

## ARTICLE 7 STANDARDS

### TABLE OF CONTENTS

<b>7.1</b>	<b>BASIC STANDARDS FOR ALL LAND USE CHANGE PERMITS</b> .....	7-1
7.1.1	Purpose and Intent .....	7-1
7.1.2	Compliance with Applicable Zone District Regulations .....	7-1
7.1.3	Site Infrastructure Requirements .....	7-1
7.1.4	Site Drainage .....	7-2
7.1.5	Protection of Natural Wetlands and Riparian Areas .....	7-2
7.1.6	Wildlife Habitat Areas .....	7-2
7.1.7	Erosion and Sedimentation .....	7-3
7.1.8	Lighting/Dark Sky Standards .....	7-3
7.1.9	Areas with Archeological, Paleontological or Historical Importance .....	7-4
7.1.10	Chaffee County Wildfire Hazard Mitigation Standards .....	7-4
<b>7.2</b>	<b>SITE PLANNING AND DEVELOPMENT STANDARDS (COMMERCIAL, NON-RESIDENTIAL, SUBDIVISION, MULTI-FAMILY USES)</b> .....	7-6
7.2.1	Consideration of Other Adopted Plans .....	7-6
7.2.2	Development Infrastructure Requirements .....	7-6
7.2.3	Site Planning and Design .....	7-7
7.2.4	View Protection Guidelines .....	7-10
7.2.5	Reclamation and Noxious Weed Control .....	7-10
7.2.6	Stormwater Run-off .....	7-10
7.2.7	Protection of Water Quality from Pollutants .....	7-12
<b>7.3</b>	<b>SUBDIVISION DESIGN SPECIFICATIONS</b> .....	7-12
7.3.1	Basic Subdivision Standards .....	7-12
7.3.2	Subdivision Lots .....	7-12
7.3.3	Subdivision Road Layout .....	7-13
7.3.4	Subdivision Fire Protection .....	7-14
7.3.5	Subdivision Utility Easement Requirements .....	7-16
7.3.6	Survey Monuments .....	7-16
7.3.7	Standards for Public Sites and Open Space .....	7-16
7.3.8	Subdivision Plat Review Criteria .....	7-21
7.3.9	Additional Standards and Guidelines for all Conservation Subdivisions .....	7-21
<b>7.4</b>	<b>ROAD, ACCESS, DRIVEWAY AND PARKING STANDARDS</b> .....	7-23
7.4.1	General .....	7-23

7.4.2	Permits Required.....	7-24
7.4.3	Road Classification .....	7-26
7.4.4	Right of Way Dedication Required .....	7-26
7.4.5	Roadway Design and Construction.....	7-27
7.4.6	Driveway Standards .....	7-32
7.4.7	Parking .....	7-34
7.4.8	Trail and Walkway Standards.....	7-40
<b>7.5</b>	<b>UTILITY STANDARDS .....</b>	<b>7-40</b>
7.5.1	Water System Standards.....	7-40
7.5.2	Wastewater System Standards .....	7-42
7.5.3	Other Utilities .....	7-43
<b>7.6</b>	<b>{RESERVED} .....</b>	<b>7-43</b>
<b>7.7</b>	<b>STANDARDS FOR OVERLAY DISTRICTS .....</b>	<b>7-43</b>
7.7.1	Floodplain Overlay.....	7-43
7.7.2	Airport Overlay District .....	7-53
<b>7.8</b>	<b>USE SPECIFIC STANDARDS .....</b>	<b>7-64</b>
7.8.1	Accessory Dwelling Unit .....	7-65
7.8.2	Agritourism/Agritainment.....	7-67
7.8.3	Airports and Heliports .....	7-67
7.8.4	Aircraft Landing Strip or Helistop, Privately Owned .....	7-67
7.8.5	Batch Plant, Asphalt or Concrete .....	7-68
7.8.6	Campground / Recreational Vehicle Park .....	7-68
7.8.7	Campgrounds, Seasonal Employee .....	7-72
7.8.8	Camping on Private Land, Personal Use .....	7-74
7.8.9	Camping on Private Land, Commercial Use .....	7-76
7.8.10	Church, Educational, Religious and Community Facilities .....	7-78
7.8.11	Corrections Facility .....	7-79
7.8.12	Day Care Home, Day Care Center .....	7-79
7.8.13	Equestrian Center/ Arena .....	7-79
7.8.14	Farm Stand, Temporary .....	7-79
7.8.15	Group Home Facilities .....	7-80
7.8.16	Home Business .....	7-80
7.8.17	Home Occupation.....	7-81
7.8.18	Kennel .....	7-81
7.8.19	Major Electric or Natural Gas Facility.....	7-82
7.8.20	Manufactured Home .....	7-83
7.8.21	Manufactured Home Park .....	7-83
7.8.22	Meat Processing, Small Scale, including Taxidermy.....	7-85
7.8.23	Medical/Retail Marijuana Facilities .....	7-86

---

7.8.24	Mining and Extraction Uses.....	7-87
7.8.25	Nursery or Tree Farms .....	7-88
7.8.26	Park or Open Space .....	7-88
7.8.27	Recreational Vehicle While Building.....	7-88
7.8.28	Recycling Collection Center.....	7-89
7.8.29	Shooting Range (Commercial); Indoor or Outdoor.....	7-89
7.8.30	Small Scale Renewable Energy Systems.....	7-89
7.8.31	Solid Waste Disposal Site .....	7-90
7.8.32	Storage Areas and Facilities, Salvage Yards, Junk Yards.....	7-90
7.8.32	Telecommunications Facilities .....	7-91
7.8.33	Utility Transmission Lines and Pipelines.....	7-92
7.8.34	Short-Term Rentals .....	7-93
7.8.35	Special Event Facility** <b>[ADOPTED, NOT YET IMPLEMENTED]</b> .....	7-99

**(THIS PAGE INTENTIONALLY BLANK)**

---

## ARTICLE 7 STANDARDS

---

### 7.1 BASIC STANDARDS FOR ALL LAND USE CHANGE PERMITS

Unless otherwise specified, the following standards are basic approval standards that shall apply to **all** proposed land use changes, including divisions of land, not otherwise exempted from the approval standards set forth in these Regulations.

**7.1.1 Purpose and Intent.** Applicants for a land use change shall demonstrate that there is adequate access, water supply, wastewater treatment, and utilities, and that the land use change considers the natural terrain, drainage, unusual rock formations, lakes, rivers, streams, existing topsoil and vegetation, including tree masses and large individual trees, through methods used to mitigate impacts to unique natural features.

**7.1.2 Compliance with Applicable Zone District Regulations.** The land use change shall comply with the applicable zone district use restrictions and regulations in **Article 2, Zoning**, and the land use change shall be consistent with the Right to Farm and Ranch regulations in **Article 3**.

**7.1.3 Site Infrastructure Requirements.** The property subject to the land use change shall have adequate infrastructure to support the proposed land use.

**A. Adequate, Reliable Safe Water Supply.** The land use shall be served by an adequate, reliable and legal physical water supply to serve the use, in compliance with applicable safe drinking water standards.

- 1. Central Water Distribution System Required.** Connection to a public central water system is required if the property is located within **400** feet of a central water system, the system is available and adequate to serve the proposed development, and connection is practicable and feasible.
- 2. Well.** If the water supply proposed is a well, proof of augmentation shall be submitted prior to approval of the land use change permit. (Update Resolution 2016-51)
- 3. Cistern.** An applicant can obtain a land use change permit without drilling a well if the applicant submits a written plan acceptable to the County to provide potable water to the structure.

**B. Adequate Wastewater Treatment.** The land use shall be served by wastewater treatment system adequate to serve the use. Wastewater treatment may be through connection to a central sewer system, or by an on-site wastewater treatment system (OWTS).

- 1. Central Wastewater System Required.** Connection to a central system is required if the property is located within **400** feet of a sewer main, the system is available and adequate to serve the proposed development, and connection is practicable and feasible.

**2. On-Site Wastewater Treatment System (OWTS).** All OWTS (septic system) shall comply with the Chaffee County On-Site Wastewater Treatment System Regulations. If a septic system is not feasible on the property, connection to a central Wastewater System may be required.

**C. Roads, Accesses and Driveways.** A valid State Highway permit, County Road Access permit, agency permit, and / or Driveway Permit shall be required for all land use changes. All new roads, accesses, and driveways shall be constructed in conformance with the Chaffee County Road Standards (**Section 7.4 of this Code**), including surfacing, drainage and grade, and shall be reviewed by the County Road and Bridge Department.

**1.** Additional uses may have specific road or access requirements, as described in the Use-Specific Standards in **Section 7.8**.

**D. Adequate Public Utilities.** Adequate electric power and telephone service shall be available to serve the land use.

**7.1.4 Site Drainage.** The site shall be laid out to provide positive drainage away from all buildings, and be coordinated with the general storm drainage pattern for the area.

**7.1.5 Protection of Natural Wetlands and Riparian Areas.** Chaffee County is an arid climate, with minimal annual precipitation. Natural wetlands and riparian areas are critical to the economy and health of the County and its citizens. Riparian areas are critical for wildlife habitat, preservation of water quality, and minimizing flood damage. The intent of this section is to minimize impacts to these areas.

**A. Wetlands.** Development within wetlands shall only be permitted if all required state and federal permits are obtained and submitted.

**B. Riparian Areas.** Property owners are encouraged to minimize disturbance to riparian areas. Mitigation of impacts to riparian areas may be required as described in **Section 7.2.3 F** for new subdivisions, commercial, and non-residential uses.

**7.1.6 Wildlife Habitat Areas.** Certain applications require review by Colorado Parks and Wildlife, which may require mitigation of impacts. For applications that do not require review, the applicant is encouraged to consult with Colorado Parks and Wildlife to determine how to best avoid or mitigate impacts to wildlife habitat areas. Recommended methods may include one or more of the following.

**A. Visual and Sound Buffers.** Visual and sound buffers created by effective use of topography, vegetation, and similar measures to screen structures and activity areas from habitat areas.

**B. 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 human activity.

**C. Preservation of Native Vegetation.** Minimize disturbance of native vegetation. When native vegetation must be removed within habitat areas, it shall

be replaced with native and/or desirable non-native vegetation capable of supporting post-disturbance land use.

**D. Habitat Compensation.** Where significant disturbance of wildlife habitat cannot be avoided, the developer may be required to acquire and permanently protect existing habitat to compensate for habitat that is lost to development.

**7.1.7 Erosion and Sedimentation.** The following requirements shall apply to land disturbances within fifty (50) feet of a waterbody, with the exception of ordinary agricultural activities.

**A. Erosion and Sediment Control Measures.** Erosion and sediment control measures shall be installed before site grading or other construction.

**B. Cut and Fill Slopes.** Where cut and fill cannot be avoided, slopes shall be designed for long term stability.

1. 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.
2. 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.

**C. Construction De-Watering.** Construction de-watering activities will conform to CDPHE construction de-watering permit requirements.

**D. Inspection and Maintenance of Erosion and Sediment Control Devices.** The applicant shall be responsible for inspection and repair of all erosion and sediment control devices after any precipitation that creates runoff. Erosion and sediment control devices shall be maintained in a manner to support their effectiveness. 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.

**7.1.8 Lighting/Dark Sky Standards.** Any outdoor light used for the illumination of parking areas, loading areas and recreation areas, or for any other private or public purpose, shall meet the following conditions.

**A. Downcast lighting.** Exterior lighting shall be designed so that light is directed downward and inward, towards the interior of the subdivision or site, except for illumination of the flag of the United States of America.

**B. Shielded Lighting.** Exterior lighting shall be fully shielded or arranged in a manner so that concentrated rays of light will not shine directly onto other properties.

**C. Hazardous Lighting.** The direct or reflected light from any light source shall not create a traffic hazard. Colored lights shall not be used in such a way as to be confused with or construed as traffic control devices.

**D. Flashing Lights.** Blinking, flashing or fluttering lights, or other illuminated device which has a changing light intensity, brightness, or color shall be prohibited in all zoning districts, except for temporary holiday displays.

**E. Height Limitations.** Light sources which exceed thirty-five (35) feet in height shall not be allowed, except for temporary holiday displays or as required by local, state or federal regulations.

**7.1.9 Areas with Archeological, Paleontological or Historical Importance.** The applicant shall identify those 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.

#### **7.1.10 Chaffee County Wildfire Hazard Mitigation Standards**

**A. Definition.** The Chaffee County Wildfire Hazard Mitigation Standards (WHMS) set forth design standards and requirements to mitigate wildfire hazards where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

**B. Intent.** The intent and purpose of these design 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 improvements will reduce wildfire hazards to landowners, their property, and homes, as well as providing safe areas for firefighters to conduct fire suppression activities as well as prevent the spread of wildfire and threat to community assets such as drinking water supply.

**C. Applicability.** All development within unincorporated Chaffee County shall conform to the current International Wildland Urban Interface Code (IWUIC) as amended.

**D. Secondary Access.** Applications for development of parcels larger than ten (10) acres in size shall have an alternate access road (fire-trail or two-track) in addition to their primary access road/driveway that is reviewed and approved by the local fire protection district. Where steep slopes or narrow lots prohibit compliance with this standard, the property owner shall work with the fire protection district to develop an alternative plan.

**E. Driveways.** All driveways shall maintain a minimum clear width and vertical clearance of fourteen (14) feet.

1. The average driveway slope shall not exceed eight percent (8%)



---

unless an alternate approach has been approved by the appropriate fire protection district, which could include internal sprinklers for habitable space.

2. Driveways over one hundred fifty (150) feet in length shall provide a turnaround for emergency vehicles.
3. Driveways over four hundred (400) feet in length shall provide turnouts every four hundred (400) feet in addition to the turnaround required in 7.1.10.E.2.

**F. Address Markers.** All developed properties shall have a permanently posted, reflective, address sign with minimum four-inch (4") 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.

**G. Defensible Space.** All subdivisions shall be designed to accommodate defensible space for each dwelling unit. A mitigation plan for vegetative management and defensible space/fire safety shall be submitted for review as part of the subdivision process at Sketch Plan and shall be reviewed by the Planning Department for compliance with the Colorado State Forest Service defensible space standards.

**H. Building Materials.** Building materials shall be in conformance with IWUI standards, Colorado State Forest Service wildfire mitigation standards, and local building code to include the following:

1. Class A, ignition resistant roof materials;
2. Ignition resistant siding, including but not limited to, six-inch (6") diameter log construction, fiber cement board, 3-stage stucco, masonry, brick, manufactured stone, or similar, located a minimum of six (6) inches above the ground;
3. Vent screens shall be one eight-inch (1/8") screen or otherwise specifically designed to prevent intrusion of fire embers;
4. Spark-arrestors must be installed on all wood or pellet burning stoves;
5. Non-combustible decking;
6. Tempered glass windows with a minimum of two (2) panes; and
7. Gutters shall be constructed of ignition resistant materials.

- I. Building Additions.** Building additions shall be in conformance with the requirements of this section. Existing buildings or portions of buildings not affected by an addition or alteration shall be exempt from upgrading to the building material standards in Section 7.1.10.H above.

## 7.2 SITE PLANNING & DEVELOPMENT STANDARDS

Unless otherwise specified, these standards shall apply to land use changes proposing **multi-unit residential development, subdivision, non-residential, and commercial and industrial uses**, including those in Planned Developments. These standards shall apply **in addition** to the basic standards set forth in **Section 1** of this Article 7.

**7.2.1 Consideration of Other Adopted Plans.** The land use change should consider provisions of any plan adopted by the Board of County Commissioners, including without limitation the Chaffee County Area Heritage Area Management Plan, the Salida Regional Transportation Plan, Chaffee County Trails Plan, water supply plans, and municipal water supply or watershed protection plans.

**7.2.2 Development Infrastructure Requirements.** The development shall have adequate infrastructure to support the proposed land use. These requirements are in addition to the **Water Supply, Wastewater Treatment, Road and Access, and Utility** requirements outlined in **Section 7.1.3**.

**A. Water Supply.** Per **C.R.S. 29-20-301**, the applicant may be required to provide additional information proving an adequate water supply. In determining adequacy and reliability of the proposed water supply the following considerations shall apply.

- 1. Peak Usage.** Peak demands projected for the total development population.
- 2. Adequacy of Water Source.** In addition to the requirements of the State Engineer and in the state statutes, the following criteria shall be used to evaluate the adequacy of the water source intended to serve the proposed land use.
  - a. Public Supply.** Where a public supply of water is available within 400 feet of the proposed development, connection shall be made thereto and it shall be the exclusive supply used.
  - b. Central System.** When a public water supply is not available, a central water supply system may be developed and used if it meets standards of CDPHE.
  - c. Average Daily Demand.** The average daily demand of the entire service area and the proposed land use shall be determined.
  - d. Adequate Water to Meet Landscape Requirements.** Each lot shall have adequate water to maintain required landscaping, if any is required for specific uses. Native plantings and low-water use landscaping are preferred.

- e. **Agricultural Irrigation Water.** The demand for agricultural irrigation water shall be based upon the type of vegetation to be maintained, soil characteristics, the historic yield of the property and available water rights.
  - 3. **Fire Protection Requirements.** The water supply demand for fire protection shall be based upon recognized and customary engineering standards and requirements of the applicable fire protection district. Subdivisions shall also comply with the provisions of **Section 7.3.4.**
  - 4. **Wells.** Individual on-site wells shall not be allowed for developments with overall densities greater than one unit per 2 acres, unless specifically permitted by the applicable standards for the proposed land use, including cluster provisions.
- B. Solid Wastes.** The applicant for each land use change is responsible for a plan to dispose of solid waste generated within the development. Areas used for the collection and temporary storage of solid or liquid waste shall be designed to prevent discharge of these materials in runoff from the site. Collection sites shall be located away from the storm drainage system. Other best management practices such as covering the waste storage area, fencing the site, and constructing a perimeter dike to exclude runoff may also be required.
- C. Adequate Parking** for the Use, per **Section 7.4.7.**

**7.2.3 Site Planning and Design.** The nature, scale, and intensity of the use or activity should be compatible with adjacent land uses and will not result in a significant adverse impact to adjacent land.

