above the roof surface.
2. In addition to the elements and appurtenances described in subsection B.1., above, with regard to multifamily and nonresidential buildings, the following are also excepted from the building height measurement:
  - a. Non-habitable towers, spires, belfries, and domes;
  - b. Screened mechanical equipment;
  - c. "Green roof" vegetation
  - d. Roof access, elevator, and stair towers; and
  - e. Clock towers.

#### Sec. 6.1.2.3 FLOOR AREA

Floor area is measured as the horizontal floor area included within the outside walls of a building or portion thereof, including habitable tenant houses and attic space, but not including vent shafts, courts, or uninhabitable areas below ground level or in attics.

#### Sec. 6.1.2.4 LOT DIMENSIONS

- A. *Lot Area*. Lot area is the total planar area within a lot that is enclosed by its lot lines.
- B. *Lot Depth*. Lot depth is the average horizontal distance between front and rear lot lines.
- C. *Lot Width*. Lot width is the horizontal distance between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

Sec. 6.1.2.5 SETBACKS [UPDATED 10-6-2024 TO ACCOUNT FOR TYPICAL REDUCTIONS]

- A. *Generally.* Setbacks are measured horizontally at right angles to the affected lot line to the nearest point of the building or structure for which the setback is being measured.
- B. *Reductions.* Specified structures and architectural features may encroach into required setback areas as provided in Table 6.1.2.5., *Setback Reductions for Building Elements, Equipment, and Structures*. The encroachments authorized by this Subsection are subject to all applicable building code and IWUIC requirements.

**Table 6.1.2.5., Setback Reductions for Building Elements, Equipment, and Structures**

Architectural Element	Yard In Which Setback Reduction is Allowed				Amount of Setback Reduction Allowed (use whichever column allows the least setback reduction)	
	Front	Interior Side	Road Side	Rear	Measured From Setback Line Towards Subject Property Line	Measured From Property Line Towards Interior of Subject Property
Air conditioning units	No	Yes	Yes	Yes	3 ft.	3 ft.
Awnings, canopies, or sunshades without supports that extend to ground	Yes	Yes	Yes	Yes	4 ft.	2 ft.
Balconies	Yes	No	Yes	Yes	2 ft.	4 ft.
Chimneys	Yes	Yes	Yes	Yes	2 ft.	3 ft.
Decks, porches, or patios that are not covered, if the surface of the deck is less than 3 feet above average adjacent grade	Yes	No	Yes	Yes	Any distance	3 ft.
Decks, porches, or patios that are not covered, if the surface of the deck is 3 feet or more above average adjacent grade	No	No	No	Yes	2 ft.	5 ft.
One-story bay windows	Yes	No	Yes	Yes	2 ft.	4 ft.
Overhanging eaves and gutters	Yes	Yes	Yes	Yes	4 ft.	2 ft.
Parking shelters, detached from the principal building and open on all sides <sup>1</sup>	No	Yes	No	Yes	50% of the required setback	3 ft.
Stairways that are necessary for access to a permitted building or for access to property; fire escapes.	No	No	Yes	Yes	As necessary	3 ft.
Cornices, canopies, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features	Yes	Yes	Yes	Yes	2 ft.	2 ft.

**TABLE NOTES:**

<sup>1</sup> This exception does not apply if the property that shares the interior side or real property line is used for single-unit detached dwelling unit, duplex, multiplex, or group home purposes.

- C. *Limitations on permissible encroachments.* No building, building element, or structure shall:
  1. Cross a property line, unless a recorded document provides for access to and maintenance of the projection;

2. Encroach onto public property or rights-of-way, unless a revocable encroachment permit is issued by the Chaffee County Road and Bridges Department;
3. Encroach upon access easements; or
4. Encroach upon utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility or the County to efficiently remove the encroachment at the property owner's expense without liability to the property owner.

#### Sec. 6.1.2.6 STRUCTURE HEIGHT

##### A. *Fences, Walls, and Retaining Walls.*

1. The height of fences, walls, or retaining walls is measured as the vertical distance from a point of measurement at the average finished grade for each interval on the outside of the enclosed area (or the side closest to the property line if the fence or wall does not enclose anything) to the highest point at the top of the fence or wall for that interval, excluding posts and pilasters.
2. In general, fence or wall height is measured in 40-foot horizontal intervals, or the distance between posts or pilasters, whichever is shorter.

##### B. *Other Structures, Except Buildings and Signs.* The height of a monopole or tower is measured from the lowest point of the base of the structure, at its grade, to the highest point of the structure, including attachments (*e.g.*, for antenna towers, height shall be measured inclusive of any antennas placed on the tower, and for wind turbines, height shall be measured to the top of the rotor at its highest point during rotation).

#### Sec. 6.1.2.7 SIGN AREA AND SIGN HEIGHT

##### A. *Sign Area.*

1. Sign area is the area within a continuous polygon with up to eight straight sides that completely encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's contents from the background against which they are placed.
2. Sign area does not include the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but does include any open space contained within the outer limits of the display face, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not, except that the areas of wall signs that are separated by a distance of more than three feet are measured independently of each other.
3. Free-standing and projecting signs may have multiple faces or contain three-dimensional objects. The area of such signs is measured using the vertical

cross-section that represents the sign's maximum perpendicular projection upon a vertical plane.

- B. *Sign Height.* Sign height is the vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the average grade in the area within the required landscape area around the base of the sign. If said average grade is more than two feet lower than the average grade of the nearest abutting road (if two roads are equidistant, the higher of the two), then the height of the detached sign shall be measured from the elevation of said road to the top of the higher of the sign face or sign structure.

Sec. 6.1.2.8 ROAD FRONTAGE [ADDED 10-6-2024]

- A. *Generally.* Road frontage is measured as the distance between the side property lines that are connected by a property line that is coterminous with a road right-of-way line. Where the road is curved, the frontage is measured along the curve.
- B. *Multiple Frontages.* On corner lots and through lots, frontages on each road are measured independently. Where frontages connect with curves, measurements are taken to the center of the arc.

## DIVISION 6.1.3 CALCULATIONS

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Sec. 6.1.3.1 BUILDING COVERAGE RATIO

Building coverage ratio is calculated as building coverage divided by lot area.

Sec. 6.1.3.2 LANDSCAPE SURFACE RATIO [ADDED 10-5-2024]

Landscape surface ratio ("LSR") is the total area of landscaped permeable surfaces, including landscaped setbacks, natural resource stewardship areas, parking lot landscaping, and other comparable areas (provided that no dimension is less than five feet), divided by the area of the subject property. In the case of subdivisions, public road rights-of-way that are dedicated or expanded by the subdivision shall not be included in the area of the subject property for the purposes of LSR calculation.

Sec. 6.1.3.3 OPEN SPACE RATIO [UPDATED 10-5-2024]

Open space ratio ("OSR") is calculated as the total area of open space on a subject property divided by the total area of the subject property. In the case of subdivisions, public road rights-of-way that are dedicated or expanded by the subdivision shall not be included in the area of the subject property for the purposes of OSR calculation.

Sec. 6.1.3.4 RESIDENTIAL DENSITY [UPDATED 10-5-2024]

Residential density is calculated as the number of dwelling units per acre of a subject property, adjusted as provided in Section 2.4.2.2., *Density Adjustments for Specific Housing Types*, and measured based on the gross acreage (which includes resource protection areas, waterbodies, areas that will be dedicated for roads or other public

purposes, as so forth). Residential densities of less than one dwelling unit per acre may be expressed in terms of acres per dwelling unit.

## **CHAPTER 6.2 Rules of Construction, Computation of Time, and Acronyms**

### **DIVISION 6.2.1 PURPOSE AND APPLICATION OF CHAPTER**

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#### **Sec. 6.2.1.1 PURPOSE**

The purpose of this Chapter is to set out general rules for interpreting this Code, specific rules for construing the language set out herein, and rules for computing deadlines based on the passage of time from particular events. This Chapter also sets out the meaning of acronyms that are used throughout this Code.

#### **Sec. 6.2.1.2 APPLICATION [UPDATED 10-5-2024]**

This Chapter applies to the interpretation of all provisions of this Code, except where the Code provision provides its own rules of construction, acronyms, or defined words or phrases to the contrary, or where the Code provision specifically modifies a rule of construction, acronym, defined word or phrase, in which cases the Code provision shall control.

### **DIVISION 6.2.2 RULES OF CONSTRUCTION AND COMPUTATION OF TIME**

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#### **Sec. 6.2.2.1 INTERPRETATION**

For words, terms, and phrases used in this Code that are not defined in Chapter 6.3, *Definitions*, or elsewhere in this Code, it is the intention of the Board of County Commissioners that in general, the Code shall be interpreted in terms of its plain language. To that end, words shall have the definitions attributed to them by commonly available dictionaries such as dictionary.com or merriam-webster.com. Where technical language is used in this Code, reference may be made to appropriate industry-specific resources.

#### **Sec. 6.2.2.2 RULES OF LANGUAGE CONSTRUCTION**

- A. *Generally.* The words and terms used, defined, interpreted, or further described in this Code may be construed as follows:
1. The particular controls the general.
  2. The words “shall” and “must” are mandatory.
  3. The words “may” and “should” are permissive.
  4. The phrase “used for” includes the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
  5. Words used in the present tense include the future unless the context clearly indicates the contrary.

6. Words used in the singular include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary.
- B. *Ordered Lists.* This Code includes ordered lists in which the last two entries are joined by either “and” or “or.” The use of the word “and” means that all items in the list are applied. The use of the word “or” means that one or more items in the list are applied. For example, if a provision states, “. . . if it is demonstrated that: (1) X; (2) Y; and (3) Z,” then standards X, Y, and Z would all have to be met to satisfy the requirement. However, if a provision states, “. . . if it is demonstrated that: (1) X; (2) Y; or (3) Z,” then meeting one or more of the standards would be sufficient to satisfy the requirement. Ordered lists may be nested, and if so, each ordered list within the nested structure is interpreted independently according to this rule of construction.
- C. *Figures and Illustrations.* If there is a conflict between figures or illustrations and words expressing a number, the words govern.

#### Sec. 6.2.2.3 COMPUTATION OF TIME

A. *Generally.*

1. Where this Code establishes time periods in terms of calendar days, the time period is calculated using calendar days from a given date (*e.g.*, if an action must be taken within 10 days of the filing of an application, then action on an application filed on February 1 would take place before the end of the time period on February 11). For the purposes of this standard, the given date of mailed notice is the date the mail is postmarked.
2. Where this Code establishes time periods in terms of business days, the time period is calculated using business days from a given date. For this purpose, “business days” are days that the County Planning Department is open (“business days” do not include weekends, holidays, days that the County Planning Office is closed due to inclement weather, or days that the County Planning Department is closed due to work schedules approved by the Board of County Commissioners).
3. Where this Code establishes time periods in terms of months, then the time period is calculated such that end of the time period occurs on the same day of the month of the beginning of the time period (*e.g.*, a six-month period starting July 1 ends December 1), unless such symmetry is not possible, in which case the end of the time period occurs on the last day of the month at the end of the time period (*e.g.*, a two-month period starting December 31 would end February 28 or 29, depending upon the year).
4. Where this Code establishes time periods in terms of years, then the time period is calculated such that the end of the time period occurs on the identified anniversary of the beginning of the time period (*e.g.*, a three year period beginning on January 15, 2025 would end on January 15, 2028), except that periods that begin on February 29 shall end on February 28 if the anniversary year is not a leap year.