- A. Site Organization.** The site shall be organized in a way that considers the relationship to streets and lots, utilities, and topography. The design and scale of the development shall not cause unnecessary or excessive site disturbance.
- B. Landscaping Guidelines.** The purpose of landscaping is to create buffers between residential and commercial uses. Landscaping may be required as a condition of approval for certain land uses to mitigate the impact of a use on adjacent properties.
  - 1. **Protection of Existing Trees, Shrubs and Natural Features.** Plan site so that existing healthy trees, native vegetation and natural or significant rock outcroppings and other valuable features are preserved and integrated within planting areas.
  - 2. **Plants Compatible with Local Conditions.** Plants used for landscaping should be compatible with the local climate and the soils, drainage and water conditions of the site. When planting occurs on hillsides, slopes, drainage ways or similar natural areas, plant material should duplicate adjacent plant communities both in species composition and special distribution patterns. Whenever possible, drought-resistant varieties of plant materials shall be utilized. Xeriscape design principles and the use of native plant species shall be used when appropriate.

- 3. Restoration and Revegetation of Disturbed Areas.** All portions of the site where existing vegetative cover is damaged or removed, that are not otherwise covered with new improvements or landscaping, should be successfully revegetated with a mix of native, adaptive and drought tolerant grasses and ground covers. The density of the reestablished vegetation must be adequate to prevent soil erosion and invasion of weeds after one growing season.
  - 4. Trees and Shrubs.** Trees and shrubs should be grouped in strategic areas and not spread thinly around the site. To ensure healthy plant materials are installed, trees and shrubs should comply with the quality standards of the Colorado Nursery Act (1973) **C.R.S. 35-26-104**, as amended.
  - 5. Location of Plantings With Regard to Right-of-Ways.** All required landscaping should be located outside of any adjacent right-of-way unless a written waiver is received from the Director.
  - 6. Buffer Required.**
    - a.** Landscaping should 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.** Landscaping should 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. Where screening is required, plant materials should be sufficient to create a semi-opaque wall of plant material between the property and the adjoining area to be screened.
  - 7. Parking and Storage Prohibited.** Areas required as landscaping shall not be used for parking, outdoor storage and similar uses, but may be used for snow storage if designed in compliance with **Section 7.4.7 N**.
  - 8. Fire Hydrants and Utilities.** Landscaping shall not obstruct fire hydrants or utility boxes and be installed so it will not grow into any overhead utility lines. Trees and shrubs shall not be planted within four (4) feet of existing overhead or underground lines.
  - 9. Landscaping Within Off-Street Parking Areas.** All off-street parking areas containing fifteen (15) or more spaces should provide landscape buffers when adjacent to street rights-of-way. Landscape buffers may be achieved through the use of earthen berms, shrubs, trees or other appropriate materials to effectively screen the parking area from the rights-of-way.
- C. Operational Characteristics.** The operations of activities on the site shall be appropriate to the zone district.
- 1. Objectionable Emissions.** The land use change shall comply with Colorado Department of Public Health and Environment Air Pollution Control Division regulations for dust, odors, gas and fumes.

2. **Noise.** Noise as measured at the property boundary shall not exceed state noise standards as set forth in **C.R.S. 25-12-103**, as amended, and may be buffered by landscaping or other screening devices to stay within the maximum permissible noise levels.
3. **Time of Operation.** Time of operation, including hours, days, and seasonal if applicable, shall be established to be compatible within that zone district.

**D. Areas Subject to Wildfire Hazards.** The site plan shall identify all wildfire hazard areas as identified by the Colorado State Forest Service.

**E. Areas Subject to Natural Hazards and Geologic Hazards.** The site plan shall identify all natural hazard areas as identified by the Colorado Geologic Survey. Any structures or accesses within a natural hazard area shall be designed by a Colorado Registered Professional Engineer.

**F. Riparian Areas.** Applicants are encouraged to minimize disturbance to riparian areas. Examples of site specific features that may impact riparian areas include:

1. Steep slopes draining into the waterbody or wetland.
2. Highly erodable soils.
3. Unstable streambank conditions.
4. Trees, shrubs, or other natural features that provide for streambank stability, habitat enhancement for aquatic environments, riparian area protection.
5. Habitat for plant, animal, or other wildlife species listed as threatened or endangered by the United States Fish and Wildlife Service or by the State of Colorado.
6. The 100-year flood plain.
7. Existing storm and flood water drainages, channels, structures, or storage capacity.

**7.2.4 View Protection Guidelines.** The visual resources of Chaffee County are critical to the long-term economic prosperity of the County and enjoyment of its residents and visitors. The purpose of this section is to preserve and maintain the scenic resources in Chaffee County.

**A. Applicability.** This section is applicable to all new non-residential buildings, non –agricultural buildings, multi-family residences, and new subdivisions, for structures that would be visible from US or State Highways, County Roads, and the Arkansas River.

**B. Visibility.** Structures should be sited, designed, shaped, oriented, screened, lighted and constructed to be compatible with the permitted uses within that zone when viewed from one of the applicable locations. Structures should be designed to blend into the surrounding area to minimize the impact to the visual resources.

---

Methods of minimizing the visual impact of the structure may include:

- 1. Site Planning.** Site layout that utilizes existing topographic and natural features of the property and existing vegetation. Increased setbacks and specific building envelopes, and locating parking behind structures may also reduce the impact. Screening a structure from view through the use of existing vegetation or approved landscaping is also an acceptable mitigation.
- 2. Building Design.** Building design should blend into the surrounding natural area. Methods may include but are not limited to exterior color, building and roofing materials, and structure design (i.e. limiting long uninterrupted walls, differing roof pitches, etc.).
- 3. Covenant.** If applicable, a recorded document (e.g., deed restriction, conservation easement, or other financial surety) acceptable to the County may be required to ensure the existence and replacement of natural vegetation on the applicant's property if used for screening.

**7.2.5 Reclamation and Noxious Weed Control.** These standards shall apply to any road or driveway construction with cuts and fills that measure eight (8) feet or greater from the finished grade. Areas disturbed by grading shall be re-vegetated or landscaped, with vegetation established and growing within two (2) growing seasons (730 days) of the date of project completion, using species with a diversity of native and/or desirable non-native vegetation capable of supporting the post-disturbance land use. Topsoil shall be stockpiled and reused as practical.

**7.2.6 Stormwater Run-Off.** Designs shall be prepared by a registered professional engineer.

**A. Incorporate Drainageways.** Significant drainageways shall be incorporated in site development as open space, wildlife areas, and trails. Whenever possible, drainageways should be left in a natural state.

**B. No Direct Discharge to Streams or Other Waterbodies.** Stormwater runoff from project areas likely to contain pollutants shall be managed in a manner that provides for at least one of the following, and is sufficient to prevent water quality degradation, disturbance to adjoining property and degradation of public roads.

- 1.** Direct runoff to stable, vegetated receiving areas capable of maintaining sheetflow for infiltration. Vegetated receiving areas should be resistant to erosion from a 2-year, 24-hour design storm.
- 2.** On-site treatment of stormwater by use of best management practices designed to detain or infiltrate the runoff prior to discharge to any natural waterbody or drainageway.
- 3.** Discharge to a stormwater conveyance structure, designed to accommodate the projected additional flows from the proposed project, with treatment by a regional or other stormwater treatment facility prior to discharge into any natural waterbody.

**C. Minimize Directly-Connected Impervious Areas.** The site design shall minimize the extent of directly-connected impervious areas.

**D. Detain and Treat Runoff.** Permanent stormwater detention facilities are required to be multipurpose facilities designed to detain flows to historic peak discharge rates and to provide water quality benefits. Design criteria for detention facilities include:

1. Detention facilities shall ensure the post-development peak discharge rate does not exceed the pre-development peak discharge rate for the 2-year and 25-year return frequency, 24-hour duration storm. In determining runoff rates, the entire area contributing runoff shall be considered, including any off-site contribution. Off-site contributions shall be determined using the full development potential of the area draining into the detention facility, based upon the existing zoning district regulations.
2. To minimize the threat of major property damage or loss of life all permanent stormwater detention facilities must demonstrate that there is a safe passage of a 100-year storm event without causing property damage.
3. Channels downstream from the stormwater detention pond discharge shall be protected from increased channel scour, bank instability, and erosion and sedimentation from the 25-year return frequency, 24-hour design storm.
4. Removal of pollutants shall be accomplished by sizing dry detention basins to incorporate a 40-hour emptying time for a 2-year, 24-hour design storm with no more than fifty percent (50%) of the stored water being released in twelve (12) hours. If retention ponds ("wet ponds") are used, a twenty-four (24) hour emptying time is required. To promote pollutant removal, detention basins length-to-width ratio should be not less than 2, with a ratio of 4 recommended where site constraints allow. A sedimentation "forebay" is recommended to promote long-term functioning of the structure. Access to both the forebay and pond by maintenance equipment is required.

**E. Snowmelt Drainage.** Adequate drainage retention shall be provided to accommodate snowmelt from snow removal and storage areas and to ensure it does not drain onto adjacent property.

**7.2.7 Protection of Water Quality from Pollutants.** The following regulations shall apply to all **non-residential** land use changes.

**A. Compliance with State and Federal Regulations.** At a minimum, all hazardous materials shall be stored and used in compliance with applicable state and federal hazardous materials regulations.

**B. Storage Near Waterbodies Restricted.** Sand and salt for road traction shall not be stored within one hundred (100) horizontal feet of any waterbody unless there is no practicable alternative, in which case suitable site-specific best

management practices shall be utilized.

**C. Machine Maintenance Facilities.** Maintenance of vehicles or mobile machinery requires an engineer-designed spill prevention and containment system approved by the County if within one hundred (100) feet of any waterbody.

### **7.3 SUBDIVISION DESIGN SPECIFICATIONS**

Unless otherwise specified, these standards shall apply to all types of **subdivision**. These standards shall apply **in addition** to the basic standards set forth in **Sections 1 and 2** of this **Article 7**.

#### **7.3.1 Basic Subdivision Standards**

**A. Maintenance of Common Facilities.** Maintenance of common facilities shall be accomplished either through covenants and a homeowners association, a separate maintenance agreement, or some other perpetual agreement.

**B. Further Subdivision of Minor Subdivisions.** Further subdivision of lots platted through the Minor Subdivision process shall only be further subdivided using the Major Subdivision process.

**C. Subdivision Access.** All subdivisions shall have direct access to a public road system. Subdivisions fronting existing County roads shall be required to dedicate to the County any additional right-of-way required for the type of road (**Section 7.4.4**).

**7.3.2 Subdivision Lots.** All lots in the subdivision shall conform to the following specifications:

**A. Developable Lots.** Subdivision shall result in the creation of lots which can be developed for use in conformance with the land use regulations in this Code.

- 1.** Subdivision shall not create lots which are illegal or nonconforming lots under these Regulations. Any existing lot that is nonconforming shall not increase its degree of nonconformance.
- 2.** The building lots shall contain safe, adequate building sites capable of complying with applicable use restrictions and standards set forth in these Regulations. All building lots shall include an adequately sized area to allow building outside of flood or geologic hazard areas, or provide an engineering study showing the hazard can be mitigated. Building envelopes may be required showing a buildable area on each lot that avoids geological and other hazards.

**B. Platting of Land Subject to Natural Hazards.** Land subject to natural hazards such as falling rock, landslides, snow slides, mud flows, flooding or high water tables, shall not be platted for any use other than open space or an uninhabitable portion of a lot unless mitigation acceptable to the County is proposed by a qualified professional engineer licensed by the State of Colorado.



**C. Access to Right-of-Way.** 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 use shall be safe and in conformance with access standards set forth in the Chaffee County Road Standards.

**D. Lot Frontage.** Subdivision plats shall define a single frontage line for all lots, for the purpose of addressing and access. Each lot shall have a minimum of fifty (50) lineal feet of frontage on a dedicated public street or road right-of-way providing access, adequate for the proposed use. Lots fronting on cul-de-sacs shall be a minimum of twenty five (25) feet in width at the front property line.

- 1. Agricultural Subdivision Exemptions.** Subdivision exemptions do not require frontage, but allow newly created lots to be accessed by a thirty (30) foot dedicated driveway and utility easement (**Section 5.2.2 C**).

**E. Lot Division by Boundaries or Roads.** Lots shall not be divided by roads, municipal or County boundaries, or tax district boundaries.

**F. Accommodation for Future Subdivision.** When a tract is subdivided, parcels shall be so arranged to allow the opening of future rights-of-way and logical further subdivision of the tract and adjoining lands.

**G. Lot Slope.** Land use changes requiring a minimum lot size of two (2) acres or greater shall establish a building envelope of one-quarter (1/4) acre or more which does not contain slopes thirty (30) percent or greater.

**7.3.3 Subdivision Road Layout.** The road system shall provide adequate and efficient internal circulation within the development and provide reasonable access to public highways serving the development. Roads shall be designed so that alignments will join in a logical manner and combine with adjacent road systems to form a continuous route from one area to another.

**A. Intergovernmental Agreements and County Road Plan.** Road system design shall consider applicable provisions of the intergovernmental agreements with adjoining municipalities and the County Road Plan.

**B. Intersections.** No more than two roads shall intersect at one point, with a minimum of three hundred (300) feet between off-set intersections, unless otherwise approved by the Board of County Commissioners. This shall also apply to frontage roads and round-a-bouts.

**C. Street Names.** Street names shall be consistent with the names of existing streets in the same alignment; otherwise there shall be no duplication of street names in the County.

**D. Continuation of Roads and Dead-End Roads.** Roads shall be arranged to provide for the continuation of collector roads, or when appropriate and necessary for traffic movement, effective fire protection, or efficient provision of utilities. If the adjacent property is undeveloped and the road must be temporarily dead-ended, right-of-way shall be extended to the property line and the Board may require

construction and maintenance of a turnaround for temporary use. The final plan shall include a plat notation that land outside the normal road right-of-way shall revert to abutting property owners when the road is continued. Dead end roads without turn-around areas shall be prohibited.

**7.3.4 Subdivision Fire Protection.** All subdivisions shall provide adequate access and water supply for fire suppression. Fire suppression water supplies are required in subdivisions to protect the lives of residents and firefighters, to protect the personal property of the residents and neighboring property owners, and to minimize the threat of wildfires through early response and suppression.

**A. Water Supply.** Water used for fire protection purposes may be non-potable water and may be from a source separate from the domestic supply. The amount of water, type of delivery system and storage system is determined by several factors. The most critical factor is the density of the subdivision; other factors include wildfire threat levels and geography. The developer should contact the appropriate municipality or Fire Protection District during the Sketch Plan phase. Fire fighting water supply for the proposed subdivision shall be identified as part of the Preliminary Plan submittal, and shall meet the requirements of the appropriate Fire Protection District.

- 1. Fire Cisterns.** Where the Fire Protection District does not provide specific requirements, such as a payment in lieu of a fire suppression system, a fire protection cistern shall be required. The cistern shall be designed to meet the fire protection needs of the subdivision and approved by the appropriate fire district.
  - a.** Larger cisterns strategically placed are encouraged and recommended by the local fire districts. The developer shall work with the local fire jurisdiction to determine the sizing, placement and spacing of cisterns to optimize access and utilization of the water supply for structural and wildfire suppression.
  - b.** Minimum Guidelines for cistern sizing and placement:
    - (1) One 15,000-gallon cistern for each 30 lots in a subdivision (i.e. 25 lots requires one cistern, 32 lots requires two).
    - (2) Placement near subdivision entrance to primary road unless a more suitable location is determined due to existing or potential hazards.
    - (3) Cisterns may be located within easements, or on common subdivision ground such as common open space. Exact location shall be approved by the Fire Protection District prior to installation.
    - (4) A fire apparatus turn-out shall be provided with minimum dimensions of 50 feet long by 8 feet wide, centered on the cistern connection, and constructed in accordance with the requirements of the road accessing the cistern, maintained for year-round access.
    - (5) Dry hydrants may be considered as an alternative to a cistern, provided they are maintained and useable year-round. Dry hydrant approval will be based on the available supply of the water

source.

- c. Cisterns in subdivisions with four or fewer lots; the minimum requirements detailed in this Section apply, with the exception that a single 6,000-gallon cistern may be used.
  - d. The National Fire Protection Association National Fire Code, Standard 1231, *Standard on Water Supplies for Suburban and Rural Fire Fighting*, is the reference guideline for fire suppression water supplies.
- 2. Installation by Applicant.** If fire protection facilities are to be installed by the applicant, these facilities, including all surface access roads, shall be installed and made serviceable prior to and during the time of construction.
- 3. Maintenance.** Provisions for continued maintenance of fire protection systems and means of enforcement by the County shall be included in the Improvement Agreement.
- B. Adequate Access Points.** Subdivision fire protection plans shall be reviewed by the appropriate fire protection district to ensure that all lots have adequate primary and secondary access points to escape fire entrapment.
- C. Fire Lanes.** Subdivisions may be required to include fire lanes, adequate to allow passage of heavy firefighting equipment, where the forested portion of a proposed subdivision joins or parallels national forest boundaries.
- 1. 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.
  - 2. Fire lanes to be cleared shall be indicated on the Preliminary Plan and on the Final Plat or Exemption Plat, and provisions for required fire lanes shall be included in the Improvement Agreement.

### 7.3.5 Subdivision Utility Easement Requirements

- A. Dimensional Requirements.**
- 1. Easements centered on common rear or side lot lines shall be at least sixteen (16) feet wide.
  - 2. Easements on the perimeter of the development or along lot frontages shall be ten (10) feet or greater.
  - 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 ten (10) feet in width shall be provided in an alternate location to ensure adequate area for the utility.
  - 4. Multiple use of an easement is encouraged to minimize easements.
- B. Final Plat Requirements.** The final plat shall note all easements, ownership of the easement, and the use or uses for each easement. Easements shall be free

from conflicting legal encumbrances.

**C. Dedication of Easements for Benefit of the Public.** Unless otherwise specified, easements that are for the benefit of the public shall be dedicated to Chaffee County.

1. The County shall act as custodian of the easements and may limit the use of such easements to the purposes indicated on the final plat.
2. Permits for construction within the easements may be required. The construction, installation and repair of right-of-way openings for subsurface utilities shall require approval from the County, posting of an appropriate bond, and evidence of adequate insurance.
  - a. Any platted utility easement proposed to be altered, vacated, or otherwise adjusted, shall include a letter of consent from all potentially affected utilities.

**7.3.6 Survey Monuments.** Prior to selling or advertising the sale of lots, permanent survey monuments shall be set at all lot corners within the subdivision, pursuant to **C.R.S. 38-51-104 and 38-51-105.**

**7.3.7 Standards for Public Sites and Open Space.**

**A. Dedication of Public Land.** The Board of County Commissioners shall require reservation or dedication of public sites and open space for schools and parks that are reasonably necessary to serve the residents of the proposed subdivision and future residents. In lieu of a dedication of sites and land areas, the Board may accept payment of a sum of money or construction of public facilities not exceeding the full market value of such sites and land areas, or a combination of land dedication, fee, or facility construction.

**B. Final Plat Requirements.**

1. All dedicated lands shall be designated on the final plat and deeded to Chaffee County or the appropriate agency at the time of recordation of the final plat.
2. Title insurance, provided by a title insurance company authorized to do business in the State of Colorado and acceptable to the Board of County Commissioners, shall be required at the time of recordation of the final plat.
3. A certificate of representations and warranties concerning title and usability of the property, in a form acceptable to the Board of County Commissioners, shall be required at the time of recordation of the final plat.

**C. Amount of Public Land Dedicated.** The proportion of land to be reserved or dedicated for public sites and open space shall be based upon the size, location and characteristics of the proposed subdivision, the current and likely future uses of the surrounding area, and the impact of the subdivision on public services and facilities. The amount of land dedicated for public purposes shall be roughly

proportionate to the impacts of the subdivision.

- 1. Road Dedications.** The following road dedications shall be required for development.
  - a.** Unless specifically approved as private rights-of-way and so designated on the final plat, all roads, streets, alleys or other public traffic ways located within the subdivision and benefiting current or future residents of the subdivision shall be dedicated as public rights-of-way.
  - b.** Land for rights-of-way for existing County Roads shall be dedicated to Chaffee County as specified in **Section 7.4.4**, Chaffee County Road right-of-way requirements.
  - c.** When, due to topography, hazards or other design constraints, additional road width is necessary to provide for the public safety by cut and/or fill area, drainage area, or other road appurtenances along roadways, then dedication or right-of way in excess of the minimum standards set forth in these Regulations shall be required.
- 2. Park, Trail, and Open Space Dedication.** Development of lower density rural areas into higher density residential areas necessitates additional opportunities for recreation. Depending on the location, number of units, density, and other considerations, the developer may choose to provide an internal park, passive open space, or public trail facilities. The following considerations shall be applied in determining which land areas are appropriate for dedication as parks. Dedications are not required for Subdivision Exemptions or Conservation Subdivisions.
  - a.** The continuity of open space links, trails, and other major components of the recreation system.
  - b.** The suitability of proposed land dedications for park, recreation and open space needs. Considerations shall include site conditions such as size, shape, topography, geology, presence and condition of ground cover and timber, condition of soil, drainage, location, access, and the availability of water to lands proposed for park and recreation uses.
  - c.** For each residential unit created, the development shall dedicate 0.1 acres of land for parks, open space or trails; OR
  - d.** The developer may request to construct a public trail as identified in the County Trails Master Plan or other Trail planning document in lieu of land dedication. The trail constructed shall be in close proximity to the proposed residential development, and the value of the trail construction shall be at least equal to the pre-development market value of land within the subdivision, for the amount of land that would be required to be dedicated.
  - e.** Constructed trails shall conform to the standards in **Section 7.4.8**.
- 3. School Dedications – Fair Contributions for School Sites.** 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. For property located in the Salida R-32-J or Buena Vista R-31 School District, 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.

- a. **Referral:** All residential subdivision applications and planned unit developments creating residential dwelling units 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. 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.
- b. **Land Dedication Standard.** If recommended by the affected School District, the applicant shall dedicate or convey land for a public school facility to the applicable School District based on .0045 acres per multi-family unit, 0.0102 acres per single family attached unit, and 0.0121 acres per single family detached unit.
  - (1) If the Fair Contribution for Public School Sites includes the dedication or conveyance of land, prior to recording the final plat, the applicant shall provide proof that the dedication has been made to the applicable School District in a manner and on terms satisfactory to the School District and in accordance with the following requirements:
    - a. 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.
    - b. At the time of dedication or conveyance, the applicant shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property. 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 site.
- c. The lands being dedicated or conveyed to the School District shall be located and configured as directed by the School District.
  - d. The person or entity conveying the land to the School District shall satisfy the County's water rights requirements prior to conveying the property to the School District
- (2) In addition to conveyed or dedicated lands, the School District shall be given the right to purchase adjacent lands owned by the developer at its fair market value so that the dedicated or conveyed and purchased lands together form a contiguous parcel which meets the School District's land area requirements.
- c. **Fee-In-Lieu Payment for Schools.** Based upon the Intergovernmental Agreement Concerning Fair Contributions for Public School Sites Among the City of Salida, the Town of Buena Vista, the Town of Poncha Springs, Chaffee County, the Salida School District R-32-J or and the Buena Vista School District R-31 ("IGA"), recorded at Reception Number 485135, the Board can require a payment in lieu of land dedication or conveyance in the amount of \$212.00 per multi-family unit, \$480.00 per single family attached unit and \$569.00 per single family detached unit. Accessory Dwelling Unit ("ADU") shall be assessed a payment in lieu of land dedication and under the IGA. An ADU is a complete independent living facility and is considered single-family dwelling unit which is secondary to the primary residential structure on a property. The fee-in-lieu payment for an ADU will be assessed on whether the ADU is attached or detached to the primary residential structure. The applicant may elect for such amount (as adjusted) to be paid by the owner of a particular lot at the time a residential building permit is obtained. Such requirement shall be noted on the underlying plat and, if required by the County, a separate covenant.
  - d. **Exemptions From Fair Contribution for Public School Sites:** 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 which 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, bed and breakfast establishments, boarding or rooming houses, 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, but not including any ADU; and
- (6) Construction of any low-income housing unit, on lots designated as such by the County.

**D. Payment In Lieu of Dedication of Public Sites.** The Board of County Commissioners, based upon recommendation from the potential receiving body, may accept a cash payment from the applicant in lieu of dedicated land, in whole or part.

1. **Based Upon Market Value.** Payment shall be based on the unimproved market value of land.
2. **Not to Exceed Market Value.** Payment of cash in lieu of dedicated land shall not exceed the current market value of the land that would have been dedicated to the County or other public entity. If a combination of land dedication and cash-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.
3. **Minimum Cash-In-Lieu.** Minimum payment of cash-in-lieu shall be \$500.00 for any required dedication.
4. **Payments Held in Escrow.** Cash payments received by the Board 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**.
5. **Release of Land or Cash.** After final plat approval and receipt of dedications, the Board of County Commissioners shall give written notification to the appropriate receiving body.
  - a. Following notice by the Board, the receiving body may request the dedication, and the Board shall transfer the lands to the appropriate receiving body.
  - b. For a school or park site, if the receiving body determines upon completion of platting that there is no longer a need for the dedicated land, they may request that the land be sold.
  - c. Funds may be released to the appropriate receiving body if the Board finds that the proposed use of funds is compatible with the intent of the cash-in-lieu payment or sale of the land.
  - d. 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.

**7.3.8 Subdivision Plat Review Criteria.** The following review criteria shall apply to all proposed final subdivision plats, including subdivision exemptions and conservation subdivisions.

1. **Compliance with Preliminary Plan Approval.** The plat complies with all conditions of preliminary plan approval (if applicable).



2. **Suitability of Plat for Recordation.** The plat is drawn in accordance with the requirements of these Regulations and is suitable for recordation.
3. **Adequacy of Supporting Materials.** The plat meets all planning, engineering, and surveying requirements of these Regulations for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
4. **Liens and Encumbrances.** The final plat does not include any outstanding lien, conveyance, or encumbrance to the property being divided.
5. **Taxes.** All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.
6. **Public Sale of Lots.** A subdivision becomes complete and eligible for public sale of lots and development only after the Final Plat and associated documents are recorded and conditions, including subdivision improvements, are completed.

**7.3.9 Additional Standards and Guidelines for all Conservation Subdivisions.** In addition to the requirements in **Section 5.3.1** for the specific type of development and the other applicable standards in this Land Use Code, all conservation subdivisions shall comply with the following standards and guidelines:

- A. **Minimum Parcel Size.** A minimum parcel size 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 parcel. The lots shall be clustered to make efficient use of land resources and infrastructure
- C. **Preservation of Rural Character and Agricultural Land.** The division and development of the land minimizes the impacts of residential development on agricultural lands and agricultural operations, and maintains the rural character of the area.
  1. The applicant shall demonstrate that the rural character of the area can be maintained, including minimizing the impact of development on adjacent properties and visibility from the roads identified in **Section 7.2.4**.
  2. Proposed development maintains the opportunity for agricultural production on the most productive and viable areas of land.
  3. The proposed development protects areas of irrigated hay meadow, especially those that connect with and/or are adjacent to other irrigated meadows. Adequate water supply shall be reserved to ensure continued irrigation. Such decreed water rights shall not be severed from the land during the length of time designated by the type of development.
  4. Proposed development protects upland grazing areas needed for agricultural uses.
  5. To the extent practicable, proposed development avoids crossing and dividing irrigated lands with roads, fences, development and utilities.

**D. Site Design.** Lot sizes and water and sewer provisions shall comply with the requirements of the applicable zone.

1. All sanitation systems and domestic water wells shall be placed within the lot boundaries.
2. Building lots and building envelopes shall be sited and sized to minimize impact on agricultural land use.
3. Building lots and building envelopes shall be sited and sized to minimize the impact on open space resource areas on the property.
4. Building lots and building envelopes shall be sited and sized to minimize visual impacts from the roads in **Section 7.2.4.**
  - a. Topographic breaks are used to shield building envelopes and roads from view and minimize negative visual impact. Applicants are encouraged to use landscape or landscaping treatments to minimize visual impacts.
  - b. Building lots and building envelopes are sited in a manner that keeps structures off of highly visible places or use of natural blending features or colors is required.
5. Sites shall be developed so that healthy trees, native vegetation and natural or significant rock outcroppings and other valuable features are integrated within the overall plan.
6. The transportation design is appropriate, given existing and planned capacities of the system.

**E. Conservation Area / Remainder Parcel.** The 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 resource.

1. The Remainder Parcel shall be located on the property to maximize the preservation of open space, including but not limited to agricultural areas, existing trees and vegetation, wildlife habitat and sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains.
2. To the extent feasible given the topography and features of the property, the property to be reserved as conservation area should be contiguous and undivided.
3. To the extent possible, Remainder Parcels shall be located so that they are adjacent to other agricultural lands, other Remainder Parcels, conservation easements, public open lands, and natural resource areas such as wildlife corridors.
4. To the extent practicable, roadways and utilities shall be positioned in a manner to avoid traversing or significantly damaging the qualities of the Remainder Parcel.

5. If the intended use of the 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. Other Uses. The Remainder Parcel may be approved for other uses which are compatible with agricultural uses and the intent of this section, subject to the appropriate approval process for the use and zone as defined in **Article 2**.

## 7.4 ROAD, ACCESS, DRIVEWAY, AND PARKING STANDARDS

**7.4.1 General.** The purpose of these standards is to promote safe, efficient and effective road system within Chaffee 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.

**A. Applicability.** These standards apply to all new road construction or improvements in Chaffee County, including private driveways.

**B. Enforceability.** The County departments and offices or their agents, as designated by the Board of County Commissioners ("BOCC"), and the appropriate state and federal agencies, enforce these standards. Violations of these Road Standards may result in revocation of permits, withholding of permits including building permits, monetary penalties, closure of accesses, or injunctions, in addition to other remedies that may be available.

**C. Hold Harmless:** The applicant and/or permittee shall indemnify and hold harmless the County, its employees and agents for any and all costs, damages and liabilities (including without limitation, litigation costs and expenses and attorney's fees) which may accrue or be claimed to accrue by reason of compliance with these Standards, any work performed or improvements placed in a County right of way/easement or on private property. Acceptance of any permit shall constitute such an agreement by the applicant/permittee whether the same is expressed or not.

**Penalties and Penalty Permits:** In addition to other penalties that may be imposed, any person who commences work prior to obtaining a permit required under these Road Standards shall be required to obtain a penalty permit in addition to a standard permit. The fee for the penalty permit shall be \$100.00 per day until a standard permit is issued.

1. Properties shall be permitted a maximum of one driveway access point to Collector roads. Up to two access points may be permitted for properties accessing Local or Low Volume Rural Roads, subject to sightline and other requirements of this Code.

**Road Vacations:** Roads dedicated as public rights-of-way, public easements, platted streets, or roads that have been used by the public for seventeen years or more cannot be arbitrarily closed or rerouted without County approval.

**7.4.2 Permits Required.** All new roads or streets, including agricultural roads and private driveways, shall obtain legal access to municipal streets, county roads or state

highways as necessary. Final subdivision plats will not be filed and wastewater treatment, building, and other permits will not be issued until the required permits have been obtained. All new roads, accesses, and driveways shall be constructed in conformance with these standards, and shall be reviewed by the County Road and Bridge Department.

**A. Road Construction.** Road construction shall not begin until the required Chaffee County permit has been obtained. Road Construction permits shall not be issued for a proposed subdivision until the preliminary plat has been approved by the BOCC, or for a PD until the Final PD Plan is approved. For the purposes of this requirement road construction includes road cuts, road, bridge, culvert or drainage work related to roads, wetlands or changes to the flow of streams, ditches or runoff.

**B. County Road Access Permits.** Any new connection to a County Road, or increased use of an existing access, shall obtain a County Road Access Permit, and be constructed and be constructed in conformance with these standards. Where the land use change causes warrants for improvements to state or federal highways, or where the land use change increases the ADT on a county road by 20 percent, the developer shall be responsible for those necessary improvements.

- 1. Proportional Improvements.** Proportional improvements to public roads, intersections and traffic management systems will be required if the added Average Daily Traffic Volume or Peak Vehicles Per Hour Traffic Volume, or commercial heavy load traffic triggers the necessity of such improvements. The County may require future developers using the improved access to pay a proportional share of prior access improvements.
- 2.** The proposed development shall not have an adverse impact on the County's Road Improvement Plan. The applicant may be required to make necessary improvements to the impacted roads as a condition of plat or development approval.

**C. Adequate Capacity.** Roads serving the proposed use shall have the capacity to accept the additional traffic generated by the use safely and efficiently. The use shall not cause traffic congestion or unsafe traffic conditions, and all impacts to the County and state roadway system shall be mitigated through roadway improvements or impact fees, or both.

- 1. Roadway System Impacts.** Impacts to the County roadway system associated with hauling, truck traffic and equipment use shall be mitigated through roadway improvements or impact fees or both.
- 2. Stub Roads.** For developments subject to intergovernmental agreements or within a Municipal Planning Area Overlay, the developer may be required to provide stub roads and/or easements that will connect to existing or future roadways depicted on the adopted municipal Transportation Plan for connectivity, traffic flow, and emergency access.

**D. Driveway Permits.** Any new driveway or non-residential access road, or increase in use of an existing driveway or access, shall obtain a County Driveway Permit, and be constructed in conformance with these standards. A driveway permit is required whether or not the driveway accesses a private subdivision road, municipal street, County Road, or State Highway.

**1. Driveway Permits.** Properties shall be permitted a maximum of one driveway access point to Collector roads. Up to two access points may be permitted for properties accessing Local or Low Volume Rural Roads, subject to sightline and other requirements of this Code.

**E. Right-of-Way Permits.** Any work within the County right-of-way requires a permit, including utility work, drainage, mailboxes, signage, trails, sidewalks, or any other above or below surface work in the right-of-way. A right-of-way permit is required for any work in the deeded or prescriptive right-of-way, including but not limited to work within the traveled roadway, shoulder, drainage areas, or unimproved areas.

- 1. Underground Location.** Where utilities are installed underground, they shall be located in the right of way at a depth of at least twenty-four (24) inches.
- 2. Restoration.** Any disturbed portion of the right of way shall be restored as nearly as possible to the condition as existing immediately prior to the company's installation. Back filling shall be made in six-inch lifts, mechanically tamped and packed. Trench shall be left open until the County inspects installation.
- 3. Safety.** Safety measures shall be implemented in accordance with state and federal requirements to protect the public from harm during utility construction, improvements, location or relocation.
- 4. Cuts.** Open cuts across a roadway will be allowed, subject to conditions imposed by the County. Backfill shall be compacted in 6-inch lifts to a density of ninety-five (95) percent of standard proctor. Any compaction tests shall be conducted by the County at the expense of the applicant.

**F. Other Jurisdictions.** Depending on the location of the property, other jurisdictions, including Colorado Department of Transportation (CDOT), a municipality, the US Forest Service or Bureau of Land Management, or a subdivision homeowners association, may require a permit to build a road or access across their property or accessing a road within that jurisdiction. It is the applicant's responsibility to receive permits and approvals as needed by that jurisdiction; however no County permits shall be issued or final construction approvals granted until approvals from the other jurisdiction are submitted.

**7.4.3 Road Classification.** County Roads are classified as to their current and projected use. For a list of County roads, their respective classifications and Average Daily Traffic volume (ADT) refer to the Chaffee County Road Inventory. Road classifications are determined not only on the current ADT, but also on a ten-year estimated ADT.

**A. Arterial Roads.** These roads are US and State Highways US 24, 50, 285 and SH 291, and serve as interstate and intrastate transportation routes. Access permits for these roads are administered by the Colorado Department of Transportation.

**B. Collector Roads.** Typical ADT in excess of 1000 vehicles. Collector roads have the primary purpose of conveying traffic from local roads to business areas and to the State Highway system. These routes are spaced at intervals, to link locally important traffic generators with outlying rural areas. Individual lot access to

collectors should be minimized. Chaffee County may designate a road as a collector regardless of present ADT to enhance safety and traffic flow. Examples include CR 162, 120, 140, 160, 306, 350, and 371.

**C. Local Roads.** Typical ADT less than 1000 vehicles. These routes primarily provide access to residential neighborhoods and have limited numbers of businesses or other facilities that generate significant traffic. Most internal subdivision roads and rural roads are local roads.

**D. Low Volume Rural Roads.** Typical ADT less than 200 vehicles. These routes are typically dead-end roads, roads that do not connect to multiple routes, do not provide access to businesses, large developments, or public lands, or are roads through the more remote places in the County.

**7.4.4 Right-of-Way Dedication Required.** All new roads are required to dedicate to the public the right-of-way for the road. All types of subdivisions and subdivision exemptions that front existing County roads shall be required to dedicate to the County additional right-of-way width from the center line of the existing road to the right-of-way boundary. Additional right-of-way dedication may be required if a proposed land use generates traffic volumes which may necessitate turn lanes or other improvements.