B. *Effect of Time of Day.*

1. Time periods that commence after 4:00 PM shall be deemed commenced on the next business day, as defined in subsection A.2., above.
2. All time periods end at 5:30 PM on the last day, except as provided in subsection C., below.

C. *Automatic Extensions.* When a time period established by this Code ends on a day that is not a business day as defined in subsection A.2., above, the time period automatically extends to the next day that the Planning Department is open.

DIVISION 6.2.3 ACRONYMS

Table of Acronyms [Updated 10-9-2024]

Acronym	Word or Phrase
A	Allowed Use
a/u	Acres Per Dwelling Unit
ac.	Acres
ADA	Americans with Disabilities Act, 42 U.S.C. § 12101, et seq., as amended from time to time
ADA 502	2010 ADA Standards for Accessible Design § 502, as amended from time to time, and however subsequently titled or numbered
ADG	Area of Desired Growth
ADU	Accessory Dwelling Unit
ADT	Average Daily Trips
AEU	Animal Equivalent Unit
AMI	Area Median Income
ARP	Approved Reclamation Plan
AWWA	American Water Works Association
BLM	United States Bureau of Land Management
BMP	Best Management Practice
BOA	Chaffee County Board of Adjustment
BOCC	Chaffee County Board of County Commissioners
C	Conditional Use
CAFO	Concentrated Animal Feeding Operation
CCR	Colorado Code of Regulations
CCRBD	Chaffee County Road and Bridge Department
CCRs	Covenants, Conditions, and Restrictions
CDPHE	Colorado Department of Public Health and Environment
C.O.	Certificate of Occupancy
C.R.S.	Colorado Revised Statutes
dBA	A-weighted Decibels
DRMS	Colorado Division of Reclamation, Mining and Safety
DWR	Division of Water Resources, within the Colorado Department of Natural Resources
ECM	Chaffee County Engineering Criteria Manual
e.g.	<i>exempli gratia</i> (translation: "for example"), which is followed by illustrative, non-exclusive examples
EGL	Energy Grade Line
EMC	Electronic Message Center
EOPC	Engineer's Opinion of Probable Cost
<i>et seq.</i>	<i>et sequitur, et sequentes, or et sequentia</i> (translation: "and the following"), which denotes a list or series of items that continues from the item cited just prior to the " <i>et seq.</i> " abbreviation.
FEMA	Federal Emergency Management Agency
FHZ	Fluvial Hazard Zone

Acronym	Word or Phrase
ft.	Feet
GESC	Grading, Erosion, and Sediment Control
GPS	Global Positioning System
HUD	U.S. Department of Housing and Urban Development
i.e.	<i>id est</i> (translation: "that is"), which is followed by an elaboration of the topic
IGA	Intergovernmental Agreement
IGBC	Interagency Grizzly Bear Committee
ILS	Instrument Landing System
ISDS	Individual Sewage Disposal System
ITE	Institute of Traffic Engineers
IWUIC	Chapters 1 through 7, inclusive, Appendices A.101, A.102.1, A.102.2, A105, A106, A107, A108, and A109, and Appendix B, of the 2024 International Wildland-Urban Interface Code, as amended in Section 3.7.3.3., <i>Wildfire Hazard Mitigation</i> .
L	Limited Use
lf.	Linear Feet
LSR	Landscape Surface Ratio
Max.	Maximum
Min.	Minimum
MPA	Municipal Planning Area
MPE	Master Plan for Extraction
MSA	Municipal Service Area
MUTCD	Manual on Uniform Traffic Control Devices
MW	Megawatt(s)
MWh	Megawatt Hour(s)
N/A	Not Applicable
NAVD 88	North American Vertical Datum (1988)
NPDES	National Pollutant Discharge Elimination System
OSR	Open Space Ratio
PAR	Precision Approach Radar
PC	Chaffee County Planning Commission
PD	Planned Development
psi	Pounds per Square Inch
RV	Recreational Vehicle
Sec.	Section
sf.	Square Feet
sp.	Parking Space
TA	Traffic Assessment
TL	Traffic Letter
TIS	Traffic Impact Study
u	Dwelling Unit
u/a	Dwelling Units Per Acre
UDCB	Unattended Donation Collection Box
U.S.	When preceded and followed by numbers, United States Reports (a Supreme Court Reporter); otherwise, United States
U.S.C.	United States Code
U.S. DOJ	United States Department of Justice
USFS	United States Forest Service
WPCE	Wildlife-Proof Container Enclosure
WPRC	Wildlife-Proof Refuse Container
WRRC	Wildlife-Resistant Refuse Container
WUI	Wildland-Urban Interface
Z	Zoning Permit

## CHAPTER 6.3 Definitions

### DIVISION 6.3.1 NUMBERED DEFINITIONS

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*100-Year Flood* means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The phrase “100-year flood” does not imply that such a flood will necessarily happen once (or only once) every one hundred years. [Added 10-5-2024]

*100-Year Floodplain* means an area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood (a/k/a “special flood hazard area”). [Added 10-5-2024]

*123 Go!* means the County’s “fast track approval process” for the processing of applications for qualifying affordable housing projects as provided in C.R.S. § 29-32-105(2). [Added 10-9-2024]

*500-Year Flood* means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The phrase “500-year flood” does not imply that such a flood will necessarily happen once (or only once) every five hundred years. [Added 10-5-2024]

*500-Year Floodplain* means an area of land susceptible to being inundated as a result of the occurrence of a 500-year flood. [Added 10-5-2024]

### DIVISION 6.3.2 A DEFINITIONS

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*Active Stream Corridor* means a portion of the fluvial hazard zone within which stream bank erosion, sediment deposition, or the development of new stream channels in the floodplain are likely during a fluvial event. [Added 10-3-2024]

*Affordable Housing* means, in general, rental housing affordable to a household with an annual income of at or below 60 percent of the area median income (“AMI”), and that costs the household less than 30 percent of its monthly income. The phrase “affordable housing” also means for-sale housing that could be purchased by a household with an annual income of at or below 100 percent of AMI, for which the mortgage payment costs the household 30 percent or less of its monthly income. If the County successfully petitions the Division of Housing within the Department of Local Affairs pursuant to C.R.S. § 29-32-105.5, the phrase “affordable housing” shall be defined instead with references to percentages of AMI identified in the approved petition. [See C.R.S. §§ 29-32-101; 29-32-105.5 \(Proposition 123 implementation\)](#) [Added 10-9-2024]

*Agricultural Land Uses* means agricultural support services and agriculture.

*Agricultural Support Services* means businesses or organizations that support agricultural and livestock production, including feed and seed stores, tractor and farm equipment repair shops, agricultural producer cooperatives, and packing houses. Agricultural Support Services does not include slaughterhouse or meat packing.

*Agriculture* means the science, art and practice of producing plants and animals useful to man, including, to a variable extent, the preparation of these products for man's use

and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, aquiculture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm and ranch production. The term “Agriculture” does not include the phrase “Intensive Agriculture,” nor does it include the phrases “Medical Marijuana Cultivation Facility” or “Retail Marijuana Cultivation Facility.”

*Agritourism* means an activity related to the normal course of agriculture, as defined in C.R.S. § 35-1-102(1), which activity is engaged in by participants for entertainment, pleasure, or other recreational purposes, or for educational purposes, regardless of whether a fee is charged to the participants. The term “agritourism” also means hunting, shooting, swimming, diving, tubing, and riding, or operating a motorized vehicle (e.g., a snowmobile or ATV) for recreational purposes on the property of an agricultural operation. The term “agritourism” includes, but is not limited to, planting, cultivation, irrigation, or harvesting of crops; acceptable practices of animal husbandry; rodeo and livestock activities; and maintenance of farm or ranch equipment. However, the term “agritourism” does not include any activity related to or associated with medical marijuana or retail marijuana. *See* C.R.S. § 13-21-121.

*Agrivoltaics* means the dual use of land for solar energy production and agriculture or ranching.

*Aircraft* means any and all types of aircraft, whether now in existence or hereafter manufactured and developed, to include jet, propeller-driven, civil, military or commercial aircraft; helicopters, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whoever owned or operated.

*Airport* means an area of land that is designated for the take-off and landing of aircraft, which may include areas for ticketing, security, aircraft maintenance, luggage or cargo handling, ground transportation services, and accessory retail and restaurant uses, as well as safety zones.

*Airport Elevation* means the highest point of an airport’s usable landing area, measured in feet above mean sea level.

*Airport Sponsor* means the owner, manager, or other person or entity designated to represent the interests of an airport.

*Airstrip* means an area of land that is developed for take-off and landing of private, noncommercial airplanes or emergency response aircraft. Airstrips are intended for use by a single private owner, by members of a property owners’ association that are granted use rights to an airstrip that is located on property owned by the association, or by emergency response agencies.

*Aquifer* means a body of rock or sediment that is sufficiently porous and permeable to store, transmit, and yield significant quantities of groundwater to wells and springs.

*Area Median Income (“AMI”)* means the median household income of households of a given size in Chaffee County, as calculated and published for a given year by the U.S. Department of Housing and Urban Development (“HUD”).

*Armoring* means the installation of concrete walls, gabions, stone, riprap, and other erosion resistant material along stream banks.

*Assisted Living or Congregate Care* means a residential facility that provides meals and as-needed assistance with daily activities, such as dressing, grooming, and bathing, for the elderly or adults who are unable to consistently manage these activities themselves.

*Attendees* means the maximum anticipated number of participants and spectators of any single day of a special event. Staff and volunteers are not counted as attendees, unless the number of such staff or volunteers would, in the determination of the Director, substantially alter the size and impact of the special event.

*Avulsion Hazard Zone* means pathways outside of the active stream corridor that a channel might (re)occupy (only avulsion pathways that exist outside the active stream corridor are identified as avulsion hazard zones).

### DIVISION 6.3.3 B DEFINITIONS

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*Bar, Tavern, or Nightclub* means a business that sells alcoholic beverages for on-premises consumption, and/or evening entertainment such as live music, comedy acts, a floorshow, or dancing. The use may include tables and chairs, but does not have fixed theater-style seating. The use may include the sale of light snacks (chips, pretzels, nuts, etc.) and sandwiches (prepackaged pizzas, burritos, subs, etc.) as required by the applicable liquor license (which may be any of the following classes of State alcohol licenses pursuant to C.R.S. § 44-3-401, *et seq.*: beer and wine, hotel and restaurant, tavern, vintner's restaurant, lodging, or entertainment facility). The phrase "Bar, Tavern, or Nightclub" does not include the phrase "Sexually-Oriented Business" or the temporary sale of alcohol for on-premises consumption.

*Battery Energy Storage System (Utility Scale)* means an electric storage resource capable of receiving electrical energy from the power grid and storing it in batteries for later provision of electrical energy back to the power grid, with a capacity of 150 MWh or greater. Battery Energy Storage Systems with a capacity of less than 150 MWh are classified as "Utilities, Minor."

*Bed and Breakfast* means an adaptive re-use of a single-unit detached dwelling building as a place of overnight accommodation, in which:

6. Five or fewer guest rooms are rented for daily and / or weekly terms;
7. Breakfast is provided to guests; and
8. The operator resides on the premises.