**A. Right-of-Way Width.** Any new road requires a minimum right-of-way dedication of 60-feet in width. Dedication of right-of-way from the centerline of adjacent County Roads is required, either 30 feet from centerline of the road, or the amount necessary to complete a partial right-of-way.

- 1. Exception:** Low Volume Local Roads can dedicate a right-of-way width of 40 feet if the road layout and subdivision plat and restrictions result in no possibility of future development, increased future traffic volumes or connecting access to adjacent lands.

**B. Cul-de-sac Right-of Way.** A cul-de-sac right-of-way shall have a minimum radius of 55 feet.

**7.4.5 Roadway Design and Construction.** The purpose of this section is to identify minimum road standards for Chaffee County. A registered professional engineer shall design all roads subject to these standards. The County may require any road subject to these standards to comply with codes or standards recognized by federal, state or national organizations.

**A. General.** New Roads shall comply with the following general criteria related to location and layout. Road designs must show a road grade profile with station identification that corresponds to the road design drawing and must identify clearly areas that are shadowed by terrain as well as identify sun angle information for any road with a grade in excess of 7%. Designers should refer to national and state recognized design guides.

- 1. Conformance with Existing Land Use Plans:** Roads within three miles of a municipality must conform to the adopted arterial road plan of the municipality filed with the County at the time of the application. All roads must conform to the County Road Plans. The County may require public right-of-ways, public easements, stub roads and other such items necessary for the planning and development of a contiguous road and

street system for safety and efficiency as a condition of approval of any application for subdivision, re-zoning or PD.

2. **Special Design Requirements:** The BOCC may require special design and maintenance when special circumstances may affect the health, safety and welfare of the public.
3. **Relationship to Topography.** Roads and accesses shall be designed to bear a logical relationship to the topography, creeks, wooded areas, and other natural features. The road grade shall conform as closely as possible to the original topography. Combinations of steep grades and curves should be avoided. Cut slopes shall be a maximum of 1.5 (horizontal) to 1 (vertical) unless designed by a professional engineer. Fill slopes greater than 10 feet shall be designed by a professional engineer.
  - a. Where roads are constructed through timbered land, the timber shall be cleared a minimum of 10 feet beyond the edge of the traveled roadway. All limbs, timber and brush must be disposed. In no instance will roadways be accepted where timber has been bulldozed to the side of the roadway. Minimum height clearance is 13' 6".
4. **Emergency Access and Egress.** Roads and accesses shall be designed so as to provide emergency access and egress for residents, occupants and emergency equipment. Roads designated as emergency access only shall comply with provisions of these standards and requirements of applicable emergency services such as fire protection, ambulance and law enforcement.
5. **Commercial and Industrial.** Roads and accesses in commercial and industrial developments shall be designed to minimize conflict between vehicular and pedestrian traffic.
6. **Protection of Boundary Fences and Livestock.** Roads and driveways shall be located a sufficient distance back from the property boundaries so that normal maintenance of roads, including snow removal, will not damage boundary fences.
7. **Traffic Studies:** The County may require a traffic study as a condition of access permit approval, if the traffic volume generated by the proposed use increases traffic volumes on any County Road by 20 percent. The County may require improvements to County Roads and intersections based on the studies.
8. **Materials.** Standard specifications of materials for aggregates and soil aggregate sub-base, base and surface courses shall be governed by AASHTO Designation M147-65 (1993) or latest revision. Gravel surfaced roads shall meet the Chaffee County specification for gravel surfaced roads.
9. **Re-vegetation.** All disturbed areas outside of the traveled way and shoulder shall be re-vegetated in accordance with an approved weed management plan. Erosion control devices may be required to be installed in roadside ditches to reduce sediment transport.
10. **Clear Distance.** With the exception of traffic control or safety devices, no above ground obstructions may be within 10' of the traveled way.

- 11. As-Built Plans.** The developer shall provide an as-constructed centerline profile for any road with a grade greater than 7 percent.

**B. Intersection Design.** Intersections shall be designed to meet standard safety specifications and shall take into account terrain, traffic count, approach speed, clear sight distance and vertical alignment. The County may require design changes that exceed standard specifications to improve safety and traffic flow.

- 1. Minimum Centerline Offsets.** No road intersection shall be closer than 300 feet from the nearest road intersection as measured between centerlines. Offset intersections shall be avoided on streets where the future traffic volume may warrant a traffic signal. High volume streets may require increased minimum offsets.
- 2. Intersection Angles.** Roads shall intersect at an angle 90 degrees. In rolling or hilly terrain where a 90 degree angle cannot be achieved, the County may approve an angle of 80-100 degrees, subject to design by a registered professional engineer, and may require increased design criteria, such as larger corner radii or increased sight distance. **Table 7.4.5 B** summarizes minimum access radii requirements for differing types of intersections.

**Table 7.4.5 B – Intersection Radii**

<b>Intersecting Road Classifications</b>	<b>Minimum Access Radius</b>
Collector - Collector	30
Local - Collector	25
Local - Local	20
Driveway – Collector	25
Driveway - Local	20

- 3. Vertical Alignment:** The vertical alignment within the intersection area shall be designed with a grade of 2 percent away from the edge of the street being intersected until reaching the line of the roadside drainage. Grades within 50 feet of an intersection shall not exceed 2 percent.
- 4. Sight Distance Requirements for Public Road Intersections.** Sight distance refers to any obstruction such as hills, depressions, curves or any other physical obstruction, which may interfere with a vehicle's ability to safely merge or enter a lane of traffic.

**Table 7.4.5 B5 - Minimum Sight Distances**

<b>Posted Speed Limit</b>	<b>25</b>	<b>30</b>	<b>35</b>	<b>40</b>	<b>45</b>	<b>50</b>	<b>55</b>
<b>Design Sight Dist.</b>	150	200	250	325	400	475	550
<b>Minimum Sight Dist.</b>	150	200	225	275	325	400	450

**C. Grade.** Road grades are based on factors such as roadway classification, horizontal and vertical alignments, design speeds, type of terrain, safety and capacity. All roads having centerline curves greater than forty-five (45) degrees in



arc shall have a maximum of six percent (6%) grade along such curves. On straight line portions, a grade of ten percent (10%) shall be allowed for a maximum of two hundred (200) feet in horizontal distance. Grades in excess of 7% in low winter sun areas may require mitigation. Steep grades with sharp drop off slopes may be required to install guardrails on curves or other critical areas.

**Table 7.4.5 C - Maximum Road Grades**

Roadway Classification	Residential District	Business District	Open Highway
Collector	7%	7%	6%
Local	8%	7%	6%
Low Volume Rural	9%	N/A	6%

**D. Road Drainage.** Water from roads must be contained or channeled in a manner not to cause damage or erosion to County Roads, adjacent property, or irrigation ditches and conform to State and Federal guidelines for water quality and storm drainage. All roads shall be designed with a minimum 2% crown to facilitate drainage off the road. If natural channels do not provide adequate drainage within the framework of local, State and Federal regulations, an appropriate drainage collection and storage system must be installed. Roads with grades greater than 5 percent shall require a drainage plan prepared by a registered professional engineer.

- 1. Elevation.** Roads shall be constructed to provide 2 feet of roadbed elevation above the bottom of the drainage on either side. Adequate cross drainage shall be provided to assure that flooding and washouts will be eliminated under maximum known snowmelt and rainfall conditions.
- 2. Borrow Ditch Culverts.** Culverts shall be a minimum of 18" in diameter and shall extend a minimum of two feet beyond the edge of any road or driveway fill or be protected by concrete encasement or flared end sections. Culvert ends should be designed to minimize trash collection and sedimentation.

**E. Surfacing, Curb & Gutter Requirements.** Roadways shall be required to have a travel lane in each direction with a shoulder on each side of the road. Shoulders are required to ensure that vehicles can stop off the traveled way in case of emergency and to provide parking off the traveled way.

- 1. Collector Roads.** All new Collector Roads shall have a pavement structure designed by a registered professional engineer, and shall have a minimum compacted thickness of 3 inches of hot bituminous pavement placed in a minimum of two lifts on a minimum of 6 inches of compacted aggregate base course.
  - a.** Travel lanes shall be 12 feet wide.
  - b.** Shoulders shall be a minimum of 8 feet wide, with a minimum 4-foot paved width and the remainder compacted road base. In Commercial areas the entire shoulder shall be paved.
  - c.** A drainage plan and a storm water control plan are required.
  - d.** Pedestrian walkways are required in commercial use areas.
- 2. Local Roads.** All new local roads shall be surfaced with a minimum of a

four inch compacted aggregate base with a dust control application.

- a. Travel lanes shall be 11 feet wide.
  - b. Shoulders shall be a minimum of 2 feet wide, constructed with compacted road base.
  - c. A drainage plan and a storm water control plan shall be required in Commercial areas.
  - d. Pedestrian walkways are required in commercial use areas.
- 3. Low Volume Rural Roads.** All new low volume rural roads shall be surfaced with a minimum of a four inch compacted aggregate base with a dust control application.
- a. Travel lanes shall be a minimum of 10 feet wide.
  - b. Shoulders shall be a minimum of 2 feet wide, constructed with compacted road base.
- 4. Cul-de-Sacs.** Any road that is not completed as a through road, i.e. a dead end road, shall have a cul-de-sac constructed at its terminus. Cul-de-sacs shall have a turn-around pad at the end with a minimum travel surface radius of forty-five (45) feet, surfaced with the same material as the remainder of the road.
- a. Any road that terminates at the boundary of a subdivision, and may at some future date be extended, shall have a temporary cul-de-sac constructed at its terminus. Temporary cul-de-sacs shall have a 50-foot radius right-of-way and a minimum of a 40-foot radius gravel surface traveled way. Unfinished easements or stub roads that are not accessed by individual lots do not require a finished cul-de-sac.
  - b. Cul-de-sacs greater than 1000 feet in length may be required to meet standards for a higher classification road, or provide additional turn-around areas along the road.
- 5. Accesses and Driveways.** Any access to a chip-sealed or paved County Road shall be paved between the edge of the travelled road and the right-of-way line.

**F. Bridges and Culverts.** Bridges and culvert crossings of natural streams, gullies, washes, and similar, shall be designed by a professional engineer and be constructed in compliance with AASHTO recommendations and may require approval of the Army Corp of Engineers. A Chaffee County building permit is required prior to construction of any bridge. All bridges on public roads shall have load limits posted, guardrails, a reasonable traction surface and may not exceed a 2% grade. The minimum clear width of a bridge deck shall equal the width of the travel lanes plus shoulders of the road.

**G. Ditch Crossings.** Development of land crossed by irrigation ditches requires respecting rights of ditch owner(s) to operate and maintain their ditch without an increased burden of maintenance or liability due to land development and subdivision. Subdivision layouts should attempt to minimize ditch crossings by roads and driveways. As a minimum all irrigation ditch crossings by new roads, or existing roads being improved, shall:

1. Require the crossing to be sized to not interfere with the ditch operations or change existing hydraulic flow characteristics (flow width, depth, slope, velocity or flow pattern) established within the ditch. Crossings shall not reduce the maximum flow possible in the ditch, including the maximum total ditch flow rights and possible runoff which may flow into and be carried by the ditch. Provision shall be made for routine inspection of the crossing entrance and removal and disposal of trash.
2. Provide vehicle and maintenance equipment access to the ditch from both sides of the ditch crossing from all roads for use by the ditch owner(s). Allow access to all ditch crossings throughout the road system.
3. Require a letter from the ditch owner(s) or ditch company approving the crossing(s) prior to any permit application or construction within the ditch easement. The developer of the ditch crossing shall provide the ditch owner(s) with design drawings and hydraulic analysis of each crossing for which approval is requested.
4. Require execution of an agreement binding the property owner and all future property owners to accept all liability for damage caused by the improvements installed in the ditch.
5. Require execution of an agreement requiring present and future property owners to maintain the crossing and to keep it and the ditch access easement safe and free of trash at all times. Maintenance shall include without limitation frequent and timely trash and debris removal, repair or replacement of the crossing as needed, and construction of improvements to the crossing as may be considered necessary by the developer, property owners, or ditch owner(s). Ditch owners shall be notified prior to any work being performed within the ditch easement.
6. The BOCC may require specific improvements to ditch crossings to limit liability to ditch owners caused by the crossing, improvements or realignment. Improvements may be required to address safety concerns, minimize flood danger, or to protect downstream water rights.
7. Ditch crossings by any utility within any new public right-of-way or easement shall meet the requirements of this code with regard to permits and agreements required construction, maintenance, and minimizing of flood danger. Ditch companies or owners shall be notified prior to any new ditch crossings by utilities within existing public rights-of-way or easements. Additionally, underground utility locations in any public right-of-way or easement shall be marked on each side of the ditch.

**H. Signage, Traffic Control Devices, and Street Lighting.** Traffic control devices, street signs, street lighting, striping and pedestrian crosswalks are to be provided in conformance with these Regulations, and the "Manual for Uniform Traffic Control Devices", latest revision.

1. **Road Names.** All road names shall be submitted for approval. Local subdivision roads shall be suffixed with Trail, Lane, Drive, etc, but shall not use a suffix of Road, which shall be reserved for collectors.
2. **Subdivision Maps.** Subdivisions with more than 20 lots shall provide a map of the subdivision with labeled road names, located at the access point to the County Road or state highway system, no closer than 12 feet

from the traveled way.

3. **Traffic Control Signage.** All subdivision roads entering a county road, municipal street or state highway must have a stop sign or other appropriate signal device. Curves, depressions or other roadway hazards deemed significant by the local law enforcement jurisdiction will be required to have the appropriate signage whether the road is a public or private road.

#### 7.4.6 Driveway Standards.

##### A. General Requirements.

1. Driveway access is regulated within the County Right-of-Way (or 30 feet from the center of the road if the right is prescriptive) and 20 feet beyond the Right-of-Way for grading and drainage.
2. The preferred driveway to road angle of access is 90 degrees. A driveway shall not access a road at an angle of less than 80 degrees.
3. Driveways must have culvert sized for the borrow ditch drainage requirement at the roadway intersection unless it can be clearly shown that roadside drainage is not impeded during a 100-year storm. The minimum culvert size is 18" diameter and not less than 18 feet long regardless of drainage requirements. All driveways shall have a culvert unless approved by the County Road and Bridge Department.
4. Above grade driveway improvements must not intrude into the right-of-way easement. Improvements shall be removed at the owners expense if they are not removed within 30 days notice from any public right-of-way.
5. Driveway designs shall divert drainage away from the traveled roadway.
6. Where curbs are present, a curb cut style driveway or road entrance is required. Specific curb designs can be recommended by the Road and Bridge Department and be required by the BOCC.
7. Any access to a chip sealed or paved County road shall be paved between the edge of the traveled roadway and the right-of-way line.
8. Driveway access grades shall slope down and away from the roadway at a 2% grade minimum for the first 10 feet from the edge of the traveled roadway. From 10 feet to 20 feet from the traveled roadway, driveways shall not exceed a positive slope (toward the roadway) of 12%. Exceptions may be made where steep topography makes this requirement difficult to fulfill. The approved design shall protect the roadway from drainage flows by the use of pans, swales, or other approved means.
9. It is recommended that the entire driveway from the roadway to the structure does not exceed 12% grade, is at least 9 feet in width, and is properly maintained to ensure access to emergency medical services, law enforcement, and fire protection personnel. Driveways with steeper grades, narrower widths, and/or not properly maintained, may hinder or prevent access to emergency personnel creating the potential for greater risk to life and property.
10. Mailboxes within the driveway access shall be clustered whenever possible, must be at least 6 feet off of the traveled roadway, and must be

of a breakaway type. Break-away types shall include connection with bolts designed to shear off upon vehicular impact, 4-inch by 4-inch or smaller wood posts, or steel pipe with a maximum wall thickness of 3/16-inches.

**Table 7.4.6 Minimum Surface Widths for Access Driveways**

Type	Width
Multi-family commercial or industrial	
One-way driveway	12 feet minimum
Two-way driveway	24 feet minimum
Residential	
One-way driveway	9 feet minimum
Two-way driveway	18 feet minimum

**B. Clear Vision Area Requirements.** Driveways shall have a minimum clear vision area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection. Plants and other materials shall be restricted to 30" in height. The clear vision area is depicted in **Figure 7.4.6 B.**

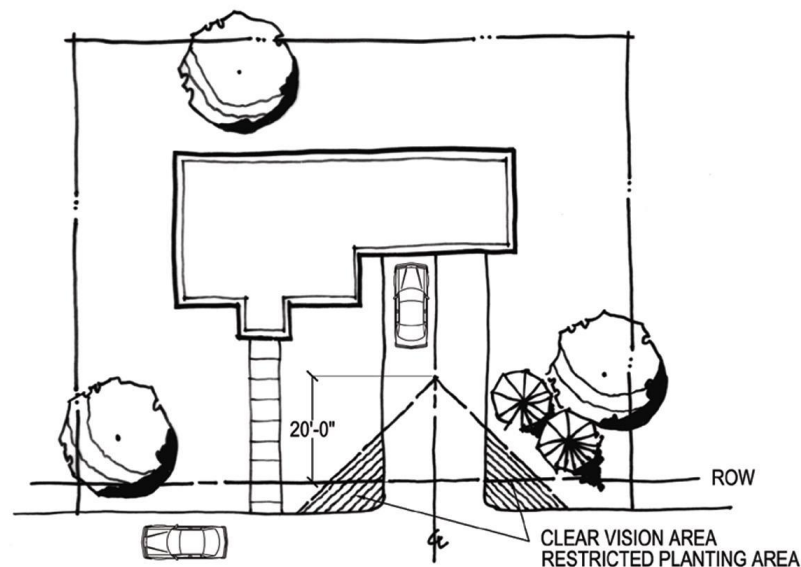


Figure 7.4.6 B, Clear Vision Areas

#### 7.4.7 Off-Street Parking and Loading Standards.

**A. Off-Street Parking Requirements.** All uses shall be required to provide the

number of off-street parking spaces that complies with the standards set forth in **Table 7.4.7**. Unless otherwise allowed by these Regulations, required off-street parking spaces shall be located on the same lot as the use or structure.