*Brewpub* means a brew pub as defined in C.R.S. § 44-3-103(5) or a microbrewery. [See C.R.S. § 44-3-103\(5\)](#).

*Bus or Taxi Terminal, On-Demand Transportation Dispatch* means a facility that offers ground transportation in buses, passenger automobiles, or vans to persons for a fare or as a public service, includes fleet storage, and may include facilities for fleet servicing, washing, fueling, or charging.

#### DIVISION 6.3.4 C DEFINITIONS

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*Camp Cabin* means a building that is constructed on a permanent foundation, intended for occupancy as a recreational overnight accommodation, that does not have a kitchen and does not meet building code requirements for a residential dwelling unit.

*Campground or RV Park* means an area of land developed and intended to provide short-term accommodations to guests in tents, and may include areas for short-term accommodations to guests in recreational vehicles.

*Cemetery* means land used or intended to be used for the interment of the remains of human bodies or pets, whether such interment is above ground or below ground. The term “cemetery” includes graveyards, mausoleums, tombs, and columbariums. The term “cemetery” does not include a family burial site.

*Chaffee County Engineering Criteria Manual (“ECM”)* means a document promulgated by the County that sets out the minimum requirements and technical criteria for the design, construction, and installation of infrastructure (e.g., roads and stormwater management systems), landscaping, and other public improvements, and for grading, erosion, and sediment control. [Added 10-6-2024]

*Channel* means an area that contains continuously or periodically flowing water that is confined by banks and a streambed.

*Channelization* means the process of changing (usually straightening) the natural path of a waterway and/or installing infrastructure, armoring or other similar practices which are intended to inhibit the lateral or vertical movement of a channel.

*Combination Truck* means any combination of vehicles (e.g., a tractor unit and a trailer) with a total gross combined vehicle weight rating of 26,001 pounds or more, if the gross vehicle weight rating or gross vehicle weight of the trailer or trailers being pulled is more than 10,000 pounds, the lawful operation of which requires a Class “A” commercial driver’s license. [Added 10-5-2024]

*Commercial Equestrian Facilities* means a boarding stable, riding school or academy, riding arena, or exhibition facility for horses, donkeys, or mules, but not facilities that are associated with residential or agricultural uses and solely for the private use of the residential or agricultural landowner or lessee. Commercial equestrian facilities typically include barns, stables, corrals, riding arenas, or paddocks.

*Commercial Lodging* means a building or group of buildings in which six or more guest rooms are used to provide overnight accommodations for transient guests for compensation. Such uses may additionally provide services such as small-scale meeting rooms, business centers (personal computers, fax machines, and printers for guest use), food service for guests, and on-site recreational facilities such as swimming pools and fitness centers.

*Community, Civic, Educational, and Institutional Land Uses* means the following land uses, individually or collectively: “Cemetery,” “Crematorium,” “Day Care Center, Adult,” “Day Care Center, Child,” “Funeral Home,” “Hospital,” “Place of Assembly,” “School,



Boarding,” “School, Elementary or Middle,” “School, High,” “School, Vocational or Trade,” and “University or College.”

*Composting Facility* means a facility to which vegetative waste materials, such as lawn clippings, tree trimmings, weeds, and vegetable food scraps from more than one lot or parcel are delivered for composting. The phrase “composting facility” does not include facilities that are used only for collection and subsequent transfer of compostable materials for processing, nor does it include processing of biosolids from wastewater.

*Conservation Use* means activities that aim to preserve and protect natural resources through prudent management that prevent or minimize injury, decay, waste, or loss of the natural environment.

*Convenience Lending* means:

1. A business engaged in providing short-term loans to individuals in exchange for personal checks or bank account access as collateral; or
2. A business that, for a fee, cashes checks, warrants, drafts, money orders, or other commercial paper serving the same purpose, but is not a state or federally chartered bank, savings association, credit union, industrial loan company, or retail store that is engaged primarily in the business of selling consumer goods.

*Crematorium* means a facility for the burning of corpses, human or animal, to ashes. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials, or narcotics.

*Critical Facility* means a building, structure, or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood, including, but not limited to, police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply facilities, and waste treatment facilities.

*Crossing* means any infrastructure that extends from one bank to the opposite bank of a stream or ditch, whether under, through, or over the watercourse (*e.g.*, roads, fords, bridges, culverts, water and sewer lines, utility lines and cables, siphons, and flumes).

*Culvert* means a buried pipe that allows flows to pass under a road, embankment, or other fill.

#### DIVISION 6.3.5 D DEFINITIONS

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*Data Center* means a building or portion thereof that is used by telecommunications carriers, internet access providers, or internet service providers, in which equipment for telecommunications and data processing use (*e.g.*, servers, data storage devices, switches, routers, and other comparable technology infrastructure) is concentrated and physically secured. Equipment in a data center may be owned or operated by more than one entity. The phrase “Data Center” does not include the phrase “Wireless Telecommunications Facility.”



*Day Care Center, Adult* means a facility that is certified by the State of Colorado to provide health and social services on a less than 24-hour basis to elderly, blind, or disabled adults.

*Day Care Center, Child* means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children who are 18 years of age or younger and who are not related to the owner, operator, or manager, whether the facility is operated with or without compensation for such care and with or without stated education purposes. The phrase includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give 24-hour care for children and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the phrase does not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program operated pursuant to Article 28 of Title 22, C.R.S. The phrase does not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to Colorado Revised Statutes but that is providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.

*dB(A)* means sound levels in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute ("ANSI"), publication S1.4 – 1971. [See C.R.S. 25-12-102\(2\)](#)

*Decibel* means a unit used to express the magnitude of a change in sound level. The difference in decibels between two sound pressure levels is twenty times the common logarithm of their ratio. In sound pressure measurements sound levels are defined as twenty times the common logarithm of the ratio of that sound pressure level to a reference level of  $2 \times 10^{-5}$  N/m<sup>2</sup> (Newtons/square meter). As an example of the effect of the formula, a three-decibel change is a 100 percent increase or decrease in the sound level, and a 10-decibel change is a 1,000 percent increase or decrease in the sound level. [See C.R.S. 25-12-102\(2\)](#)

*Development* means:

1. The use of any building, structure, or land (including new uses, changes in use, expansions of existing uses, and material changes to the operational characteristics of existing uses).
2. Construction, material alteration, repair, relocation, or demolition of infrastructure, structures (including but not limited to fences, retaining walls, signs, and towers), or buildings.
3. Alterations of historic buildings and sites.

4. Land clearing in anticipation of the construction of infrastructure, structures, or buildings for non-agricultural purposes.
5. Any other material disturbance of land, soil, vegetation, or waterways, including excavation, fill, or other alteration of land for construction or other purposes, but not including agricultural or forestry activities, routine landscape maintenance, ditch or reservoir maintenance, drainage facility maintenance, and personal gardening.
6. Any division of land for land development, for sale or for lease, whether by metes and bounds, subdivision, or other technique.

*Development Agreement* means any agreement between an applicant and the County with regard to a development approval, permit, or license, that memorializes the rights and obligations of the applicant and the County with respect thereto. Such agreements may provide for timing of the installation of public improvements, financial guarantees for public improvements, development phasing, vested rights, and cost-sharing. The phrase “development agreement” includes, but is not limited to, the phrases “subdivision improvements agreement” as used in C.R.S. § 30-28-137, and “development agreement” as used in C.R.S. § 24-68-104.

*Director* means the Chaffee County Planning Director or designee, or in the absence thereof, the person or persons designated by the County Administrator to administer this Code.

*Disconnected Active Stream Corridor* means lands that would normally be mapped as part of the active stream corridor but may not be currently prone to fluvial processes due to the presence of a disconnecting structure.

*Disconnecting Structure* means a structure that delineates the margin between an active stream corridor and a disconnected active stream corridor.

*Disposal* means facilities for the disposal of non-nuclear waste or fill. The term includes solid waste disposal sites and facilities, as defined by C.R.S. § 30-20-101(8); and hazardous waste disposal sites, as defined by C.R.S. § 25-15-200.3(5). [See C.R.S. § 30-20-101\(8\) and C.R.S. § 25-15-200.3\(5\).](#)

*Distillery Pub* means a distillery pub as defined in C.R.S. § 44-3-103(14) or a microdistillery. [See C.R.S. § 44-3-103\(14\).](#)

*Ditch Maintenance Activities* means ditch cleaning; construction, maintenance or removal of ditch lining; excavation or fill of ditch channels and banks; ditch reshaping; piping; daylighting; installation, maintenance, repair, or removal of remote sensing and control systems; vegetation and weed control; construction, maintenance, relocation, expansion, or removal of ditch or reservoir service roads; dust control on ditch or reservoir service roads; construction, modification, repair, maintenance, or removal of flumes, siphons, dams, gates, measurement devices, and similar ditch or reservoir appurtenances; and similar activities that are necessary or desirable for the operation of ditch and reservoir systems.

*Domestic Wastewater Treatment Facility* means any facility or group of units used for the treatment of domestic wastewater or for the reduction and handling of solids and

gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. The phrase “domestic wastewater treatment facility” specifically excludes onsite wastewater treatment systems (“OWTS”). [See 5 CCR § 1003-2:100.2\(13\)](#)

*Drive-through, Drive-in, and Drive-up Station* means a facility that either:

1. Provides for customers to order food (*e.g.*, burgers), beverages (*e.g.*, coffee), goods (*e.g.*, pharmaceuticals), or services (*e.g.*, banking services) via an ordering station that is accessible to the customer from the customer’s vehicle, with said food, beverages, goods, or services thereafter either picked up at a pick-up window accessible to the vehicle, or brought to the customer’s vehicle; or
2. Provides for customers to order food, beverages, goods, or services online, and then pick them up at a pick-up window that is accessible to the customer from the customer’s vehicle.

The phrase “drive-through, drive-in, and drive-up station” does not include the phrases “fast-charging stations,” “fueling or service stations,” “motor vehicle wash,” or “truck stop,” nor does it include online ordering-curbside pickup arrangements. [\[Added 10-5-2024\]](#)

*Duplex* means a building that contains two separate dwelling units that do not share living areas. Duplexes may be configured as side-by-side units that share a party wall or as multi-story buildings in which one unit is located over the other unit.

*Dwelling Unit* means a building or portion thereof that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

#### DIVISION 6.3.6 E DEFINITIONS

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*E.G.* means “for example,” and is intended to be illustrative and not exclusive.

*Energy Grade Line* means a line that represents the elevation of energy head (in feet or meters) of water flowing in a channel and its adjacent floodplain.

*Erosion* means the wearing a way of rock or soil by the gradual detachment of soil or rock fragments by water, wind, ice, and other mechanical, chemical, or biological forces.

*Essential Services* means infrastructure that is essential to the provision of a utility service, which is not listed in a land use table in Chapter 2.1, including but not limited to:

1. Electric distribution, gas distribution, telephone, cable, and fiber optic lines;
2. Utility conduits, vaults, pipeline laterals, and mains;
3. Utility pedestals;
4. Water and sewer lines; and
5. Lift stations.

## DIVISION 6.3.7 F DEFINITIONS

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*Fairgrounds* means a publicly owned location for large events that may include indoor and outdoor facilities.