1. **Multiple Uses.** If two (2) or more principal uses occupy a single parcel or structure, the number of required off-street parking spaces for the parcel or structure shall be the cumulative total for each principal use of the parcel or structure.
2. **Shared Parking or Loading Areas.** A parking or loading space that is required by these Regulations shall not be a required parking or loading space for another use, unless it can be shown that the shared use will not result in a shortage of parking at any time. Use of approved shared parking or loading spaces, based upon the following conditions, may reduce the number of off-street parking spaces by up to twenty percent (20%) of the total required for all uses.
  - a. The peak use periods for the required parking or loading space will not overlap with one another.
  - b. The shared use arrangement for parking or loading spaces shall be for two or more uses located on the same site or adjoining sites.
  - c. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement to insure their retention for such purpose shall be properly drawn and executed by the parties concerned and approved as to form by the county attorney, and shall be filed with the application for a building permit.
3. **Required Fractional Spaces.** When any calculation of the number of required off-street parking spaces results in a fractional space being required, such fraction shall be rounded up to the next higher number of spaces.
4. **Uses Not Listed.** The number of required off-street parking and loading spaces for any use not specifically listed in **Table 7.4.7** shall be determined by the Director.

**TABLE 7.4.7 - MINIMUM OFF-STREET PARKING STANDARDS**

<b>RESIDENTIAL USES</b>	
Accessory Dwelling Unit	1 space per accessory dwelling unit
Bed and Breakfast Inn	1 space per guest room, plus 1 space for owner/manager's unit
Single-Family or Two-Unit Residential Dwelling, Manufactured Homes, and similar	2 spaces per dwelling unit
Lodging Unit (including hotel, motel, lodge, boarding house, bed and breakfast and similar use)	1 space per room

Multi-Unit Residential Dwelling	2 spaces per first three dwelling units, 1 space per each additional
Home Occupation	Those spaces required for the dwelling unit
Home Business	1 space per non-resident employee, plus those spaces required for the dwelling unit
<b>COMMERCIAL &amp; INDUSTRIAL (INCLUDING COMMERCIAL AGRICULTURE)</b>	
Manufacturing/Fabricating Establishment	1 space per 1,000 sq. ft. of floor area
Recreational businesses	1 space for each bus or transit vehicle 1 space for each boat, vehicle or other trailer 1 space for each group of 3 persons being served in these activities.
Retail, Personal Service Facility	1 space per 250 sq. ft. of net leasable floor area <sup>1</sup>
Restaurant	1 space per every 4 seats
Warehouse and Distribution Center	1 space per 2,000 sq. ft. of floor area
<b>EDUCATIONAL/INSTITUTIONAL USES</b>	
Church, religious institution	1 space per every 4 seats in the main sanctuary, plus 1 space for any accompanying dwelling
Daycare home, school or center	1 off-street parking space per nonresident employee, plus 1 designated off-street loading zone space, plus those spaces required for the dwelling unit
Community Meeting Facility, Public Library, Hospitals, Nursing Facilities	1 space per 300 sq. ft. of net leasable floor area <sup>1</sup>
Group Home	A minimum of 4 off-street parking spaces
Educational Facilities	1 space for every 3 seats in the main auditorium area, or 2 spaces for each classroom, whichever is greater.
Corrections Facility	Off-street parking shall be provided for each employee. A minimum of five (5) extra spaces shall be required.
1. Net leasable areas include only those areas that are designed to be leased to a tenant and occupied for commercial or office purposes, exclusive of any area dedicated to foyers, bathrooms, stairways, circulation corridors, and mechanical areas and storage areas used solely by tenants on the site.	

**B. Off-Street Loading Required.** Loading and unloading of vehicles serving commercial and industrial uses shall be conducted on private property and not on any street or alley. Buildings that receive and distribute materials and merchandise by truck, or that are substantially altered so as to receive and distribute materials and merchandise by truck, shall provide and maintain off-street loading berths or

loading spaces in sufficient number to meet their own needs.

1. Where the property or use is designed to be served by tractor-trailer delivery vehicles, the following shall apply based on gross floor area of the facility:
  - a. Up to 10,000 Sq. Ft. 1 loading berth
  - b. Greater than 10,000 Sq. Ft. 2 loading berths
2. The minimum dimension of any loading berth shall be ten (10) feet wide by thirty-five (35) feet long, with a vertical clearance of fourteen (14) feet. If the typical size of vehicles used in connection with the proposed use exceeds these standards, the dimensions of these berths shall be increased accordingly.

**C. Provision and Maintenance of Off-Street Parking.** The provision and maintenance of off-street parking and loading spaces that comply with these Regulations shall be a continuing obligation of the property owner.

**D. Prohibited Uses.** Required parking spaces shall be available only for the parking of operable passenger automobiles of residents, guests, customers, patrons, and employees of the use for which they are required. Prohibited uses of required parking spaces shall be as follows:

1. **Inoperable Vehicles or Materials.** Materials or inoperable vehicles shall not be stored in required parking spaces.
2. **Delivery Vehicles.** Delivery vehicles or trucks used in conducting the business or use shall not be parked in required parking spaces during business hours.
3. **Vehicles for Sale.** Vehicles shall not be displayed for sale in any parking area required for a non-residential use, except for the casual display of a vehicle by its owner, when the owner is an employee or customer using the premises.
4. **Repair Work.** Repair work shall not be conducted in any parking area required for a non-residential use if the repairs render a vehicle inoperable for more than twenty-four (24) hours.
5. **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 the commercial vehicle is used for an allowed home occupation or is a company vehicle used for commuting that is parked overnight.

**E. Parking and Loading Area Surface.**

1. **Surface Materials.** Off-street parking and loading areas shall have a durable, dust-free all weather surface, made of materials that are suitable for the uses to which the area will be put, and are compatible with the character of the proposed development and the surrounding land use. Appropriate parking and loading surface materials may include asphalt, concrete, paving blocks, and gravel surface. Grass ring surface may be

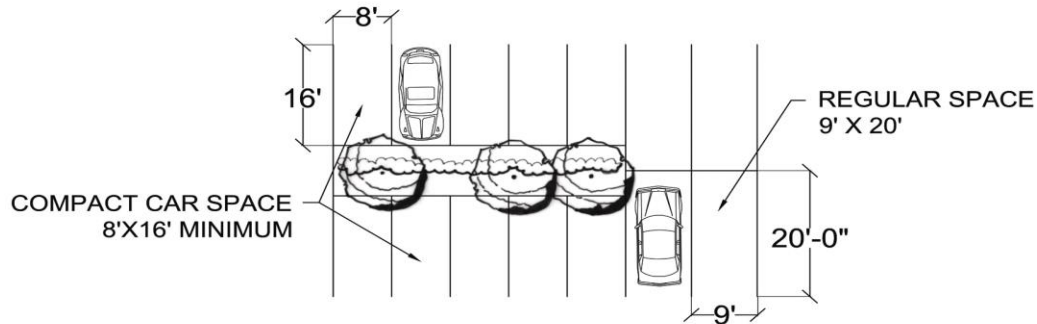


used for temporary or emergency purposes.

- 2. Grading.** Off-street parking and loading area surfaces shall be compacted and graded, with a minimum grade of two percent (2%) for asphalt, one percent (1%) for concrete, and two percent (2%) for paving blocks, gravel, or grass ring surface, to permit drainage of surface water without damage to public or private land or improvements.
- 3. Striping.** Paved surfaces shall be striped to demarcate the parking spaces for all commercial lots and for residential lots containing over four (4) contiguous spaces. Parking in gravel surfaced parking lots is not required to be striped.

**F. Minimum Dimensions of Parking Areas.** The minimum dimension of a regular parking space shall be 9' x 20'. The length of a parking space may be reduced to eighteen (18) feet, including wheel stop, if an additional area of two (2) feet in length is provided for the front overhang of the car, provided that the overhang shall not reduce the width of an adjacent walkway to less than four (4) feet.

Figure 7.3.4 F, Parking Space Dimensions



**G. Compact Car Spaces.** In parking areas containing more than (10) spaces, up to twenty percent (20%) of the number of spaces over the first ten (10) spaces may be designed for compact cars.

1. **Minimum Dimensions.** A compact car space shall have minimum dimensions of eight (8) feet in width by sixteen (16) feet in length.
2. **Signage.** 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 1 square foot.

**H. Handicapped or Accessible Parking.** Design and construction of handicapped or accessible parking shall be in accordance with the latest versions of **CABO/ANSI A117.1**, and **Section 1106 of the International Building Code** as adopted by Chaffee County.

1. **Location.** 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.
2. **Signage.** Handicapped or accessible parking spaces shall be identified by a sign and shall not be obscured by a vehicle parked in the space.

**I. Tandem Parking.** Tandem parking (a vehicle parking directly behind another) that meets the following conditions may be applied to meet the off-street parking standards of these Regulations.

1. A tandem parking space may be used to obtain credit for one (1) required parking space.
2. Tandem parking shall not be allowed when required parking is located within a parking structure or within a garage that serves multiple dwelling

units.

3. Use of the space does not impede the movement of other vehicles on the site.
4. Tandem spaces serving multi-family dwelling units are assigned to the same dwelling unit.
5. Valet parking shall be provided for tandem spaces serving retail or commercial uses.

**J. Backing Onto Public Streets Prohibited.** All parking areas shall be located and designed in conjunction with a driveway, so that vehicles exiting from a parking space shall not be required to back onto the right-of-way of a public street.

**1. Exceptions.**

- a. Vehicles exiting from a parking space for a single-family or two-unit residential dwelling may back onto a residential street.
- b. Vehicles exiting from a parking space for any use may back onto an alley right-of-way adjacent to the property.

**K. Unobstructed Access.** Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley, except for approved residential tandem parking.

**L. Access Driveways.** Access driveways for required off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site. See table 7.4.6

**M. Parking and Loading Area Landscaping and Illumination.** Off-street parking and loading areas for non-residential uses located in Residential and Rural zoning districts shall be landscaped to minimize disturbance to residents, including installation of perimeter landscaping, proper screening of loading areas with opaque materials and control of illumination. The landscaping and screening shall comply with the standards of **Section 7.2.3 B9**, and lighting shall comply with **Section 7.1.8**.

**N. Snow Storage Standards.** The following standards shall apply to any multi-family residential development with an outdoor parking area.

1. **Designated Snow Storage Area Required.** A designated area, sufficient to store snow from the entire parking area, shall be provided. As a general guideline, and considering the varying elevations and snowfall amounts throughout the County, it is anticipated that a minimum area equivalent to two and one-half percent (2.5%) of the total area of the required off-street parking and loading area, including access drives, shall be designated to serve as a snow storage area.
2. **Storage in Parking Spaces Prohibited.** Required off-street parking and loading areas shall not be used for snow storage.
3. **Storage in Yards and Open Space Allowed.** Snow stored in a required

yard or open space shall not be located in a manner that restricts access or circulation, or obstructs the view of motorists.

4. **Storage on Public Roadways Prohibited.** The traveled area of public roadways shall not be used for snow storage.

**7.4.8 Trail and Walkway Standards.** The type and construction of trails and walkways shall be compatible with the anticipated use. Trails within a public right-of-way shall meet the standards identified in the County Trails Master Plan.

**A. Trail Right-of-Way Standards.** Trail rights-of-way for dedicated park lands and open space 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 outlot. The width for trail easement shall be adequate to handle the proposed use based on the particular reasonable 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.

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

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

**D. 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.

## 7.5 UTILITY STANDARDS

**7.5.1 Water System Standards.** All central water supply and distribution systems shall be designed to comply with state standards. If state permitting is not required, the following standards shall apply.

**A. Design.** The water distribution system shall be designed by a qualified professional engineer licensed by the State of Colorado and shall be approved by CDPHE or the County Engineer.

1. **Sized for Initial and Future Demand.** The water distribution system shall be sized to meet both the initial and future demands of the proposed development. Oversizing for likely extensions is encouraged.
2. **Sized for Maximum Day Demand.** The system shall be sized for

maximum day demand plus peak hour demand, and fire flow if necessary.

- a. **Residential.** The average daily demand for a residential development shall be based upon 350 gallons per day per residential unit, or 75 gallons per day per capita, as appropriate.
  - b. **Commercial and Industrial.** The average daily demand for commercial and industrial uses shall be based on the anticipated demand of the proposed development.
  - c. Unless otherwise approved by the County Engineer, maximum day demand shall be 3.0 times average day demand, and maximum hour demand shall be 6.0 times average day demand.
  - d. Minimum residual pressures shall be 20 psi under maximum hour demands; 40 psi if direct flow is used.
  - e. The actual pressure in the supply system under the conditions specified shall be used in designing the distribution system. Assumed future supply pressures and points of connection for designing the system in all other cases shall be subject to the approval of the County Engineer. If future connection to a different supply system is anticipated, critical pressure in that system may be used as the starting design pressure.
3. **Water Mains.** To the degree practicable, all lines shall be looped, avoiding dead ends in the system. Dead-end mains shall be provided with a suitable means for flushing.
  4. **Financial Plan.** The developer shall submit a financial and operations plan ensuring the system can be constructed, operated and maintained in a manner to meet the applicable drinking water standards.
  5. **Quality and Material Specifications.** Material specifications for all water distribution systems shall be approved by the County Engineer and meet AWWA Standards.
    - a. The distribution system shall be designed for a minimum service life of 50 years.
    - b. The distribution system shall have sufficient cover to prevent freezing.
  6. **Pressure.** The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) nor more than eighty (80) psi, under normal operating conditions at service buildings and other locations requiring potable water supply.
  7. **Separation.** A minimum horizontal separation of ten (10) feet shall be maintained between all domestic water lines and sewer lines.

**7.5.2 Wastewater System Standards.** These standards apply to all central wastewater treatment systems, which shall be designed to comply with State standards, and / or the Chaffee County On-Site Wastewater System Regulations as applicable.

**A. Central System Design.** The wastewater system shall be designed by a qualified professional engineer licensed by the State of Colorado. The system shall be designed in compliance with the standards established by CDPHE. Effluent from

---

sewage treatment facilities shall not be discharged into any waters of the state except with prior approval of CDPHE.

1. The collection system shall not be designed for less capacity than the anticipated maximum daily sewage flow or treatment requirements. Where guidelines and standards are not available, the design flows for the intended use shall be approved by the County Engineer or CDPHE.
2. Collection systems shall be designed and sized to comply with the guidelines and requirements of the service provider. Approval of the proposed system by the service provider shall be a condition of approval by the County Engineer.
3. Collection systems shall be sized to meet present and future demands of the proposed development. Oversizing for likely extensions is encouraged.
4. Adequate provisions for repair and maintenance of the wastewater system shall be required. The developer shall submit a financial and operations plan ensuring the system can be constructed, operated and maintained in a manner to meet the applicable water quality standards.
5. **Sewer Line.** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall maintain a minimum horizontal separation of ten feet from all domestic water lines. Sewers shall be at a grade that will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials that comply with state or County regulations and CDPHE design criteria.
6. **Sewage Treatment and/or Discharge.** Where the sewer lines of the park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by CDPHE prior to construction, and documentation of the construction and final construction approval by both CDPHE and the design engineer shall be provided to the County prior to operation.

**B. Occupancy Restrictions.** Where connection to a central wastewater collection and treatment system is proposed and approved, but not available until installation or expansion of such facilities is completed, no uses shall occupy the lot until the collection and treatment system is available to service the proposed use.

**C. Public Systems.** Unless prohibited by intergovernmental agreement with the adjoining municipality, individual septic systems will be allowed for proposed land uses located in an area subject to intergovernmental agreements or within a Municipal Planning Area Overlay. If a public system is not available, a central on-site treatment plant and collection system in compliance with the municipal standards, and approved by CDPHE may be used.

**D. On-Site Wastewater Treatment System (OSWS).** Any OSWS (septic system) allowed under these Regulations shall comply with the Chaffee County On-Site Wastewater Treatment System Regulations. Site location approval shall be

obtained from the CDPHE Water Quality Control Division for systems over two thousand gallons per day.

**7.5.3 Other Utilities.** Adequate electric power and telephone service shall be available to serve the land use.

**A. Approval of Utility Easement by Utility Company.** Utility easements shall be subject to approval by the applicable utility companies and, where required, additional easements shall be provided for main switching stations and substations. The applicant shall work with the utility companies to provide reasonable sized easements in appropriate locations.

**B. Utility Location.** All utility lines, including appurtenances, shall be placed either within public road rights-of-way or within the subdivision easements or rights-of-way provided for the particular facilities. Installation within any County public right-of-way shall comply with the right-of-way cut standards in **Section 7.4.2 E.**

**C. Underground Installation.** All utilities except major power transmission lines, transformers, switching and terminal boxes, meter cabinets and other appurtenant facilities shall be located underground, unless it is demonstrated that compliance is impractical or not feasible and will result in undue hardship. Dry utilities shall be located a minimum of twenty four (24) inches below grade or below irrigation or drainage ditches, and water and sewer lines shall be buried to a minimum depth of the frostline, or forty eight (48) inches, whichever is greater.

**D. Construction and Installation of Utilities.** Applicants shall make the necessary arrangements with each service utility for the construction and installation of required utilities.

**7.6 {RESERVED}**

## **7.7 ADDITIONAL STANDARDS FOR OVERLAY DISTRICTS**

**7.7.1 Floodplain Overlay District.** All development located within a floodplain shall require a Floodplain Development Permit. In addition to applicable use requirements of the underlying zone district, the following standards shall apply to all land use changes within the Floodplain Overlay, including division of land.

**A. Permit Procedures.** Applications for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures and the location of the foregoing in relation to Special Flood Hazard Area (100-year flood plain). Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of **Section 7.7.1 F**;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

**B. Permit Review.** Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The safety of access to the property in times of flood for ordinary and emergency vehicles;
5. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
6. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
7. The necessity to the facility of a waterfront location, where applicable;
8. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

**C. Variance Procedures.** The Board of Adjustment shall hear and render judgment on requests for variances from the requirements of these regulations. The Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

1. Any person or persons aggrieved by the decision of the Board may appeal such decision in the courts of competent jurisdiction.
2. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
3. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the



proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

4. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in **Section 7.7.1 A** have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
5. Upon consideration of the factors noted above and the intent of this ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as stated in **Section 2.6.4 B**.
6. Variances shall not be issued within any designated floodway if any significant increase in flood levels during the base flood discharge would result.
7. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:
  - a. Showing a good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
9. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:
  - a. The criteria outlined in **Section 7.7.1 C** are met, and
  - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**D. Enforcement.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of these floodplain regulations shall be enforced under the terms of **Section 1.5** of this Land Use Code.

**E. General Standards.** In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**F. Specific Standards.** In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in **Section 2.6.4 D, G or J**, the following provisions are required:

1. **Residential Construction.** New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor, and be submitted to the Floodplain Administrator.
2. **Non-Residential Construction.** With the exception of Critical Facilities, outlined in **Section 7.7.1 L**, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the

base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator.