*Fans* means alluvial fans or debris fans, which are (typically) triangular-shaped landforms that are created by deposition of material at the intersection of a tributary valley with a larger valley, or in the mainstem of a stream where a steep confined reach rapidly loses confinement and gradient.

*Fast-Charging Station* means a building or land area and associated equipment used for the DC fast-charging (“DCFC”) of electric vehicles for compensation. The phrase “Fast-Charging Station” may be subsumed within the definitions of the phrases “Fueling or Service Station” or “Truck Stop,” but the phrase “Fast-Charging Station” does not subsume the phrases “Fueling or Service Station” or “Truck Stop.”

*Feed and Seed Store* means an establishment engaged in retail sale of supplies (e.g., livestock feed, seeds, and fertilizers), which are directly related to the day-to-day activities of agricultural production.

*Fill* means material such as soil, gravel, or crushed stone which is placed (usually in layers that are individually compacted) in an area to increase the ground elevation.

*Firm Yield* means the delivery of the same amount of water every year regardless of water supply conditions.

*Floodplain* means land that has been eroded by flowing water, or built of sediments deposited by flowing water, and which continues to be influenced by the stream either regularly or occasionally.

*Fluvial* means of or pertaining to rivers or streams, specifically river processes of flow and sediment movement.

*Fluvial Hazard* means a threat to public and/or private property and public safety and/or welfare posed when investments or assets are placed where natural fluvial processes occur.

*Fluvial Hazard Assessment* means a study completed by a qualified professional that identifies existing fluvial hazards, and which may demonstrate if/how land alterations/development may increase risk of fluvial hazard to the subject property or properties upstream and downstream of the subject property.

*Fluvial Hazard Buffer* means erosion-prone land that is located beyond the active stream corridor, such as hillslopes and terraces, that may be susceptible to geotechnical slope failure as a result of toe erosion caused by fluvial scour.

*Fluvial Hazard Zone (“FHZ”)* means the area a stream has occupied in recent history, could occupy, or could physically influence as it stores and transports water, sediment, and debris during flood events.

*Fueling or Service Station* means a building or land area used for the retail dispensing or sales of vehicular fuels, the towing of automobiles and light trucks (but not storage of inoperable automobiles or light trucks), and may include one or more fast-charging

stations. A fueling or service station may also include a retail store that sells goods and services, but primarily ready-to-eat food products (not intended for on-premises consumption), groceries, sundries, and automotive fluids and accessories (*e.g.*, windshield washer fluid, batteries, motor oil, car window shades). The phrase “Fueling or Service Station” does not include the phrase “Truck Stop.”

*Funeral Home* means a building that is used principally for:

1. Human funeral services;
2. Embalming and the performance of other services used in the preparation of the dead for burial; and
3. The performance of autopsies and other tests or surgical procedures on human remains.

In addition to the above functions, funeral homes may also store caskets, funeral urns, hearses, and other vehicles used in funeral processions. The phrase “funeral home” does not include the term “crematorium.”

#### DIVISION 6.3.8 G DEFINITIONS

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*Gateway Sign* means a sign that is mounted to or hung from a structure that spans over a driveway, whether or not a gate is present under the structure.

*General Commercial Land Uses* means the following land uses, individually or collectively: “Convenience Lending or Pawnbroker,” “Liquor Store,” “Office, General,” “Office, Medical,” and “Retail Sales and Services.”

*Geotechnical Flag* means areas where hillslope failures initiated by toe erosion may extend past the fluvial hazard zone delineation due to hillslope steepness, height, and/or material.

*Golf Course* means land used for the game of golf, which may include accessory uses such as driving ranges (where all participants are at ground level), pro-shops, club houses, and restaurants.

*Groundwater* means water that is present beneath the land surface, which fills the pore spaces of the alluvium, soil, or rock formation in which it is situated. The term “groundwater” excludes soil moisture, which refers to water held by capillary action in the upper unsaturated zones of soil or rock.

*Group Home* means a dwelling unit in which up to eight individuals live together (but not more than one who is required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended) and receive supportive services and are supervised by persons who live in the residence. For the purposes of this Code, there are four classifications of group homes:

1. Community residential homes (a/k/a group home for persons with intellectual and developmental disabilities), which is a state-licensed group home, exclusively for the care of persons with developmental disabilities, as defined by C.R.S. § 25.5-10-202.

2. Group home for the aged, which is a group home of persons who are 60 years of age or older who do not need nursing facilities, and who so elect to live in conventional residential surroundings. The phrase “group home for the aged” does not include nursing facilities (as defined in C.R.S. § 25.5-4-103(14)) or institutions providing life care (as defined in C.R.S. § 11-49-101(6)).
3. Group home for persons with behavioral or mental health disorders, which is a state-licensed group home for persons with behavioral or mental health disorders as defined in C.R.S. § 27-65-102, who are screened by a professional person as provided in C.R.S. § 27-65-102(27) prior to occupying the group home, and which does not include persons determined to be not guilty by reason of insanity to a violent offense and persons who have been convicted of a felony involving a violent offense.
4. Recovery residence, which is any premises, place, facility, or building that provides housing accommodation for individuals with a primary diagnosis of a substance use disorder that: is free from alcohol and nonprescribed or illicit drugs, promotes independent living and life skill development, and provides structured activities and recovery support services that are primarily intended to promote recovery from substance use disorders; but does not include does not include: a private residence in which an individual related to the owner of the residence by blood, adoption, or marriage is required to abstain from substance use or receive behavioral health services for a substance use disorder as a condition of residing in the residence, a facility approved for residential treatment by the Behavioral Health Administration in the Department of Human Services; or permanent supportive housing units incorporated into affordable housing developments. *See C.R.S. § 27-80-129(1)(b).*
5. Specialized group facilities, as defined in C.R.S. § 26-6-903(34). [Added 10-3-2024]

#### DIVISION 6.3.9 H DEFINITIONS

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*Hazard to Air Navigation* means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

*Heavy Industry* means industrial uses that are not specifically defined elsewhere in this Code, that can be described in one of the following three ways:

1. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Chapter or this definition, that involve: (a) material risk of significant environmental contamination, explosion, or fire; (b) perceptible ground vibration at the property line; (c) excessive noise or dust emissions at the property line and downwind; (d) large-scale outdoor storage of inputs or products; (e) significant outdoor installations of processing equipment; (f) outside emission of objectionable odors; (g) 50 or more of any combination of ingress or egress movements by combination trucks per day; or [Updated 10-5-2024]



2. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, logs, pulpwood, or fossil fuels; or
3. Activities that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the Federal Clean Air Act.

For illustrative purposes, heavy industrial uses include (if they meet the thresholds of this definition), but are not limited to:

1. Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers;
2. Facilities used in the primary or secondary production of metals (e.g., primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops);
3. Portland cement plants;
4. Sawmills and pulp mills;
5. Incinerators with the capacity to charge more than 250 tons of refuse per day;
6. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;
7. Fossil fuel combustion (except for electricity generation) totaling more than 250 million BTUs per hour of heat input;
8. Fabrication of motor vehicles, manufacturing equipment, durable goods, or prefabricated homes or home components;
9. Drycleaner processing plants that use large quantities of PERC or comparable petrochemical solvents;
10. Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);
11. Hot mix asphalt plants; and
12. Meat processing involving butchering of large animal carcasses.

*Heavy Logistics Center* means a wholesaling, warehousing, or distribution use that provides a central location for receiving, storing, and distributing raw materials, semi-finished goods, or finished goods. Heavy Logistics Centers may be warehouses in which goods are stored (a/k/a “product warehouses”), or truck terminals in which goods are transferred between trucks (a/k/a “truck terminals”), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public, which are classified as “Retail Sales and Services”). Heavy Logistics



Centers are expected to generate 50 or more of any combination of ingress or egress movements by combination trucks per day. [Updated 10-5-2024]

*Heavy Motor Vehicle Sales or Rental* means the sale or rental of commercial vehicles, recreational vehicles, boats, manufactured homes, or construction vehicles at the location where inventory is stored. The phrase “Heavy Motor Vehicle Sales or Rental” includes outdoor storage of such vehicles for brokers. Not included in the definition are:

1. Brokering of commercial or construction vehicles that are stored off-site and delivered directly to customers (an office, general use); and
2. Indoor storage of commercial or construction vehicles for brokers who are located off-site (a light industrial or heavy logistics use).

*Heliport* means a facility that is designed to be used for the take-off and landing of helicopters, including operations facilities such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

*Helistop* means an area used for the take-off and landing of private or emergency response helicopters for the purpose of picking up and discharging of passengers or cargo, or for emergency response. Helistops are not open for general aviation use.

*Hospital* means an institution that is licensed, certified, or approved as a “hospital” by the Colorado Department of Public Health and Environment (“CDPHE”), where sick or injured persons are given medical care and, in the course of same, may be housed overnight, fed, and provided nursing and related services.

*Hospitality, Recreation, and Entertainment Land Uses* means the following land uses, individually or collectively: “Bar, Tavern, or Nightclub,” “Bed and Breakfast,” “Bed and Breakfast Inn,” “Brewpub, Distillery Pub, or Limited Winery,” “Campground,” “Commercial Lodging,” “Fairgrounds,” “Golf Course,” “Indoor Commercial Amusement, Recreation, or Entertainment,” “Indoor Firing Range,” “Outdoor Commercial Amusement,” “Outdoor Firing Range,” “Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater,” “Park, Active,” “Park, Passive,” “Park, Wilderness,” “Race Track,” “Rural Resort,” “Restaurant,” “RV Park,” “Sexually-Oriented Business,” and “Zoo.”

#### DIVISION 6.3.10 I DEFINITIONS

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*Indoor Commercial Amusement, Recreation, or Entertainment* means a use that provides amusement, recreation, and amusement activities indoors, and is not otherwise specifically defined in this Code, including, but not limited to bowling alleys, dance instruction studios, escape rooms, fitness centers, game arcades (*e.g.*, video games, skee ball, and comparable amusement machines), gymnastics studios, indoor archery ranges, indoor axe throwing, indoor mini-golf, indoor pools or play courts (pickleball, racquetball, wallyball, basketball, etc.), indoor playgrounds (may include conventional playground equipment, inflatables, trampolines, rock climbing walls, zip lines, and comparable equipment), indoor skydiving, indoor electric go-kart tracks, indoor laser tag, indoor skating rinks (ice or roller), indoor velodromes, local area network (“LAN”) gaming centers, martial arts instruction, movie theaters, ping-pong centers, pool/billiard rooms, recreation centers, and yoga instruction.

*Indoor Firing Range* means an indoor area designed for the safe discharge of rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice. Excluded from this use type are amusements that simulate shooting but do not involve firearms (*e.g.*, laser tag, foam darts, etc.) which are classified as “Indoor Commercial Amusement, Recreation, or Entertainment.”

*Industrial, Processing, Recycling, Storage, and Disposal Land Uses* means the following land uses, individually or collectively: “Composting Facility,” “Disposal,” “Heavy Industry,” “Heavy Logistics Center,” “Light Industry,” “Recycling Collection Center,” “Resource Extraction (Minerals),” “Resource Extraction (Oil and Gas),” “Salvage Yard,” “Self-Storage,” “Storage Yard,” and “Waste Transfer Station.”

*Industrial Wastewater Treatment Facility* means any facility or group of units used for the pretreatment, treatment, or handling of industrial waters, wastewater, reuse water, and wastes that are discharged into state waters. *See* 5 CCR § 1003-2.100.2(14)

*Intensive Agriculture* means:

1. Concentrated animal feeding operations (“CAFOs”) of any size, as defined by 40 C.F.R. § 122.23, *Concentrated Animal Feeding Operations*;
2. Concentrated aquatic animal production facilities, as defined by 40 C.F.R. § 122.24, *Concentrated Aquatic Animal Production Facilities*;
3. Any use where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal equivalent unit (“AEU”) per acre, including feedlots, hog farms, and poultry operations; or
4. Any other agricultural use that is required to obtain a National Pollutant Discharge Elimination System (“NPDES”) permit under the Federal Clean Water Act because of animal or poultry wastes.

#### DIVISION 6.3.11 J DEFINITIONS

#### DIVISION 6.3.12 K DEFINITIONS

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*Kennel, Indoor* means a facility within a building in which four or more household pets of the same species are temporarily housed, groomed, bred, boarded, or trained; and may also be incidentally treated for medical conditions. The phrase “Kennel, Indoor” includes for-profit facilities and not-for-profit or public facilities at which animals may be offered for adoption or sale.

*Kennel, Outdoor* means a facility in which four or more household pets of the same species are temporarily housed, groomed, bred, boarded, or trained; and may also be incidentally treated for medical conditions, which includes outdoor areas for use by the animals (*e.g.*, dog runs). The phrase “Kennel, Outdoor” includes for-profit facilities and not-for-profit or public facilities at which animals may be offered for adoption or sale.

*Larger than Utility Runway* means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

*Light Industry* means a land use that involves research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited truck traffic, external impacts, or risks, such that the use is not defined as “Heavy Industry” or “Heavy Logistics Center.” The phrase “Light Industry” also includes wholesaling, warehousing, and distribution uses that involve fewer than 50 of any combination of ingress or egress movements by combination trucks per day. For illustrative purposes, light industrial uses may include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using premanufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include: (a) overhead door access to indoor storage of tools, parts, and materials; (b) parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or (c) limited outdoor storage areas;
3. Food production (*e.g.*, commercial kitchen or bakery) and packaging, but not: (a) meat processing involving butchering of large animal carcasses; (b) medical marijuana-infused products manufacture; or (c) restaurants;
4. Beverage production (alcoholic and nonalcoholic) and bottling, except at scales that place such production within the definition of “brew pub, distillery pub, or limited winery”;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a stationary source permit or Title V permit for air emissions;
9. Research, development, and testing laboratories (*e.g.*, for development of products, equipment, or materials), if not classified as “Office, General,” “Office, Medical,” or “Heavy Industry”;
10. Disassembly of consumer electronics and/or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture of glass products (*e.g.*, window panes, bottles and jars), including hand-blown products;

12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as Heavy Industry);
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products;
14. Packaging of products;
15. Storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or wholesalers (but not wholesale membership clubs in which memberships are available to the general public, which are classified as "Retail Sales and Services"); or
16. Collection, processing (bailing, compacting, flattening, grinding, shredding, crushing, mechanical sorting, or cleaning), and storage of recyclable materials (e.g., waste paper, motor oil, aluminum and other scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded clothing or shoes, cardboard, and other recyclable household materials) prior to transport to another location for reuse or recycling; provided, that all collection and processing activities and materials storage are located within an enclosed building.

*Limited Winery* means a limited winery as defined in C.R.S. § 44-3-103(25) or a microwinery. *See* C.R.S. § 44-3-103(25).

*Liquor Store* means a business that sells alcoholic beverages, including distilled spirits or hard liquor, for off-premises consumption. The phrase "Liquor Store" includes businesses that are licensed pursuant to C.R.S. § 12-47-401, *et seq.*, as retail liquor stores or liquor-licensed drug stores. The phrase "Liquor Store" does not include a business that sells only beer or wine for off-premises consumption. *See* C.R.S. § 12-47-401, *et seq.*

*Lot of Record* means a lot that was lawfully created, which is described by reference to an approved, recorded subdivision plat or a deed that provides a metes and bounds or aliquot parts legal description. The phrase "lot of record" includes patented mining claims, but does not include unpatented mining claims.

#### DIVISION 6.3.14 M DEFINITIONS

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*Manufactured Home* means a building that is 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, and which has certification required by the United States Secretary of Housing and Urban Development and was constructed in compliance with the requirements of 42 U.S.C. § 5401 *et seq.*, *Manufactured Home Construction and Safety Standards*, and the regulations of the Department of Housing and Urban Development that are promulgated thereunder. The phrase "Manufactured Home" does not include the phrase "Recreational Vehicle," nor does it include the phrase "Mobile Home."

*Manufactured Home Park* means an area of land that is designed and developed for the purpose of installation of manufactured homes, in which the owners or renters of the

manufactured homes also rent a designated area of land for their individual manufactured home.

*Manufactured Home Subdivision* means an area of land that designed and developed for the purpose of installation of manufactured homes, and is subdivided into individual lots for sale to manufactured home owners.

*Marijuana Land Uses* means “Medical Marijuana Land Uses” and “Retail Marijuana Land Uses.”

*Medical Marijuana* means marijuana that is grown and sold pursuant to the provisions of C.R.S. § 44-10-101, *et seq.*, and for a purpose authorized by Section 14 of Article XVIII of the Colorado constitution. If the context requires, medical marijuana includes medical marijuana concentrate and medical marijuana products. *See* C.R.S. § 44-10-103(34).

*Medical Marijuana Cultivation Facility* means a facility licensed pursuant to C.R.S. § 44-10-502, in which medical marijuana is cultivated for sale and distribution to licensed medical marijuana stores, licensed medical marijuana products manufacturers, or other medical marijuana cultivation facilities. *See* C.R.S. § 44-10-502(1).

*Medical Marijuana Land Uses* means the following land uses, individually or collectively: “Medical Marijuana Cultivation Facility,” “Medical Marijuana Product Manufacturer,” “Medical Marijuana Research and Development Facility,” “Medical Marijuana Store,” “Medical Marijuana Testing Facility,” and “Medical Marijuana Transporter (Storage Premises).”

*Medical Marijuana Product Manufacturer* means a facility licensed pursuant to C.R.S. § 44-10-503, in which medical marijuana products are manufactured. *See* C.R.S. § 44-10-503(1).

*Medical Marijuana Research and Development Facility* means a facility licensed pursuant to C.R.S. § 44-10-507, in which medical marijuana is grown, cultivated, possessed, and transferred, by sale or donation, pursuant to C.R.S. § 44-10-203(1)(i) or 44-10-507(4), for the limited research purposes identified in C.R.S. § 44-10-507(2). *See* C.R.S. § 44-10-507(1).

*Medical Marijuana Store* means a facility licensed pursuant to C.R.S. § 44-10-501, in which medical marijuana is sold. *See* C.R.S. § 44-10-501(1).

*Medical Marijuana Testing Facility* means a facility licensed pursuant to C.R.S. § 44-10-504, in which research and testing are performed on medical marijuana, medical marijuana products, and medical marijuana concentrate, or on industrial hemp products that are regulated by C.R.S. § 25-5-401, *et seq.* A medical marijuana testing facility may also develop medical marijuana products that it subsequently tests. *See* C.R.S. § 44-10-504.

*Medical Marijuana Transporter (Storage Premises)* means a facility in which medical marijuana is stored by a medical marijuana transporter that is licensed pursuant to C.R.S. § 44-10-505. *See* C.R.S. § 44-10-505.

*Microbrewery* means a facility that produces no more than 15,000 barrels per year of fermented malt beverages on site. Microbreweries may sell their products off-site, but must also include a taproom in which guests/customers sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

*Microdistillery* means a facility that produces no more than 15,000 gallons per year of spirituous beverages on site. Microdistilleries may sell their products off-site, but must also include a tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

*Microwinery* means a facility that produces no more than 250,000 gallons per year of vinous beverages on site. Microwineries may sell their products off-site, but must also include a tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

*Mining Operations* means mine development, drilling, blasting, extraction, processing, milling, crushing, screening, or sizing of minerals at a mine. It does not include activities related to the maintenance and repair of mining equipment, or the loading and associated haulage of materials within the mine.

*Mixed-Use* means two principal uses of land on the same subject property.

*Mobile Home* means a dwelling that is built on a chassis designed for long-term residential occupancy, that is capable of being installed in a permanent or semi-permanent location, with or without a permanent foundation, and with major appliances and plumbing, gas, and electrical systems installed but needing the appropriate connections to make them operable, and that may be occasionally drawn over the public highways, by special permit, as a unit or in sections to its permanent or semi-permanent location. Mobile homes are different from manufactured homes in that they were either constructed before the adoption of 42 U.S.C. § 5401, *et seq.*, *Manufactured Home Construction and Safety Standards*, or are otherwise not in compliance with said federal law and its implementing regulations. The phrase "Mobile Home" does not include the phrase "Recreational Vehicle."

*Motor Vehicle and Transportation Land Uses* means the following land uses, individually or collectively: "airport or heliport," "airstrip or helistop," "fast-charging stations," "fueling or service stations," "motor vehicle wash," "parking," "passenger motor vehicle sales or rental," "heavy motor vehicle sales or rental," "bus or taxi terminal," "on-demand transportation dispatch," and "truck stop." [Updated 10-5-2024]

*Motor Vehicle Wash* means any area or business using self-service, in-bay automatic, or conveyor equipment for washing or cleaning passenger motor vehicles or trucks, whether as a part of another business operation, or as a stand-alone operation, on a commercial basis.

*Multifamily* means a building that is comprised of three or more dwelling units, sharing common vertical walls or horizontal floors and ceilings, that is not otherwise defined as a Townhome or a Multiplex (*e.g.*, residences commonly referred to as apartments, garden apartments, apartment buildings, or condominiums).

*Multiplex* means a building that is comprised of three to five dwelling units, which is architecturally designed to resemble a large single-unit detached dwelling building (*i.e.*, the boundaries of the individual dwelling units are not easily discernible from outside of the building, garage doors are screened from view, and entry doors are arranged so that



when viewed from the adjacent street, there appears to be only one principal entrance to the building).

#### DIVISION 6.3.15 N DEFINITIONS

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*Non-Community Water System* means a public water system that is not a community water system. [See 5 CCR § 1003-2:100.2\(15\)](#)

*Non-Precision Instrument Runway* means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned. The phrase also means a runway for which a non-precision approach system is planned and is so indicated on an approved Airport Layout Plan or comparable planning document.

*Non-Transient, Non-Community Water System* means a public water system that is not a community water system and that regularly serves at least 25 of the same individuals for over six months per year. [See 5 CCR § 1003-2:100.2\(16\)](#)

*Nursing Home, Memory Care, Alzheimer's Care* means a State-licensed residential facility that provides meals, assistance with daily activities, such as dressing, grooming, and bathing, and medical care for persons who are temporarily or permanently unable to care for themselves. The phrase "Nursing Home, Memory Care, Alzheimer's Care" does not include the phrase "Group Home for the Elderly." [\[Updated 10-5-2024\]](#)

#### DIVISION 6.3.16 O DEFINITIONS

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*Obstruction*, with reference to the Airport Overlay District, means any existing object, including a mobile object, that is, and any future object that would be, an obstruction to air navigation if it is of greater height than any of the height limitation surfaces and contours established by the Airport Overlay District.