- 3. Enclosures.** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

  - a.** A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b.** The bottom of all openings shall be no higher than one foot above grade.
  - c.** Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 4. Manufactured Homes.** All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

  - a.** The lowest floor of the manufactured home is one foot above the base flood elevation, or
  - b.** The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- 5. Recreational Vehicles.** All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- a. Be on the site for fewer than 180 consecutive days,
  - b. Be fully licensed and ready for highway use (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
  - c. Meet the permit requirements of **Section 7.7.1 A**, and the elevation and anchoring requirements for "manufactured homes" in paragraph 4 above.

**G. Standards For Areas of Shallow Flooding (AO/AH Zones).** Located within the Special Flood Hazard Area established in **Section 2.6.4 D**, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- 1. Residential Construction.** All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
- 2. Non-Residential Construction.** With the exception of Critical Facilities, outlined in **Section 7.7.1 L**, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one foot above the base flood level with wall substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in **Section 7.7.1 A**, are satisfied. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

**H. Floodways.** Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway). Located within Special Flood Hazard Area established in **Section 2.6.4 D** are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.
2. If paragraph 1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this **Section 7.7.1**.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

**I. Alteration of a Watercourse.** For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable Federal, State and County floodplain requirements and regulations.
6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with **Section 7.7.1 H**.
7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

**J. Properties Removed from the Floodplain by Fill.** A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with one foot of freeboard that existed prior to the placement of fill.

**K. Standards for Subdivisions.** All subdivisions, including manufactured home parks and subdivisions, shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

1. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of **Section 2.6.4 D** and **Section 7.7.1** of this Land Use Code.
2. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to **Section 2.6.4 D** or **2.6.4 G** of this Land Use Code.
3. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

**L. Standards for Critical Facilities.** A Critical Facility is a structure or related infrastructure, 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.

1. **Classification of Critical Facilities.** Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.
  - a. Essential services facilities include:
    - (1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
    - (2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
    - (3) Designated emergency shelters;
    - (4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

- (5)** Public utility plant facilities for generation and distribution ( hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- (6)** Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants, non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the County on an as-needed basis upon request.

- b.** Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
  - (1)** Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
  - (2)** Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
  - (3)** Refineries;
  - (4)** Hazardous waste storage and disposal sites; and
  - (5)** Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation

“Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations

Specific exemptions to this category include:

- (1) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- (2) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- (3) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

- c. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:
  - (1) Elder care (nursing homes);
  - (2) Congregate care serving 12 or more individuals (day care and assisted living);
  - (3) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);
- d. Facilities vital to restoring normal services including government operations. These facilities consist of:
  - (1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
  - (2) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the County on an as-needed basis upon request.

2. **Protection for Critical Facilities.** All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than



structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

- a. Location outside the Special Flood Hazard Area; or
  - b. Elevation or floodproofing of the structure to at least two feet above the Base Flood Elevation.
3. **Ingress and Egress for New Critical Facilities.** New Critical Facilities shall, when practicable as determined by the County, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

### 7.7.2 Airport Overlay District for the Salida Airport at the Harriet Alexander Field

#### A. Areas Regulated by the Airport Overlay District.

1. FAA Regulations, specifically 14 CFR Part 77 – *Safe, Efficient Use, and Preservation of the Navigable Airspace*, establishes standards used to determine obstructions to air navigation and navigational and communication facilities that are areas regulated by this Airport Overlay District.

The following civil airport imaginary surfaces are established with relation to an 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.

**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.

**Horizontal surface** – 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:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. 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.

**Objects** - 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.

**Primary surface** – 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:

- (1) 250 feet for utility runways having only visual approaches.
- (2) 500 feet for utility runways having non-precision instrument approaches.
- (3) 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.
  - (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.
  - (iv) 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.

**Runway Approach surface** - 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.

- (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
  - (i) 1,250 feet for that end of a utility runway with only visual approaches;
  - (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
  - (iii) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
  - (iv) 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;
  - (v) 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
  - (vi) 16,000 feet for precision instrument runways.
- (2) The approach surface extends for a horizontal distance of:
  - (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

(ii) 10,000 feet at a slope of 34 to 1 for all non-precision instrument runways other than utility; and

(iii) 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.

(3) 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.

**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.

**2. FAA Design Standards** - The FAA's standards and recommendations for airport design, specifically Advisory Circular (AC) 150/5300-13, *Airport Design* includes certain design standards that are areas regulated by this Airport Overlay District:

- a. **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.
- b. **Airport Protection Area** - The purpose of the Airport Protection Area is to enhance safety and ensure compatible development within the Airport Protection Area and to minimize exposure of residential and other sensitive land uses to aircraft and their potential impacts, including aircraft generated noise.
- c. **Airport Traffic Pattern Area** - 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.

For the graphical depiction of 14 CFR Part 77 Airport Imaginary Surfaces, FAA Design Standards including Runway Protection Zones (RPZ) and Airport Traffic Pattern Area, refer to the **Airport Overlay District Map**, maintained by Chaffee County Development Services Department.

**B. Avigation Easements.** An avigation easement is a conveyance of 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, an avigation easement may be used to secure in perpetuity, the airspace for airport and runway approach protection and for noise compatibility programs.

Such 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.

Avigation Easements for enhancing safety shall be provided and dedicated to the airport for structures and property within the Airport Overlay District.

1. The Avigation Easement shall be recorded in the office of the Chaffee County Clerk and Recorder.
2. Applicant shall provide a copy of the recorded instrument prior to issuance of a building permit.

**C. Communications Facilities and Electrical Interference.** No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft.

1. 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.
2. The approval of cellular and other telephone or radio communication towers on leased property located within Airport Imaginary Surfaces shall be conditioned upon their removal within ninety (90) calendar days following the expiration of the lease agreement. A bond or other security shall be required to ensure this requirement.

**D. Outdoor Lighting.** Lighting other than that associated with airport operations shall comply with the following standards.

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 incorporate shielding to reflect light away from all Runway Approach Surfaces and all Runway Protection Zones.
3. Lighting shall not imitate airport lighting or impede the ability of pilots to distinguish between airfield lighting and other lighting.

**E. Notice Requirements for Proposed Land Use Change Within the Airport Overlay District.**

1. Unless otherwise provided under paragraph 2 below, the Planning Staff shall provide to the Airport Manager, County Administrator, Airport Sponsor, and the Board of County Commissioners written notice of *any* proposed land use change located within the Airport Overlay District.
2. Written notice to the Airport Sponsor and Board of County Commissioners shall not be required for a proposed land use change located within the Airport Overlay District that meets *all* of the following criteria.

- 
- a. All existing structures associated with the proposed land use are less than thirty-five (35) feet in height, and for proposed structures associated with the proposed land use change, receipt in the affirmative from FAA in response to submission of an FAA Form 7460-1 *Notice of Proposed Construction or Alteration* by the applicant/property owner; and
  - b. The proposed land use involves property located entirely outside the existing Runway Protection Zone; and
  - c. The proposed land use does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, cellular, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
  - d. The proposed land use does not involve creating open water (pond or lake), wetland mitigation, enhancement, restoration or creation; and
  - e. The proposed land use is compatible with the Airport as defined by FAA.

**F. Airport Overlay District Land Use Restrictions.** 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. Table 7.7.2 lists land use restrictions in the Airport Overlay District. If a conflict occurs between Table 7.7.2 and any provision of this Land Use Code and a state statute or other applicable codes and regulation, the more restrictive provisions in Table 7.7.2 shall control.

**Table 7.7.2 - Use Restrictions**

P = Use is Permitted L = Use is Allowed Under Limited Circumstances (see footnotes) NP = Use is Not Permitted	<b>RUNWAY PROTECTION ZONES (RPZ)</b>	<b>RUNWAY APPROACH SURFACE</b>	<b>AIRPORT PROTECTION AREA</b>	<b>TRANSITIONAL SURFACE</b>	<b>AIRPORT TRAFFIC PATTERN AREA</b>
Residential	NP	L (9)	NP	P (1)(8)	P
Schools/Churches/Perm anently Constructed Gathering Venues Open to the Public	NP	NP	NP	L (4)	P
Commercial Uses/Private Gathering Venues/Retail Venues/Campgrounds	NP	L (4)(5)	NP	P	P
Industrial	NP	P (5)	P (4)	P	P
Institutional	NP	L (4)(5)	L (4)(5)	P	P
Roads/Parking	L (2)	P	P	P	P
Events with Spectators	NP	NP (6)	NP (6)	P	P
Airport Events Open to the Public (Controlled Public Access Areas on Airport Property)	NP	L (4)	L (4)	P	P
Recreational Uses – Passive/ Open Space	NP	P	p	P	P
Athletic Fields	NP	NP	NP	P	P
Mining	NP	P	NP	P	P
Agricultural	L (7)	P	P (7)	P	P
Fuel Storage Facility (greater than 2000 total gallons)	NP	NP	NP (10)	NP	P
Hazardous Material Storage	NP	NP	NP	NP	P
Wastewater Treatment Facilities	NP	NP	NP	P	P
Solar Farms (not private individual solar uses).	NP	L (3)	NP	L (3)	P

1. All new developments within the Transitional Surface (yellow) shall have a minimum lot size of 2 acres and a maximum residential density of 1 unit per 2 acres.
2. New roads and parking areas are permitted in the RPZ only upon demonstration by the applicant to the Board of County Commissioners following the requirements of Section 4.5.1 of the Land Use Code, including the additional review criteria under Section 4.5.1C: 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. Solar Farm: size, location and orientation shall be approved in advance by the FAA including any requirements of the Land Use Code.
4. Limited or Major Impact Review approval required, except for Special Events as defined in Land Use Code Section 4.2.6.
5. No new residential use allowed, including Accessory Dwelling Units.
6. Private events as defined in Section 4.2.6 of the Land Use Code and memorial services are exempted.
7. Historical, prior and continuing agricultural uses are permitted.
8. Requires recorded Notice of Airport Proximity for all land within the Transitional Surface, Runway Approach Surface and Airport Protection Area.
9. Existing residential uses that are legally established shall be treated as a non-conforming use under Section 2.4 of the Land Use Code and shall be allowed to reconstruct legally established structures if damaged or destroyed. Any new development within the Runway Approach Surface shall have a minimum lot size of 5 acres and a maximum residential density of 1 unit per 5 acres and shall be required to follow the applicable subdivision process. Density greater than 1 unit per 2 acres in the Runway Approach Surface is prohibited. Any new development within this zone that proposes a minimum lot size or density higher than the above, shall first receive a variance from the Board of County Commissioners following the standards in Section 4.5.1C of the Land Use Code before proceeding with the subdivision process. When considering a variance request the Board of County Commissioners will also consider the following additional standards when reviewing a variance request: any comments from the FAA, Airport Sponsor, whether the request balances compatibility between the Airport and the surrounding land use and promotes the health, safety and general welfare of the potential property users of the proposed change of use, and whether the requester has proposed mitigation to alleviate issues with compatibility of uses, and health, safety, and general welfare of the proposed change of use, such as clustered subdivisions and conservation subdivisions.
10. Airport equipment used on Airport property exempted.

When a subdivision plat is required for any property within an Airport Overlay District or within an area shown on the 14 CFR Part 77 Airspace Drawing for the Airport, the property owner shall dedicate an aviation easement to County in perpetuity over and across that property. The easement shall establish a height restriction on the use of the property and hold the public 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.

Notwithstanding any other provisions of this Section or other Section of the County Land Use Code, no use may be made of land, water, or structures within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, or result in glare in

the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off or flight operations of aircraft utilizing the airport.

Where a parcel of land lies within more than one Airport Overlay District Land Use Restriction area as described in **Table 7.7.2.**, the zone within which each portion of the property is located shall apply individually to each portion of a development.

**Nonconforming Land Use** - The restrictions prescribed by this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted. Nonconforming land uses existing as of the effective date of this ordinance may be modified in accordance with Section 2.4 and such that 1) only existing structures may be enlarged or expanded; 2) they do not result in any greater violation of height restrictions; and 3) a variance in accordance with Section 4.5.1 is obtained.

**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.

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

**1. Prohibited Uses and Activities.**

- a. No structures of any kind shall be allowed in the Runway Protection Zone (RPZ), except for accessory structures to the airport operations may be located in the RPZ based upon approval by the FAA.
- b. All public and private assembly facilities are prohibited in the Runway Protection Zones.
- c. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within 2,000 feet of the end of a runway in the direction of the approach to the runway end.
- d. No development shall, as part of its regular operations, cause emissions of smoke, dust or steam within Runway Approach Surfaces.

**2. Allowed Uses and Activities.** The following uses are allowed within the Airport Overlay District to the extent that they are permitted by the underlying zoning district, and the proposed use complies with applicable standards for the zone district and is not prohibited or otherwise restricted by paragraph 1 above.



- 
- a. Golf Courses.** 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.
  - b. Agriculture.** Agriculture is permitted, with accepted management techniques to reduce wildlife attractants.
  - c. Utilities.**
    - (1)** In the RPZ all utilities, power and communication lines, and pipelines shall be located underground.
    - (2)** In Runway Approach Surfaces, the proposed height of all above ground utilities shall be coordinated with the Airport Sponsor and the Board of County Commissioners.
  - d. Wetland Mitigation, Creation, Enhancement and Restoration.** Wetland mitigation, creation, enhancement and restoration projects may be permitted contingent on a plan to minimize waterfowl hazards to navigation, and subject to the review process in **Section 7.7.2 I.**
  - e. Water Impoundments in Runway Approach Surfaces.** Any use or activity that would result in the establishment or expansion of water impoundments in Runway Approach Surfaces shall comply with the following requirements, subject to the review process in **Section 7.7.2 I.**
    - (1)** No new or expanded water impoundments of one-quarter acre in size or larger shall be permitted within a Runway Approach Surface within 5,000 feet from the end of a runway.
    - (2)** No new or expanded water impoundments of one-quarter acre in size or larger shall be permitted on land owned by the airport sponsor, unless necessary for airport operations.

**G. Height Restrictions.** When height restrictions of the underlying zone district are more restrictive than those of the Airport Overlay District, the underlying zone district height limitations shall control.

Except as otherwise provided in this Airport Overlay District, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone.

**H. Restrictions on Penetration of Development Into 14 CFR Part 77 Airport Imaginary Surfaces.** No structure or tree, plant or other object of natural growth shall penetrate the 14 CFR Part 77 Airport Imaginary Surfaces except as follows:

- 1.** For areas within airport/heliport Imaginary 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 Airport Imaginary Surface, structures up to thirty-five (35) feet in height may be allowed.

2. Written agreement by the airport and the FAA shall be provided for other height exceptions requested.

**I. Wetland Construction, Enhancement, Restoration or Mitigation.** Wetland construction, enhancement, restoration or mitigation projects within the Airport Overlay District shall be subject to review under the Major Impact Review process.

1. Wetland projects shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or Runway Approach Zones.
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
  - b. 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
  - c. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge.
  - d. The resulting wetlands are designed, and shall 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.
  - e. 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 & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.

**J. Additional Submittal Requirements for Land Use in Airport Overlay District.**

1. **Location Map.** A map or drawing showing the location of the subject property in relation to Airport Imaginary Surfaces.
2. **Elevation Profiles and Site Plan.** Elevation profiles and a site plan including:
  - a. Location of existing and proposed structures in relation to Airport Imaginary Surfaces.
  - b. Height of all existing and proposed structures, measured in feet above mean sea level.
  - c. Layout plan for Landing Strip. The plan shall be sufficient to depict the airport reference code, the layout of existing & planned facilities and features, ground contours at 10' intervals, the building restriction lines, the relationship of the runway(s) and RPZs to the land parcel(s) on which the landing strip is to be located and to adjoining land parcels. Approach

profiles shall depict the composite profile based on the highest terrain across the width & along the length of each RPZ.

3. **Written Agreements for Height Exception.** Written Agreements from the Airport Sponsor and the FAA, if a height exception is requested.
4. **Avigation Easement.** An avigation easement dedicated to the Airport Sponsor in perpetuity, in a form acceptable to the Airport Sponsor (**Section 7.7.2 B**).

**K. Definitions - Airport Overlay District**

**AIRCRAFT** - 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** - Salida Airport at Harriet Alexander Field, Colorado.

**AIRPORT ELEVATION** - The highest point of an airport's usable landing area measured in feet above mean sea level.

**AIRPORT SPONSOR** - The owner, manager, or other person or entity designated to represent the interests of an airport.

**HAZARD TO AIR NAVIGATION** - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**HEIGHT** - For the purpose of determining the height limits set forth in this Airport Overlay District, the datum shall be mean sea level elevation unless otherwise specified.

**INSTITUTIONAL** - A non-profit or quasi-public use, such as a religious institution, library, public or private school, hospital, or government-owned or government-operated structure or land used for public purpose.

**LARGER THAN UTILITY RUNWAY** - 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.

**NAVD 88** - North American Vertical Datum 1988. All elevations in this Airport Overlay District are referenced to the 1988 North American Vertical Datum.

**NON-CONFORMING USE** - Any pre-existing structure, object of natural growth, or use of and which is inconsistent with the provisions of this Airport Overlay District or an amendment thereto.

**NON-PRECISION INSTRUMENT RUNWAY** - 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. It also means a runway for which a non-precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning

document.

**OBSTRUCTION** - Any existing object, including a mobile object, is, and a future object would be an obstruction to air navigation if it is of greater height than any of the heights or surfaces set forth in the Airport Overlay District.

**PASSIVE OPEN SPACE** - Land or water areas left in an undeveloped state and not used for active recreational uses.

**PRECISION INSTRUMENT RUNWAY** - 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 any other planning document.

**PUBLIC USE AIRPORT** - An airport available for use by the general public without a requirement for prior approval of the airport owner or operator.

**RUNWAY** - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**STRUCTURE** - Airport Overlay District - An object, including mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

**TREE** - Any object of natural growth.

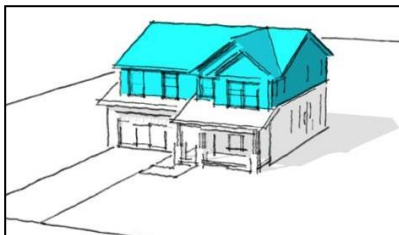
**UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

**VISUAL RUNWAY** - 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 FAA-approved airport layout plan, or by any planning document submitted to the FAA by competent authority.

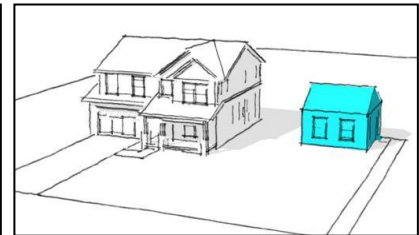
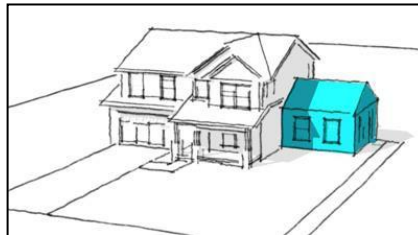
## 7.8 USE SPECIFIC STANDARDS

The various land uses listed below have additional standards and review criteria associated with them, as detailed below. These standards are in addition to those requirements that may be in **Sections 1, 2, and 3** of this **Article 7**.

### 7.8.1 Accessory Dwelling Unit (ADU).



Integrated ADUs



Detached ADU

- A. Definition.** ADU is defined in Chapter 15 of this Land Use Code. An attached ADU is an ADU that shares a contiguous wall with the principal structure, not simply a breezeway, walkway, or other ancillary connection.
- B. Intent.** The intent of this section is to provide the ability to utilize ADUs as a means to increase potential housing options for the County, create a more-flexible housing stock, and address the local housing shortage while avoiding the negative impacts of expanded development in more-rural areas.
- C. Density Limitations.** ADUs shall comply with all density limitations of the associated zone district.
- D. Dimensional Limitations.** An ADU shall conform to all setback, height, and other dimensional limitations of the associated zone district.
- E. Location with Respect to Principal Structure.** An ADU may be either attached or detached from the structure housing the principal use. For detached ADUs, the maximum distance between the principal structure and the ADU shall not exceed fifty feet (50') unless such variance is approved via a Minor Site Plan Review as outlined in Section 4.2.5, and shall meet all defensible space standards between the structures.
- F. Maximum Floor Area.** Each ADU shall not exceed the maximum size per Table 2.2.1 below:

**Table 2.2.1**

Zone District	Maximum Individual Unit Size	Maximum Cumulative ADU Size
REC, RES, RCR, COM, & IND	1,000 square feet or 75% of the principal structure, whichever is smaller	2,000 square feet
RUR	1,500 square feet or 75% of the principal structure, whichever is smaller	3,000 square feet

- G. Adequate Utilities Required.** Each ADU shall include adequate 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. Applicant shall provide verification of CDPHE, CDWR, and OWST approval of water and wastewater sanitation facilities at time of Building Permit Application.

Additionally:

- 
1. ADUs to be connected to public water and sewer services shall provide will serve letter(s) from the local utility provider(s).
  2. ADUS to be connected to well and septic shall meet the following standards:
    - a. The septic system shall meet capacity requirements of Chaffee County OWTS standards and CDPHE for number of dwelling units.
    - b. Where existing septic capacity does not support the additional dwelling unit, the existing septic system shall be expanded or a new dedicated septic system installed to serve the ADU per Chaffee County OWTS standards and CDPHE.
    - c. For properties of thirty five (35) acres or more, connected to a domestic use well, one ADU shall be permitted with a letter of well use compliance from the CDWR.
    - d. For properties on less than thirty five (35) acres one ADU shall be permitted only if a CDWR permit is submitted allowing one (1) additional dwelling unit.
    - e. Proof of adequate legal water supply, such as a certificate of augmentation from UAWCD where an existing well is being augmented to accommodate the additional dwelling unit.
  3. Water resource studies at the time of subdivision application must include the potential for maximum number of ADUs as a measure of potential water usage.
- H. Parking.** Each ADU shall provide for at least one (1) off-street parking space.
- I. Multiple ADUs.** One (1) ADU may be allowed per property within zone districts where ADUs are allowed and per requirements of this Section. An additional ADU, up to a maximum of two (2) ADUs, may be allowed per property if connected to municipal water and sewer services and if density requirements can be met.
- J. Principal Conversion.** Existing principal dwellings may become accessory to a new principal dwelling if both the existing dwelling and the new dwelling can meet the requirements of Table 2.2.1.

### 7.8.2 Agritourism, Agritainment

- A. Definition.** An activity related to the normal course of agriculture, as defined in C.R.S. § 35-1-102(1) (as amended), which 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. Agritourism or agritainment does not include any activity related to or associated with medical or retail marijuana as defined in C.R.S. § 12-43.3-104 and C.R.S. § 12-43.4-103 (as amended).

- B. Applicability.** This use is applicable to properties engaged in 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 and/or events that exceed the exemptions for a Special Event per Section 4.2.6.E shall apply for a special event permit.
- C. Parking.** Regardless of the on-farm activity, all guest parking shall be on-site and meet the dimensional requirements of Article 7.4.
- D. Overnight Accommodations.** Overnight accommodations may be allowed as approved by applicable permits, licenses, and approvals for the associated use.

**7.8.3 Airports and Heliports, Commercial or Public, Paved or Turf.** Shall be developed in accordance with an FAA approved Airport Layout Plan (ALP) and approved by the Board of County Commissioners. A determination of no hazard from the FAA through the 7480/Landing Area Proposal process shall be provided prior to approval by the Board of County Commissioners. Any airspace conflicts with the Salida Airport Harriett Alexander Field are prohibited and shall be cause for denial as determined by the Board of County Commissioners.

**7.8.4 Aircraft Landing Strip or Helistop, Privately Owned, Paved or Turf.**

- A. Setbacks.** The ends of the aircraft landing strip shall be a minimum of 500 feet from property lines, or be able to show no impact on nearby property owners and demonstrate no airspace conflicts with the Salida Airport Harriett Alexander Field, via the FAA Landing Area Proposal/7480 process. Helistop setback shall be a minimum of 100 feet from property lines or be able to show no impact on nearby property owners and demonstrate no airspace conflicts with the Salida Airport Harriett Alexander Field, via the FAA Landing Area Proposal/7480 process.
- B. Basic Requirements.**
  - 1. Privately owned landing strips and helistops shall be restricted to use by aircraft and helicopters belonging to the owner(s) and their invitees.
  - 2. No more than five fixed- or rotary-wing aircraft shall be accommodated at each such facility at any one time.
  - 3. Refueling or maintenance of transient fixed- or rotary-wing aircraft shall be prohibited unless essential to permit the aircraft to fly to the nearest airport or helistop.
  - 4. Flight schools are prohibited.

**7.8.5 Batch Plant, Asphalt or Concrete.** The use must comply with all applicable local, state and federal laws and permits. Batch Plants may either be temporary or permanent as an accessory use to gravel or construction material producing operations.

- A. Batch Plant, Accessory to Gravel Pit.** A batch plant may be permitted for use in conjunction with a new gravel pit mining permit application, or as an accessory use to an existing gravel pit.
- B. Batch Plant, Temporary.** A batch plant may receive a temporary permit to operate on a project specific basis.
- 1.** A batch plant shall be set up only within a permitted gravel pit, be subject to the same operational restrictions as the gravel pit, and shall be removed within 30 days of project completion.
  - 2.** A temporary batch plant located outside of a permitted gravel pit shall be subject to the same requirements as a permanent Batch Plant.
- C. Operating Restrictions.** In any zone except Industrial, the plant operations may be limited through the permit process to minimize impacts to adjoining property owners. Restrictions may be placed on operating time or days, increased setbacks, or location to minimize visual, dust, or noise impacts.

**7.8.6 Campground / Recreational Vehicle (RV) Park.** The following standards shall apply to applications for new campground/RV parks, additions to an existing campground/RV park, and to primitive and semi-primitive campgrounds.

- A. Additional Application Materials.** These materials are in addition to those specified for the review process identified by **Table 2.2, Use Table**.
- 1. Plot Plans.** Typical plot plans for individual recreational vehicle spaces and campsites at a scale of 1 inch equals 10 feet.
  - 2.** The number, location and size of all recreational vehicle spaces and camp sites, and the gross density of such spaces and camp sites.
  - 3. Roadway and Walkway Detail.** The location, surfacing and width of roadways, sidewalks, pathways, with typical sections included.
- B. Layout and Design Requirements.**
- 1. Density.** The maximum gross density of a recreational campground is 20 sites per acre, including roads, open space and other requirements.
  - 2. Space Size.**
    - a. Recreational Vehicles.** The minimum size of each space within a recreational campground shall be 900 square feet.
    - b. Tent Sites.** The minimum size of each space within a tent site shall be 600 square feet. Group tent sites shall be permitted as long as the maximum number of sites of the group site is designated and the group site density complies with the overall density, water supply, and sewage disposal requirements of the campground



- 
- 3. Space Identification.** The campground shall be assigned a single address to cover the entire campground, and each camp cabin, RV and tent space will use the space number to supplement the campground address. Each space shall be clearly and distinctly marked with a sign indicating the Space Number. The sign shall be a minimum size of 6 inches by 6 inches, with the numbers being a minimum of 4 inches high.
- C. Minimum Setbacks.** Setbacks are based on the property boundary, the edges of the Recreational Vehicle site, tent site or the internal road easement, whichever is closest.
- 1. Park Boundaries.** A minimum of twenty-five (25) feet from a local or other road or access easement; and a minimum of twenty (20) feet from any side or rear property line and any space or structure.
  - 2. Internal Road System.** All Recreational Vehicle spaces and tent spaces shall be setback a minimum of ten (10) feet from any internal road. All camp cabins shall be setback twenty (20) feet from any internal road.
  - 3. Internal Spacing.** Camp cabins, recreational vehicle spaces and/or tent spaces shall be set back a minimum of twenty (20) feet from each other.
- D. RV Use Only.** Mobile homes are not permitted in a recreational campground. Recreational campgrounds shall remain under sole ownership; if individual spaces are to be sold, or if mobile homes are permitted, the campground shall be subject to the regulations detailed in **Section 7.8.20**, Manufactured Home Parks.
- E. Site Improvements.**
- 1. Access.** The campground / RV park shall have access to and frontage along a public road.
  - 2. Landscaping.** Landscaping shall be provided in compliance with the requirements of **Section 7.3.5**.
    - a.** The campground / RV park shall be adequately landscaped to provide a buffer from adjacent uses and roadways, and to prevent erosion.
    - b.** A minimum 100 foot landscaped buffer, which may include roads, is required for park areas adjacent to private lands in a Residential zone.
  - 3. Fencing and screening.** The campground shall be enclosed by a fence, hedge, or similar means, at least four (4) feet high.
- F. Camp Cabins.** A camp cabin is a structure that is constructed on a permanent foundation, but does not have a kitchen or meet the building code requirements for a residential dwelling unit.
- 1.** Units shall obtain a Chaffee County Building Permit and meet all minimum setbacks and space dimensions detailed in this Section, with the additional minimum setback of 20 feet from the cabin to the internal road system.
  - 2.** Each unit shall have a fire alarm with battery backup and a fire extinguisher.

3. Units may not be rented or occupied by the same party for periods that exceed thirty (30) days and are not to be for individual sale or ownership.
4. Units may contain one electric heat source, not to exceed 1500 watts on a dedicated 120 volt circuit, not to exceed 15 amps, with GFCI protection. A second separate 120 volt circuit not to exceed 15 amps with GFCI protection may also be included for lights and outlets.
5. Units shall be placed on a permanent foundation that meets the Chaffee County minimum foundation requirements, or be placed on treated wood timbers, a minimum of 6 inches by 5 inches. In all cases, cabins shall be adequately anchored for the appropriate wind load.

**G. Minimum Facilities for Tent Sites and Recreational Vehicle Spaces.**

The area devoted to each tent site and recreational vehicle space shall be adequate to accommodate the following facilities:

1. **Fire Facilities.** Fire facilities shall be confined to a fire pit or fire circle, approved by the Fire Protection District.
2. **Parking Space.** Each space shall be provided with one parking space.
3. **Vehicle Barriers.** Adequate barriers shall be provided to confine vehicles to driveways and parking spaces.

**H. Easements, Rights-of-Way, and Common Areas.** Applicants shall submit a warranty deed or file a plat of the site to assure the dedication of all easements prior to the approval of the Land Use Change Permit application. All lands, including easements and rights-of-way to be dedicated shall be accompanied by full legal descriptions prepared by a Colorado licensed land surveyor.

**I. Internal Roads.** All recreational vehicle spaces shall abut an internal road, graded for drainage and maintained in a rut free and dust free condition, which provides unobstructed access to a public street or highway. The minimum unobstructed width of such roads shall be fifteen (15) feet for one-way traffic or twenty-five (25) feet for two-way traffic. No parking shall be allowed on the roads.

**J. Maintenance.** All tent sites, RV spaces, open space and common areas shall be maintained in a clean and sanitary condition, free from hazardous and noxious materials, weeds and refuse. The campground/park owner shall be responsible for ensuring compliance.

**K. Water Supply and Distribution.** A domestic water supply that is in compliance with the drinking water standards set forth in **Section 7.2.2 and 7.5.1** of these Regulations shall be provided in each campground/RV park.

1. **Connection.** The water supply system, specifically including all distribution lines up to the risers at individual sites, shall be constructed and maintained in accordance with the Plumbing Codes adopted by Chaffee County.
2. **Individual Water Service Connections.** Riser pipes provided for individual water service connections shall be so located and constructed

that they will not be damaged by the parking of recreational vehicles. Water riser pipes shall extend a minimum of four inches above ground elevation unless recessed in a box or sleeve.

3. **Water Stations.** Each campground shall be provided with one or more easily accessible watering stations for filling RV water storage tanks.
  - a. **Stations for Tent Camping Area.** Each tent camping space or RV space without a water connection shall be provided with at least one individual watering station no more than five hundred (500) feet from any camping space, with a splash pad installed around the base.

**L. Wastewater System.** The manufactured home park shall be served by an adequate wastewater treatment system that is in compliance with the requirements of **Section 7.2.3 and 7.5.2** of this Article.

1. **Individual Sewer Connections.** If facilities for individual sewer connections are provided, the following requirements shall apply:
  - a. **Sewer Riser Pipe.** The sewer riser pipe shall be a minimum of four inches in diameter, shall be trapped below the ground surface and shall be so located on the trailer space that the sewer connection to the trailer system will approximate a vertical position.
  - b. **Plugging.** Provisions shall be made for plugging the sewer riser pipe when a trailer does not occupy the space. Surface drainage shall be diverted away from the riser.
2. **Liquid or Solid Wastes.** No waste of any kind shall be discharged into or allowed to accumulate on the ground surface.

**M. Fire Protection.** Adequate fire protection shall be provided and shall be in compliance with all applicable fire codes and standards as prescribed by the appropriate fire protection district.

**N. Electrical Distribution and Communication Wiring.** If electrical service is provided to some or all recreational vehicle sites within the campground, the electrical distribution system shall comply with all County regulations.

**O. Comfort Stations.** A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in campgrounds that include spaces without water and / or sewer connections, and for tent camping areas. A comfort station shall be located within 500 feet of all tent camping or other space without water and sewer connections.

1. **Number of Sanitary Facilities.**
  - a. Facilities for women shall include a minimum of one flush toilet, one lavatory and one shower for each ten recreational vehicle or tent spaces or fractional number thereof.
  - b. Facilities for men shall include a minimum of one flush toilet, one urinal, one lavatory and one shower for each fifteen recreational vehicle or tent spaces or fractional number thereof.

2. **Campground Connected to Resort.** When a campground is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required for the campground, and shall be based on the maximum number of people allowed to occupy the resort.
3. **Exception.** When a campground is designed with water and sewer connections to each site, and is exclusively limited to use by self-contained vehicles, no public sanitary facilities shall be required.

**P. Refuse Handling.** The storage, collection and disposal of refuse in a recreational vehicle park shall be so arranged as to not create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. The owner shall provide for trash removal on a regular basis.

**Q. Supervision.** The attendant or caretaker shall be available at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition.

1. **Exception.** An attendant is not required for semi-primitive or primitive campgrounds.

**7.8.7 Campground, Seasonal Employee.** Seasonal Employee Campgrounds as used in this section includes only those campgrounds operated by a seasonal employer for the sole use of their employees. These campgrounds are similar to those described as "Semi-developed" as defined in "The Standards and Regulations for Campgrounds and Recreational Areas" (State Regulations), as amended, by the Colorado Department of Public Health and Environment, effective March 1976. The purpose of these regulations is to ensure seasonal employee campgrounds are designed and operated in a manner which provides for the safety of the guests of the campground and the residents of Chaffee County, including adequate water supply, sanitation, fire protection, ingress and egress, and separation from incompatible surrounding land uses. Seasonal employee campgrounds are intended to be used only for temporary and transient residency.

**A. Submittal Requirements.** An application for a seasonal employee campground shall include the following items:

1. Application Form and Fee
2. Narrative and supporting documents:
  - a. Narrative describing time of operations, number of employee campers, methods of control of impacts, methods of supplying potable water, wastewater treatment, trash, fire safety, access and dust control, noise, domestic animal control, laundry facilities, shower facilities, screening of tent sites from adjacent properties, roadways, and river.
  - b. Documentation showing proof of ownership of property, deed of record, current year taxes paid, and if applicant is not owner, a landowner consent to the application and lease arrangements, if any.
  - c. If in a subdivision or using a privately maintained road, documentation of homeowners' association approval for the campground, and /or for use of the road system for the campground.

- d. Company imposed camp rules for the campground, and point of contact responsible for the campground operations. The campground operator is required to resubmit these documents annually prior to occupancy by employees.
  - e. All properties must have an assigned address
  - f. Proof of legal access (access permit) from state highway or County road
  - g. Proof of potable water supply and means of storage / distribution
  - h. Proposed showering and laundry facilities
  - i. Proposed on-site sanitary provisions
  - j. Proposed trash control and removal
  - k. Proposed roads and parking for campers
  - l. Fire suppression and control plans, approved by the appropriate Fire Protection District.
  - m. Campsite screening plan
3. Scaled, surveyed site plan showing:
- a. Entire parcel boundary
  - b. Adjacent property ownership
  - c. Significant on and off-site features
  - d. Vicinity Map – identify any occupied structures and use within 500 feet of any part of the campground location.
  - e. Adjacent roadways and access
  - f. All existing and proposed improvements, including drive paths, parking, structures, utilities
  - g. Permanent and Temporary improvements, including tent sites, trash containers, fire rings, and sanitary facilities
  - h. Flood plain, drainages, ditches, watercourses, if any

## **B. Campground Layout and Design Requirements**

1. **Flood Plain Restrictions.** No permit shall be granted for campgrounds proposed in flood plain areas.
2. **Setbacks.** Camping sites shall be designed to comply with the setback requirements described below:
  - a. Street setback - minimum 25 feet EXCEPT minimum 50 feet from any designated arterial or major collector.
  - b. Side and rear setbacks - minimum 50 feet for any portion of the campground to any adjacent property line.
  - c. River and Stream setback – minimum 50 feet measured from edge of stream or river to any camping space, except minimum of 100 feet for any permanent structure or sanitary facility.
  - d. Ditch Setback – minimum 40 feet measured from edge of ditch unless otherwise approved in writing by the ditch operator.
3. **Parking.** Off-street parking for one motor vehicle for each camping space shall be provided.