*Off-Premises Sign* means a sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located.

*Office, General* means one or more buildings from which professional, administrative, financial, clerical, brokering, real estate, and limited technical services are provided. The phrase includes, but is not limited to, the following types of businesses:

1. Accounting, auditing and bookkeeping;
2. Advertising and graphic design;
3. Architectural, engineering, and surveying services;
4. Attorneys and court reporters;
5. Banks, savings and loans, credit agencies, and investment companies;



6. Brokering of motor vehicles, commodities, and other items where the thing brokered is not stored on site for any length of time;
7. Business incubators (unless the businesses being incubated are classified as another type of use, such as light industry);
8. Computer programming and data recovery services;
9. Corporate headquarters;
10. Data processing and word processing services;
11. Detective agencies;
12. Government offices;
13. Insurance;
14. Interior design;
15. Real estate sales and off-site rental offices;
16. Research and development (not including on-site manufacturing or fabrication, and not including marijuana uses);
17. Retail catalog, internet, and telephone order processing, but not warehousing; and
18. Virtual office services.

*Office, Medical* means office space used for the examination or treatment of patients on an outpatient basis (with no overnight stays by patients), generally by appointment, including:

1. Chiropractors, licensed massage therapists, occupational therapists, physical therapists, and acupuncturists;
2. Dentists, orthodontists, and oral surgeons;
3. Medical lab testing facilities;
4. Medical doctors (physicians, pediatricians, obstetricians, gynecologists, radiologists, geriatricians, surgeons, podiatrists, osteopaths, ophthalmologists, anesthesiologists, etc.);
5. Medical imaging centers;
6. Midwives;
7. Nutritionists, Ayurveda medicine practitioners, traditional Chinese medicine practitioners, homeopaths;
8. Optometrists;
9. Speech therapists;
10. Outpatient clinical facilities providing reproductive health care;
11. Outpatient surgery centers;

12. Psychiatrists, clinical psychologists, clinical social workers, hypnotherapists, and marriage and family therapists;
13. Physiatrists, physiotherapists, orthotics, prosthetics, recreational therapists, audiologists, respiratory therapists, rehabilitation counselors, prosthetic technicians, and personal care assistants; and
14. Other comparable health care professionals.

As to #10, see C.R.S. 30-28-115(1.5)(a)

*On-Premise Sign* means a sign that is not an off-premises sign.

*Outdoor Commercial Amusement* means uses that provide commercial amusement outdoors that are not specifically defined elsewhere in this Code, including but not limited to:

1. Amusement parks or theme parks;
2. Batting cages;
3. Bumper boats;
4. Go-kart tracks;
5. Golf driving ranges where not all participants are at ground level;
6. Miniature golf establishments;
7. Outdoor paintball courses; and
8. Water slides and wave pools.

*Outdoor Firing Range* means the use of land designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting (not including hunting) or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice. Excluded from this use type are amusements that do not involve potentially lethal projectiles (e.g., paintball) which are classified as "Outdoor Commercial Amusement."

*Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater* means:

1. Outdoor stadium or arena, which is an outdoor area surrounded by tiered rows of seats or benches, designed for the viewing of live sporting events, rodeos, equestrian events, livestock exhibitions, concerts, or other organized entertainment.
2. Amphitheater, which is an outdoor stage (covered or uncovered) designed for live performances and/or the display of films, that faces a lawn or hardscaped area used for temporary or permanent seating.
3. Drive-in theater means an area of land that includes one or more large outdoor screens or other structure for the display of motion pictures and an area for parking automobiles from which the motion pictures are viewed.

*Outer Lane Boundary* means the outer boundaries of the outer lanes of a road, marking the limits of the area of the road that is intended for traffic flows.

*Outfitter* means the base of operations for providing guides, materials, transportation, supplies, and equipment for outdoor recreation activities on land not owned by the outfitter, including, but not limited to rafting/boating trips, rentals, or instruction; fishing or hunting guide operations; mountain bike tours; horseback trail rides or pack trips; mountaineering guide services; and snowmobile tours, where such base of operation includes outdoor storage areas for vessels, vehicles, and equipment used in the conduct of the business. For the purposes of this definition, land that is leased principally for agriculture or ranching purposes is considered “owned” by its fee-simple owner and its principal lessee, and therefore owners or lessees of farm and ranch land that is used for hunting, fishing, access for river-running, or other activities typically supervised by outfitter guides are not “outfitters” unless their activities require state registration under C.R.S. § 12-145-103 or a state license under C.R.S. § 33-32-104. *See C.R.S. 12-145-103(5) and (6); C.R.S. § 33-32-102(6).* [Updated 10-8-2024 and removed “River Outfitter” from R Definitions]

## DIVISION 6.3.17 P DEFINITIONS

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*Park, Active* means an area of land that provides for active outdoor recreation opportunities for the public (open to the community) or residents of a subdivision or development, which are generally not commercial in nature. The phrase “Park, Active” includes areas for active recreational activities including, but not limited to:

1. Skate parks;
2. Sports fields and play courts (*e.g.*, tennis courts, basketball courts, pickleball courts, and outdoor racquetball or squash courts); or
3. Outdoor swimming pools and splash parks.

*Park, Passive* means an area of land that provides passive outdoor recreation opportunities for the public (open to the community) or residents of a subdivision or development, which are generally not commercial in nature. The phrase “Park, Passive” includes areas for passive recreational activities including, but not limited to picnicking, jogging, cycling, tot-lots, fitness trails, and playgrounds.

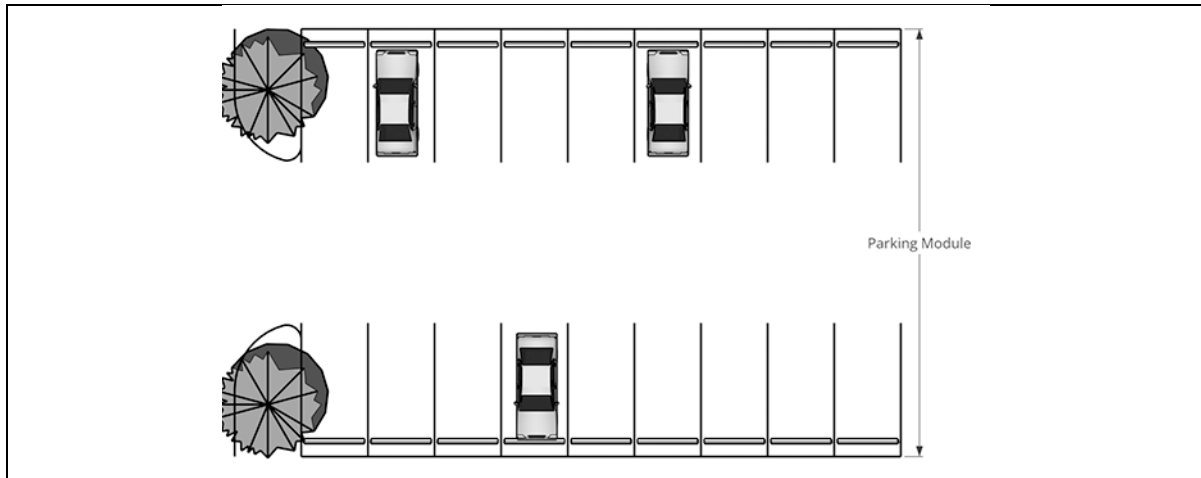
*Park, Wilderness* means a predominately undeveloped area of land accessible to the public for recreational use, including hiking, backcountry skiing, backcountry camping, mountain biking, snowshoeing, hunting, and fishing.

*Parking (or Parking Lot)* means an area of land that is designated for the parking of passenger motor vehicles in parking spaces, the related parking aisles, the landscaped areas that are surrounded by parking spaces and parking aisles, and the landscaped areas at the corners of the paved areas insofar as their inclusion in the surface parking area gives it a regular shape. Parking may include Level 1 or Level 2 electric vehicle charging stations. The term “Parking” does not include driveways on individual residential lots, nor does it include individual garages or carports. Parking is a principal use of property if it is not related to a specific land use on the same parcel.

*Parking Module* means an area within a parking lot that includes a single access aisle and the parking spaces that are accessible from the access aisle, including landscaped

endcaps and interior planting islands within regular boundaries established by the outer limits of the parking spaces. See Figure 6.3.16.P.1., *Illustrative Parking Module*.

Figure 6.3.16.P.1., *Illustrative Parking Module*



*Passenger Motor Vehicle Sales or Rental* means the sale or rental of passenger vehicles at the location where inventory is stored. The phrase "Passenger Motor Vehicle Sales or Rental" includes outdoor storage of passenger vehicles for brokers. Not included in the definition are:

1. Brokering of passenger vehicles which are stored off site and delivered directly to customers (a general office use); and
2. Indoor storage of passenger vehicles for brokers who are located off site (a light industrial or heavy logistics use, depending upon the volume of sales).

*Pawnbroker* means a business that is regulated by C.R.S. § 29-11.9-101, *et seq.*, that:

1. Regularly contracts to advance money to customers on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, has the option to cancel the contract; or
2. Purchases tangible personal property that has not previously been sold at retail in the course of its business of reselling tangible personal property.

*Place of Assembly* means a building, portion of a building, or property in which people assemble for civic, educational, religious, social, or cultural purposes. This use includes facilities used for worship and celebratory events, meeting halls, event centers, fraternal organizations, and private clubs.

*Precision Instrument Runway* means a runway having an existing instrument approach procedure utilizing an Instrument Landing System ("ILS"), a Precision Approach Radar ("PAR") or a Global Positioning System ("GPS"). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or comparable planning document.

*Prison or Jail* means a facility for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. The facility may also be established in conjunction with a law enforcement or public safety building, established for the temporary detention of adult or juvenile persons while being processed for arrest or detention by law enforcement.

*Private Water System* means a water system that is not a “public water system,” and is not otherwise a “water system” regulated by CDPHE. Private water systems collect, store, and distribute water to one or more properties, and are typically individually owned and maintained by individual property owners.

*Protective Care* means a facility that provides custodial care and treatment in a protective living environment for persons residing voluntarily or by court placement including, without limitation, correctional and post-correctional facilities, juvenile detention facilities, halfway houses, and temporary custody facilities.

*Public Use Airport* means an airport that is available for use by the general public without a requirement for prior approval of the airport owner or operator.

*Public Water System* means a “public water system,” regulated by the CDPHE, which can be any one of the following:

1. A community water system that has 15 or more service connections used by yearlong residents;
2. A non-transient, non-community water system that regularly serves at least 25 of the same people at least six months per year (*e.g.*, schools, businesses, and institutions that have their own water systems);
3. A transient, non-community water system that serves at least 25 people per day for more than 60 days per year and does not meet any of the other definitions (*e.g.*, a gas station or campground where people do not remain for long periods of time).

#### DIVISION 6.3.18 Q DEFINITIONS

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*Qualifying Affordable Housing Project* means a residential or mixed-use development in which 50 percent or more of the residential units are affordable housing. [Added 10-9-2024]

*Qualifying Mixed-Use Development* means [TBD].

#### DIVISION 6.3.19 R DEFINITIONS

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*Race Track* means a commercial facility consisting of a track, either paved or unpaved, which is used primarily for the sport of racing motor vehicles (cars, motorcycles, or all-terrain vehicles, but not go-karts). A racetrack may include seating, concession areas, restaurants, sky boxes, parking facilities, maintenance facilities, accessory offices, garages, and accessory retail facilities. The phrase “Race Track” includes any facility used for driving automobiles under simulated racing or driving conditions (test tracks,

“shakedown” tracks, or other similar facilities), regardless of whether they include seating, concession areas, or retail facilities for the general public.

*Reach* means a section of stream that has consistent geomorphic characteristics related to valley and channel geometry as influenced by local geology, valley slope, sediment and water supply, vegetation, and anthropogenic factors.

*Recycling Collection Center* means a location for the collection of recyclable materials (e.g., waste paper, motor oil, aluminum and other scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded clothing or shoes, cardboard, and other recyclable household materials), for processing (bailing, compacting, flattening, grinding, shredding, crushing, mechanical sorting, or cleaning) and storage prior to transport to another location for reuse or recycling, where some or all processing and storage activities are located outside of a building. Such a facility, if entirely enclosed within a building or buildings, shall be considered “Light Industry.” The phrase “Recycling Collection Center” does not include the phrase “Salvage Yard.” A “Recycling Collection Center” may be a component of a “Waste Transfer Station.”

*Residential Forms* means the following forms of residential use, individually or collectively: “Single-Unit Detached Dwelling,” “Duplex,” “Townhome,” “Multiplex,” “Multifamily,” and “Manufactured Home Park or Subdivision.”

*Resource Extraction (Minerals)* means the extraction of coal or other mineral resources (including sand and gravel, but not oil and gas) from the land (surface or subsurface). The phrase “Resource Extraction, Minerals” does not include cut and fill operations within a property, construction or maintenance of canals or reservoirs, or the removal and transportation of fill from one property to another as part of an approved development plan; provided, that both properties are controlled by the same landowner.

*Resource Extraction (Oil and Gas)* means any structure, facility, or activity which is constructed on or disturbs land in association with oil or gas drilling, production, or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress, and pipelines.

*Restaurant* means an establishment that serves prepared meals to customers for consumption on-site, which may also prepare meals for customers for consumption off-site.

*Retail Marijuana* means “marijuana” or “marihuana,” as defined in Section 16(2)(f) of Article XVIII of the Colorado Constitution, that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana business. Retail marijuana includes retail marijuana concentrate and retail marijuana products as defined by C.R.S. § 44-10-103. [See C.R.S. § 44-10-103\(57\).](#)

*Retail Marijuana Cultivation Facility* has the same meaning as “marijuana cultivation facility” as defined in Section 16(2)(h) of Article XVIII of the Colorado Constitution. [See C.R.S. § 44-10-103\(60\).](#)

*Retail Marijuana Hospitality Business* means a permanent facility that is licensed to permit the consumption of only the retail marijuana or retail marijuana products it has



sold pursuant to the provisions of an enacted, initiated, or referred ordinance or resolution of Chaffee County. *See* C.R.S. 44-10-103(60.5).

*Retail Marijuana Hospitality and Sales Business* means a facility that is licensed by the State, pursuant to C.R.S. § 44-10-610, and approved by Chaffee County, in which retail marijuana may be sold and consumed. *See* C.R.S. § 44-10-610.

*Retail Marijuana Land Uses* means the following uses, individually or collectively: “Retail Marijuana Cultivation Facility,” “Retail Marijuana Hospitality Business,” “Retail Marijuana Hospitality and Sales Business,” “Retail Marijuana Products Manufacturer,” “Retail Marijuana Store,” “Retail Marijuana Testing Facility,” “Retail Marijuana Transporter,” “Retail Marijuana Products Manufacturer,” “Retail Marijuana Store,” “Retail Marijuana Testing Facility,” and “Retail Marijuana Transporter.”

*Retail Marijuana Products Manufacturer* means “marijuana product manufacturing facility” as defined in Section 16(2)(j) of Article XVIII of the Colorado Constitution. *See* C.R.S. 44-10-103(62).

*Retail Marijuana Store* means “retail marijuana store” as defined in Section 16(2)(n) of Article XVIII of the Colorado Constitution. *See* C.R.S. § 44-10-103(63).

*Retail Marijuana Testing Facility* means “marijuana testing facility” as defined in Section 16(2)(l) of Article XVIII of the Colorado Constitution. *See* C.R.S. § 44-10-103(64).

*Retail Marijuana Transporter (Storage Premises)* means a storage facility used by a licensed retail marijuana transporter for the storage of retail marijuana or retail marijuana products. *See* C.R.S. § 44-10-103(65).

*Retail Sales and Services* means a use involving the sale, lease, or rental of consumer, home, and business goods and small equipment to consumers. Such uses include but are not limited to department stores, furniture stores, clothing stores, second-hand stores, thrift shops, consignment stores, and establishments providing the following products or services: antiques, appliances, art, art supplies, beauty supplies, bedding and mattresses, bicycles, books, building supplies, magazines and newspapers, craft supplies, copies and copiers, costumes, dry goods, electronics, fabric, framing, games, garden supplies, gifts, groceries, hardware, head shops, home improvement goods, household products, jewelry, lumber, music, musical instruments, office supplies, party supplies, pets and pet supplies, pharmaceuticals, phones, photography equipment, produce, sporting goods, stationary, temporary signs, toys, and videos; and new automotive parts and accessories. The phrase also includes services such as charitable donation collection centers, coin laundries, installation of electronics (*e.g.*, audio systems and navigation systems) into motor vehicles, sales or rental of scooters, motorcycles, all-terrain vehicles, or snowmobiles, picture framing, repairs of products sold by the establishment (*e.g.*, a computer store may also repair computers), repairs of consumer electronics, tattoo parlors, and comparable services. The phrase “Retail Sales and Services” does not include uses that are classified or defined more specifically in this Code, including but not limited to Restaurants, Sexually-Oriented Businesses, Marijuana Uses, Pawnbrokers, Convenience Lending, and Liquor Stores. Retail Sales and Services uses are generally conducted indoors.



*Runway* means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

*Rural Resort* means a building or group of buildings containing more than five guest rooms, on a subject property that also includes outdoor recreational activities (e.g., skiing, snowshoeing, fishing, horseback riding, swimming, tennis, and similar activities), and that may provide wellness services such as spa, massage, and fitness classes, access to hot springs, and services customarily furnished by a hotel, including a restaurant, cocktail lounge, or meeting facilities. The phrase “rural resort” is distinct from the phrase “agritourism” in that a “rural resort” is not related to the normal course of agriculture.

#### DIVISION 6.3.20 S DEFINITIONS

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*Salvage Yard* means any establishment that is maintained, used, or operated for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Salvage yards are also referred to by Colorado law as “automobile graveyards.” See C.R.S. § 43-1-502.

*School* means any building or part or any building used for instructional purposes to provide elementary, secondary, post-secondary, or vocational education.

*School, Boarding* means an elementary or secondary school that provides facilities for students to live on-site during periods of instruction.

*School, Elementary or Middle* means a school that provides general full-time educational curriculum for two or more grades from Kindergarten to and including grade eight.

*School, High* means a school that provides general full-time educational curriculum for grades nine through 12.

*School, Vocational or Trade* means an educational facility that primarily teaches skills that directly prepare students for jobs in a trade or profession, but are not otherwise included within the phrase “University or College” or “School, High.” Examples include, but are not limited to, art schools, business colleges, and trade schools.

*Scour* means the erosive action of running water in streams, which excavates and carries away material from the bed and banks.

*Sediment* means solid material that is moved and deposited in a new location by fluid movement (i.e., water or wind).

*Sediment Capacity Supply Ratio Study* means a study that includes the calculations set out in the National Cooperative Highway Research Program (“NCHRP”) Research Report 853: GUIDANCE FOR DESIGN HYDROLOGY FOR STREAM RESTORATION AND CHANNEL STABILITY (a research report that is used to assist hydraulic engineers in assessing the current conditions using a set of analytical and analog tools to assess a stream reach for stability and sediment balance). See <http://www.trb.org/NCHRP/Blurbs/176503.aspx>

*Self-Storage* means a facility that provides individual storage compartments within a building for household or commercial goods. Storage spaces may be accessed from

interior hallways or individual outside doors or overhead doors. A self-storage use may include a single dwelling unit for one or more persons employed by and residing at the self-storage facility for the purpose of on-site management and security.

*Sexually-Oriented Business* means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing, or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing, or relating to specified sexual activities or specified anatomical areas as the primary attraction to the premises, including:

4. Adult arcade, which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
5. Adult bookstore or adult video store, which means a place where books, magazines, motion pictures, prints, photographs, periodicals, video or audio recordings, novelties and devices, or any of these things, which have as their primary or dominant theme, matter depicting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas, are sold or offered for sale to adults; and includes a place with only a portion or section of its area set aside for the display or sale of such material to adults, except that any place, otherwise included within this definition, that derives not more than 10 percent of its gross income from the sale of such material shall be exempt from the provisions of this section so long as such material is kept in a location where it is not visible and shall not be a self-service item for the customers of such place.
6. Adult cabaret, which means a nightclub, bar, restaurant or similar business which regularly features: (a) persons who appear in a state of nudity; (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
7. Adult motel, which means a hotel, motel, or similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
8. Adult motion picture theater, which means a business where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

9. Adult photo studio, which means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas.
10. Adult theater, which means a theater, concert hall, auditorium, or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
11. Peep booth, which means a viewing room, other than a private room, of less than 150 square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
12. Private room, which means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging for periods of less than 12 hours.
13. Sexual encounter establishment, which means a business or commercial establishment which, as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.

*Sign* means a display surface, structure, light device, banner, plaque, poster, billboard, pennant, figure, painting, drawing, flag, or other thing, whether mounted on land, air, or water, that is designed, intended, or used to display or draw attention to a communicative visual or graphic image, whether or not the image includes lettering, and that is visible from any portion of the public right-of-way open to vehicular or pedestrian traffic. A sign includes both on-premises and off-premises signs, including billboards, and any moving part, lighting, sound equipment, framework, background material, structural support, or other part thereof. Notwithstanding the generality of the foregoing definition, the following are not included within the term "sign":

1. Decorative or architectural features of buildings or onsite landscape features that do not include lettering, trademarks, or moving parts and which do not perform a communicative function;
2. Foundation stones and cornerstones that are permanent in nature and incapable or not intended for modification once installed;
3. Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;
4. Identifying marks on tangible products that customarily remain attached to the product even after sale;
5. Merchandise on public display and presently available for purchase on-site; and
6. News racks and newsstands.

*Single-Unit Detached Dwelling* means a dwelling unit that is separated from other buildings by outside walls.

*Slaughterhouse* means a building or structure for the confinement and slaughtering of live animals. The term “Slaughterhouse” may include preliminary processing of meat for distribution to meat packing or processing uses, grocery stores, restaurants, or butcher shops, as well as distribution of waste products to rendering plants.

*Slope* means the ratio of the change in elevation over a distance (rise divided by run).

*Small Wind Energy Conversion System* means a machine that converts the kinetic energy of the wind into mechanical energy and then into electricity, with an output rating of not more than 20 kW.

*Solar Farm (2 MW or more)* means one or more arrays of photovoltaic panels with a nameplate capacity of 2 megawatts or more and associated facilities for connection to the electrical grid.

*Special Event* means temporary uses of land, buildings, or structures, or a combination thereof, for a gathering of 25 or more persons. Special events are open to the public, whether by general access or through ticketed access, and may occur on public or private land and may be held for a commercial or nonprofit purpose. Examples of special events include, but are not limited to, bicycle or vehicle races or rides; foot races or walks; carnivals; circuses; concerts, music festivals, shows, plays, or similar types of events; and gatherings of groups for fundraising or other activities. The phrase “special event” does not include the operation of approved or nonconforming principal uses that involve comparable activities (*e.g.*, outdoor commercial amusement), unless the activities temporarily and substantially exceed the scale for which the use is approved.

*Special Flood Hazard Area* means the “100-year floodplain.” [Updated 10-5-2024]

*Special Residential* means the following land uses, individually or collectively: “Assisted Living or Congregate Care,” “Group Home,” “Nursing Home, Memory Care, Alzheimer’s Care,” “Protective Care,” and “Special Purpose Housing.”

*Specified Anatomical Areas* means:

1. Less than completely and opaquely covered: human genitals, pubic region, buttocks and female breast below a point above the top of the areola; or
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

*Specified Sexual Activities* means acts, simulated acts, exhibitions, representations, depictions or descriptions of:

3. Human genitals in a state of sexual stimulation or arousal;
4. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts;
5. Intrusion, however slight, of any object, any part of an animal’s body, or any part of a person’s body into the genital or anal openings of any person’s body or into the body of an animal;

6. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals, or excretory function; or
7. Flagellation, mutilation, or torture for purposes of sexual arousal, gratification or abuse.

*Storage Yard* means outdoor storage of operable equipment, building materials, raw materials, or infrastructure construction materials for off-site processing or projects, or right-of-way maintenance. The phrase “storage yard” does not include outdoor storage of heavy equipment that is used for agricultural purposes on property that is used for agricultural or ranching purposes, regardless of where the equipment is used.

*Stream Corridor* means the stream and adjacent lands within a stream valley and active floodplain.

#### DIVISION 6.3.21 T DEFINITIONS

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*Tiny Home* means a building that:

1. Is permanently constructed on a vehicle chassis;
2. Is designed for long-term residency;
3. Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
4. Is not self-propelled; and
5. Has a floor area of not more than 400 square feet.

The phrase “tiny home” does not include:

1. A tiny house;
2. A manufactured home;
3. A recreational park trailer as defined in C.R.S. § 24-32-902(8);
4. A recreational vehicle as defined in C.R.S. § 24-32-902(9);
5. A semitrailer as defined in C.R.S. § 42-1-102(89); or
6. An intermodal shipping container.

*Tiny House* means a home that is 400 or fewer square feet in floor area, constructed on a permanent foundation in accordance with applicable County building codes.

*Townhome* means a type of dwelling unit that is attached to two or more other dwelling units by party walls that do not have penetrations.

*Transient Non-Community Water System* means a non-community public water system that does not regularly serve at least 25 of the same individuals for over six months per year. [See 5 CCR § 1003-2:100.2\(16\)](#)

*Tributary Ground Water* means water within an aquifer that is hydraulically connected to surface water, where withdrawals from the aquifer impact on the surface water flows of the stream.

*Truck Stop* means an establishment engaged primarily in the fueling or charging of tractor trucks or similar commercial vehicles, and may also include facilities for parking, servicing, or repair of tractor trucks or similar commercial vehicles (but not body repairs (collision centers)), paint, upholstery, engine replacement or reconditioning, air conditioning replacement, tire recapping, or custom body work) and the sale of accessories and equipment for such vehicles. A truck stop may include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. The phrase “Truck Stop” does not include the phrase “Fueling, Fast-Charging, or Service Station.”

#### DIVISION 6.3.22 U DEFINITIONS

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*Unattended Donation Collection Box (“UDCB”)* means an unstaffed drop-off box, container, receptacle, or similar facility that accept textiles, shoes, books, or other salvageable personal property items to be used by the operator for distribution, resale, or recycling. [Added 10-5-2024]

*University or College* means an educational institution that is authorized by the State of Colorado or other nationally recognized accrediting entity to award associates’ or higher degrees.

*Utility Land Uses* means the following land uses, individually or collectively: “Battery Energy Storage System (Utility Scale),” “Data Center,” “Solar Farm (2 MW or more),” “Wind Energy Conversion Systems (2 MW or more),” “Utilities, Minor,” “Utilities, Major.”

*Utility Runway* means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

*Utilities, Major* means generating plants (except nuclear and photovoltaic), electrical switching stations, electrical transmission substations (transmission voltage), water or wastewater treatment plants, and other comparable infrastructure. The phrase “Major Utilities” does not include utility or communications uses that are more specifically defined as “essential services.”

*Utilities, Minor* means electrical, water, or wastewater facilities that involve above-ground structures or equipment that occupies an area of ground that is larger than 15 feet in all horizontal dimensions, but does not qualify as a “major utility.” The phrase “utilities, minor” includes but is not limited to electrical substations (distribution voltage), battery energy storage systems that are less than utility scale, and cisterns for water or wastewater.

#### DIVISION 6.3.23 V DEFINITIONS

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*Veterinarian, Large Animal or Livestock* means an animal hospital or clinic that provides medical care services for large or livestock animals, including but not limited to horses, cows, bison, elk, deer, llamas, alpacas, sheep, goats, chickens, turkeys, ducks, and pigs.



*Veterinarian, Small Animal* means a use in which medical care is provided for household pets. The phrase “Veterinarian, Small Animal” does not include medical care for wild animals or livestock.

*Veterinary and Domestic Animal Land Uses* means the following land uses, individually or collectively: “Commercial Equestrian Facilities,” “Kennel, Indoor,” “Kennel, Outdoor,” “Veterinarian, Large Animal,” “Veterinarian, Small Animal,” and “Wildlife Rehabilitation.”

*Visual Runway* means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an Federal Aviation Administration (“FAA”)-approved airport layout plan, or by a comparable planning document submitted to the FAA by competent authority.

#### DIVISION 6.3.24 W DEFINITIONS

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*Waste Transfer Station* means the use of land or a facility, regardless of name or title, to unload solid waste from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another waste transfer station, storage site, recycling facility, or disposal site. In addition to transferring solid waste, a waste transfer station may also include facilities for drop-off of recyclable materials (*e.g.*, waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing.

*Water Demand Calculation* means the calculation of water demand for a development at build out.

*Water Demand Management* means one or more strategies to reduce water consumption or otherwise conserve water by influencing water demand.

*Water Supply Quality* means a description of the chemical, physical, and biological characteristics of the water supply for a proposed development, which may reference the suitability of the water supply for potable use as defined by CDPHE.

*Water Supply Quantity* means the total quantity of water supply that is necessary to serve a development for average daily, annual, and peak demand, for both indoor and outdoor applications.

*Water Supply Dependability* means the percentage of the time water supply for development will meet demands at build out over time, despite changes in hydrology due to drought, climate change, or changes in population or water usage.

*Water System* means a system for the provision of water for human consumption through pipes or other constructed conveyances.

*Watershed* means an area of land whose total surface drainage flows to a single point in a stream.



*Wholesale Greenhouse* means a business whose principal activity is the growing of plants within an enclosed building for the purposes of distribution of plants, fruits, or vegetables to retailers. The phrase “wholesale greenhouse” does not include the phrases “Medical Marijuana Cultivation Facility” or “Retail Marijuana Cultivation Facility.”

*Wildlife* means any undomesticated and unrestrained vertebrate animal, including but not limited to elk, deer, sheep, lynx, bears, skunks, squirrels, raccoons, magpies, crows, coyotes, bobcats, foxes, and mountain lions.

*Wildlife-Proof Container Enclosure (“WPCE”)* means a fully enclosed structure consisting of four walls and a roof or cover of sufficient design and construction to prevent access by wildlife (including a latching mechanism on all access doors), which secures refuse containers, compost bins, recycling collection bins, or dumpsters, and which is IGBC approved as bear-resistant or designed and constructed in accordance with the most current guidelines promulgated by the Living with Wildlife Foundation.

*Wildlife-Proof Refuse Container (“WPRC”)* means a fully enclosed container that is constructed of non-pliable material (e.g., metal) and incorporates a latching mechanism on points of access (e.g., doors or lids) to prevent access by wildlife, which is approved by the Interagency Grizzly Bear Committee (“IGBC”) as bear-resistant.

*Wildlife Rehabilitation* means a premises used for wildlife rehabilitation by the holder of a wildlife rehabilitator license or provisional wildlife rehabilitator license issued by the State of Colorado pursuant to 2 CCR § 406-14.

*Wildlife-Resistant Refuse Container (“WRRC”)* means a fully enclosed container that is constructed of reinforced pliable material that deters access by wildlife, including incorporation of a latching mechanism on the lid to prevent access by wildlife, and which is approved by the IGBC as bear-resistant.

*Wind Energy Conversion Systems (2 MW or more)* means one or more structures that are designed to convert wind energy into electricity, with a cumulative nameplate capacity of 2 megawatts or more, and associated equipment for connection to the electrical grid.

DIVISION 6.3.25      X DEFINITIONS

DIVISION 6.3.26      Y DEFINITIONS

DIVISION 6.3.27      Z DEFINITIONS

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*Zoo* means a place where live animals are kept and exhibited to the public. The animals may also be studied, given medical treatment, and bred. The term “Zoo” does not include uses that sell live animals.

## **APPENDICES TO CHAFFEE COUNTY LAND USE CODE**

[Updated 10-8-2024]

- A. DEVELOPMENT REVIEW MANUAL AND APPLICATION MATERIALS
- B. RESOLUTION \_\_\_\_ REGARDING APPLICATION FEES AND ESCROWS
- C. CHAFFEE COUNTY ENGINEERING CRITERIA MANUAL
- D. TRAFFIC LETTERS, TRAFFIC ASSESSMENTS, AND TRAFFIC IMPACT STUDIES
- E. HEAVY VEHICLE ROUTING PLANS AND ROAD MAINTENANCE AGREEMENTS
- F. SALIDA INTERGOVERNMENTAL AGREEMENT
- G. BUENA VISTA INTERGOVERNMENTAL AGREEMENT
- H. PONCHA SPRINGS INTERGOVERNMENTAL AGREEMENT
- I. RESOLUTION \_\_\_\_ REGARDING FLOODPLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION
- J. RESOLUTION \_\_\_\_ REGARDING WIRELESS TELECOMMUNICATIONS FACILITIES
- K. AGRICULTURAL DISPUTE RESOLUTION PROGRAM
- L. PLANNING FOR WILDLIFE MAP
- M. RESOLUTION \_\_\_\_ REGARDING SHORT-TERM RENTAL LICENSING PROGRAM
- N. CHAFFEE COUNTY AREAS AND ACTIVITIES OF STATE INTEREST (1041) REGULATIONS