---

**C. Utilities and Services.**

1. **Water Supply.** Each campground shall have an on-site potable water supply.
2. **Sanitation:** Each campground shall have on-site sanitary provisions.
3. **Fire Protection.** The applicant is required to obtain approval by the local fire protection district of the campground layout. An annual inspection by the District is required.
4. **Public Utilities.** All utility lines within the campground shall be underground.
5. **Refuse Collection.** The campground plan shall provide that the storage, collection, and disposal of refuse for the campground shall be managed to avoid health hazards, bear visitation, rodent harborage, insect breeding areas, accident hazards, or air pollution.

**D. Other Requirements.** Such other requirements as may be determined by the Planning Commission and Board of County Commissioners to assure the public health, safety and welfare of the residents and other persons who might be affected.

**7.8.8 Camping on Private Land, Personal Use.** Non-commercial camping on private property is permitted under the following conditions:

**A. Vacant Property.**

1. Property owners shall be permitted to camp on their own property for up to ninety (90) days cumulatively per year in a tent, RV, camper van, tiny home on wheels, yurt, or tipi without obtaining a Landowner Camping Permit. 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 shall not be used as permanent habitation.
2. **Landowner Camping Permit.** Property owners may be granted a Landowner Camping Permit for up to six (6) months, with option for renewal up to two six (6) month renewal periods, to occupy their land as temporary housing under the following conditions:
  - a. The landowner has applied for a building permit;
  - b. The landowner can furnish a letter granting approval by the subdivision homeowners association, if applicable, stating any requirements of the association for temporary habitation;
  - c. Camping shall only be permitted in a hard-sided mobile vehicle such as an RV, camper van or tiny home on wheels;
  - d. The property owner shall provide a narrative detailing the method for meeting the following health and safety standards:

- 
- i. **Potable water supply.** Hauled water may be used for the duration of the permit, starting from the date of issuance of the camping permit after which a permanent potable water connection to either a well or public utility is required.
  - ii. **Wastewater.** Temporary wastewater methods may be used for the duration of the permit, starting from the date of issuance of the camping permit after which a permanent wastewater connection to either a septic system or public utility is required. If the system is in the RV, wastewater shall be dumped only in approved RV wastewater collection facilities. Portable toilets may be used if serviced and maintained according to rental agreement;
  - iii. Trash removal shall comply with County standards;
  - iv. No waste of any kind, including graywater, shall be discharged into or allowed to accumulate on the property; and
  - v. Location of the campsite shall comply with the standards set forth in Section 7.8.9.
- B. Improved Properties.** Property owners that have improved their property to include a permanent structure with a permanent water supply and wastewater treatment system shall be allowed to camp on their property as long as there is no commercial activity associated with the camping. Camping is intended and approved as a temporary recreational or leisure activity by the landowner for the private enjoyment of the landowner and their association by permission. Camping shall not be used as a permanent or semi-permanent habitation. Camping shall not be conducted in any manner that may cause a nuisance.
- C. Suspension and Revocation.** Violation of any portion of this Land Use 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.

**7.8.9 Camping on Private Land, Commercial Use.** The following standards shall apply to applications for camping in designated areas on private property as an accessory use for commercial purposes.

- A. Applicability.** Properties with a principal use of Agriculture or Agritourism per **Table 2.2, Use Table** and that comply with the definition of Chaffee County Resident Owner or Owner Entity per Section 7.8.34.A, shall be allowed to develop campsites as an accessory use meeting the requirements of this Section 7.8.9.

- B. Campsite Definition.** A primitive, unimproved site where the landowner or their assign provides no permanent improvements, facilities, or lodging material outside of water, sanitation facilities, and/or fire mitigation elements. A campsite may include space for tents, RVs, and vans in a primitive camping arrangement. A single campsite may be occupied by one (1) camping tent and one (1) additional camping apparatus in the form of an RV, camper van or vehicle, pull-behind trailer, or camping tent.
- 1. Lodging Materials Provided by Landowner.** The landowner may provide seasonally appropriate camping apparatus within limitations established by the County at the time of license approval.
- C. Commercial Use Definition.** Commercial use is defined to mean available for public use through lease or rental agreement with the property owner, manager, or caretaker for overnight stay(s).
- D. Campsite Scoring Matrix.** Commercial Campsites on private land shall follow the scoring matrix in Table 7.8.9.1. Applications scoring less than one (1) point require a Minor Site Plan Review. Applications scoring one (1) point or more require Major Site Plan Review.

**Table 7.8.9.1**

<b>Campsite Feature</b>	<b>Points</b>
Agricultural Tax Status	0
Located in an undisturbed high or highest quality habitat <sup>1</sup>	1
Located in an identified wildlife migration corridor <sup>2</sup>	1
Visible from or located within three hundred (300) yards of the scenic and historic byway	1

- E. Submittal Requirements.** The following materials shall be submitted with all applications for commercial campsites on private land in addition to those specified for the review process identified by **Table 2.2, Use Table.**
- 1. Site Plans.** A plan illustrating the number, location and size of all campsites, and the gross density of such camp sites per acre.
  - 2. Roadway and Walkway Detail.** The location, surfacing and width of roadways, sidewalks, and pathways, with typical section drawings included.
- F. Annual Renewal.** Site Plan approval for commercial campsites require annual renewal with the Planning Department and are revokable at any time if the campsites are found out of compliance with the standards herein.

<sup>1</sup> As identified by the map in the Chaffee County Outdoor Recreation Management Plan

<sup>2</sup> As defined by Colorado Parks & Wildlife



- 
- G. Maximum Number of Licenses.** The Board of County Commissioners may, at its discretion, set by resolution the maximum number of Camping on Private Land, Commercial, Primitive licenses available for issuance.
- H. Maximum Number of Campsite Licenses Per Ownership Interest.** No owner or owner entity with an ownership interest in a property may possess in whole or in part a license for more than ten (10) campsites at a time. For purposes of this limitation, an ownership interest is defined as any financial, fiduciary, legal, or functional interest in a property associated with a Camping on Private Land, Commercial, Primitive license, whether whole or partial, and taking into account all forms of real or potential ownership interests, including as an individual owner or as part of an owner entity.
- I. Supervision.** The property owner or their assigned caretaker shall be available within a sixty (60) minute radius of the property at all times when campsites are occupied, to keep the property, its facilities, and equipment in a clean, orderly and sanitary condition.
- J. Layout and Design Requirements.**
- 1. Lot Size and Density.** The minimum lot size for a commercial campsite is five (5) acres. The maximum gross density of campsites shall be as follows:
    - a. Properties 5 - 9.999 acres: one (1) campsite.
    - b. Properties 10 – 19.999 acres: Two (2) campsites.
    - c. Properties 20-100 acres: up to five (5) campsites at a one-per-twenty-acre density scale.
    - d. Properties larger than one hundred (100) acres: up to ten (10) campsites at a one-per-twenty-acre density scale.
  - 2. Space Size.**
    - a. **RV and Van Sites.** The minimum size of each campsite shall be nine hundred (900) square feet that is free of vegetation to minimize fire risk and include space to park one (1) motor vehicle, one (1) RV, van or camping vehicle, or pull-behind trailer, and space for one (1) additional camping tent.
    - b. **Tent Sites.** The minimum size of each campsite shall be six hundred (600) square feet that is free of vegetation to minimize fire risk and include space to park a minimum of one (1) motor vehicle and space for a minimum of one (1) camping tent.
  - 3. Minimum Setbacks.** All campsites shall comply with the following setbacks.
    - a. **Perimeter Setbacks.** All campsites shall be setback a minimum of fifty (50) feet from all property lines.
    - b. **Adjacent Dwellings.** All campsites shall be setback a minimum of one hundred (100) feet from all dwellings on adjacent properties.

- c. **Waterway Setbacks.** All campsites, as well as any provided sanitary facilities, shall be setback a minimum of one hundred feet (100') from the edge of any stream, river, or wetland.
  - d. **Ditch Setbacks.** All campsites, as well as any provided or dedicated sanitary facilities, shall be setback a minimum of fifty feet (50') from the edge of any ditch.
  - e. **Floodplain.** All campsites shall be prohibited in the 100-year Floodplain and Floodway as well as in the Airport Overlay District and located a minimum of fifty feet (50') from the edge of any Floodway.
4. **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.

**K. 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 Chaffee County. The applicant will need to 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 location. An annual inspection by the fire protection district may be required.
- 3. **Refuse Collection.** Trash removal shall comply with county standards.

- L. **Seasonal Limits.** If the portion of the property to be used for camping is located within the top 50-100% 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.

- M. **Quiet Hours.** All campsites shall adhere to quiet hours between 10:00 p.m. and 7:00 a.m.

- N. **Signage.** All campsites shall have signage to educate guests on current fire ban status, campfire safety, Leave No Trace principles, and quiet hours.

**7.8.10 Church, Educational, Religious and Community Facilities.** This use includes all churches, museums, public or private schools, and similar uses. These types of facilities

are typically for day use only, however may also have either incidental or regular overnight occupancy as accessory to the primary use.

- A. Height.** The structural height limitations of the zone district shall apply to church spires, belfries, or cupolas.
- B. Residential Use.** One single-family dwelling unit for occupancy by the pastor or similar leader of the church shall be considered customary and incidental as part of this use.
- C. Major Impact Review Required.** Regardless of the type of review included in **Table 2.2, Use Table**, a Major Impact Review shall be required in the Rural or Residential zones, if the proposed use includes greater than 10 overnight occupants, or a building occupancy of greater than one hundred (100).

**7.8.11 Corrections Facility.** These restrictions apply to secured and un-secured Correctional Facilities.

- A. Prohibited in Residential Areas.** No corrections facility shall be located within ½ mile of an area that is predominately residential in character. An area in which fifty percent (50%) or more of the property is classified as residential shall be considered predominately residential in character.
- B. Prohibited in Areas Containing Schools.** No corrections facility will be located within ½ mile of any public or private school.

**7.8.12 Day Care Home, Day Care Center.** These include both child care and adult care facilities. Applicable local, state, and federal permits shall be obtained and maintained.

- A. Drop-off/Pickup Area.** An off-street drop-off / pick up area shall be provided that is adequate for the size of the facility and shall be available during operating hours for loading and unloading.

**7.8.13 Equestrian Center/Arena.**

- A.** Any equestrian center with amplified sound and/or lighted outdoor riding, driving or showing of horses, or which includes competitive events open to participants outside of those who board or train at the facility, shall be subject to Limited Impact Review.
- B.** All riding operations shall be contained within the boundaries of the property. Riding activities off-site shall be permitted on other private property, subject to written approval by private property owner(s). Riding may be allowed on publicly owned property or right of way subject to written authorization for trail use by the public land management agency.

**7.8.14 Farm Stand, Temporary.** The following standards shall apply to Temporary Farm Stands.

- A. Structure.** The farm stand structure shall be a non-permanent structure.
- B. Minimum Setback.** The Farm Stand shall be setback 10 feet from any US or state Highway, County or Municipal Road right-of-way.
- C. Parking & Circulation.** The Farm Stand shall accommodate a minimum of two off-street parking spaces, and additional as needed to provide safe ingress and egress from the public right of way.
- D. Sales Tax Certificate.** The owner of the Farm Stand shall display current Sales Tax Licenses for Chaffee County and the State of Colorado.

**7.8.15 Group Home Facilities.** Applicable federal, state, and local permits shall be obtained and maintained.

- A. Additional Application Materials.** These materials are in addition to those specified for the review process identified by **Table 2.2, Use Table**.
  - 1. Management Plan.** An approved management plan shall be required by the Board in considering the application for final approval. The management plan shall define the operating characteristics of a group home facility, and be incorporated into the conditions of approval.
- B. Location & Density Restrictions.** A group home facility shall not be located within seven hundred fifty (750) feet of another group home facility. The County may permit two such facilities to be located closer than seven hundred fifty feet apart if they are separated by a physical barrier such as a state highway, a commercial district, or a topographic feature.
- C. On-site Staffing.** No facility shall be open for use by clients unless there is staff on-site to supervise and oversee the clients.
- D. Signage.** Signage for the facility shall meet all requirements of the applicable zone district.

#### **7.8.16 Home Business**

- A. Home Business is Incidental to Residential Use.** The primary residence of the person(s) conducting the home business activity is located on the property, and all home business activities shall remain incidental and secondary to the use of the property for residential purposes.
  - 1. Contained Inside of a Structure.** The home business activity shall be contained within a building. The amount of space used for the home business activity, including any storage, shall not exceed 25% of the total amount of building square footage on the property.
  - 2. Employees.** The activity may employ at the premises no more than three persons living off-site.
  - 3. Does Not Create Nuisance.** The home business activity shall not result in any objectionable noise, fumes, dust or electrical disturbance.

4. **Traffic Volumes.** The home business activity shall not result in a significant increase in traffic volumes in the immediate neighborhood.
5. **Storage.** All storage shall meet the requirements for storage, set forth in **Section 7.8.31.**
6. **Signage.** Signage shall be limited to a single free-standing or wall mounted sign with a maximum area of two (2) square feet, and a maximum height of four (4) feet between the ground and top of the sign.
7. **Display of Goods Prohibited.** No home business activity may include any window or outdoor display of goods, any stock in trade or any other commodities.

**B. Single Family Dwelling Units Only.** The home business activity shall occur only in single family dwelling units or in an accessory structure to the single family unit; the home business activity shall not occur in duplex or multi-family structures.

**C. Not Transferable.** The approval to conduct a home business may not be transferred upon sale or lease of the subject property, or sold to another person or business.

**7.8.17 Home Occupation.** The primary residence of the person(s) conducting the home occupation activity is located on the property, and all home occupation activities shall remain incidental and secondary to the use of the property for residential purposes.

**A. Activities Conducted Only by Persons Residing at Location.** All activity related to the home occupation activity shall be contained within a building. There shall be no employees, independent contractors, officers, agents, partners, volunteers or other persons on the premises, except in an incidental manner.

1. No off-site employees or customers
2. Display of products or goods is prohibited.
3. Signage shall not be permitted.

**B. Does Not Create Nuisance.** The home occupation activity shall not result in any objectionable noise, fumes, dust or electrical disturbance, or increase in vehicular traffic.

**C. Storage Meets Standards.** All storage shall meet the requirements for storage, set forth in **Section 7.8.31.**

**D. Not Transferable.** The approval to conduct a home occupation may not be transferred upon sale or lease of the subject property, or sold to another person or business.

#### **7.8.18 Kennel/Animal Shelter**

**A. Noise.** All kennels shall prevent any sounds in excess of the maximum permissible noise levels for residential zone districts, set forth in **C.R.S. 25-12-103**, as amended.

**B. Waste Disposal.**

1. **Adequate Waste Disposal System.** The sewage disposal system shall be capable of handling all waste and wastewater from the kennel. All liquid and solid wastes shall be disposed of in a manner that protects against surface and groundwater contamination. No permanent disposal of any solid waste shall be allowed on-site.
2. **Measures to Protect Health and Safety.** Animal and food wastes, bedding, debris and other organic wastes shall be disposed of so that vermin infestation, odors, disease hazards and nuisances are minimized. Such wastes shall be removed at least weekly, or more frequently, from the facility and removed to an approved solid waste disposal site.

**C. State Licensing.** The kennel operation shall submit a copy of the state license application with the land use change application, and a copy of the approved state license prior to commencing operations.

**7.8.19 Major Electric or Natural Gas Facility.** A Major Electrical or Natural Gas Facility shall be subject to the following special requirements and those imposed by state law, pursuant to **C.R.S. 29-20-108**.

**A. Statutory Requirements for Notice, Action, and Appeal.** A public utility or power authority shall notify the Director of its plans to site a Major Electrical or Natural Gas Facility prior to submitting the permit application, but in no event later than filing a request for a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or an annual filing with the public utilities commission that proposes or recognizes the need for construction of a new facility or the extension of an existing facility. If a public utility or power authority is not required to obtain a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or file annually with the public utilities commission to notify the public utilities commission of proposed construction of a new facility or the extension of an existing facility, then the public utility or power authority shall notify the County of its intention to site a Major Electrical or Natural Gas Facility when such utility or authority determines that it intends to proceed to permit and construct the facility.

1. **Consultation with County.** The public utility or power authority shall consult with the County to identify the specific routes or geographic locations under consideration and attempt to resolve land use issues that may arise from the contemplated permit application.
2. **Alternatives Analysis.** In addition to the alternative described within its permit application, the public utility or power authority shall consider and present reasonable siting and design alternatives or explain why no reasonable alternatives are available.
3. **Preliminary Application.** A Preliminary Application pursuant to C.R.S. 29-20-108 is required to be presented to the Planning Commission for review and approval.
4. **Review and Decision.** Within one hundred twenty (120) calendar days from the date the application is determined to be complete, the County

shall decide whether to approve, approve with conditions or deny the application. If the County does not take final action within such time, the application shall be deemed approved. Nothing in these provisions shall be construed to supersede any timeline set by agreement between the County and a public utility or power authority applying for a permit for Major Electrical or Natural Gas Facilities. For purposes of this section, Determination of Completeness shall be pursuant to the requirements of this Land Use Code, set forth in **Section 4.1.3 C**.

#### **7.8.20 Manufactured Home.**

**A. Use.** A manufactured home shall be used for the purpose of a single-family dwelling unit. Use of a manufactured home as an accessory dwelling unit, or for the purpose of storage is prohibited.

- 1. Exception.** A manufactured home may be used as a temporary office located at a construction site. Any other use of a manufactured home as a temporary structure shall be prohibited.
- 2. Exception.** A manufactured home may be used as an agricultural accessory dwelling unit.

**B. Certification.** All manufactured homes placed in or relocated to a manufactured home park after adoption of this Code shall meet the following certification requirements.

- 1.** The manufactured home shall have certification pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, *et seq.*, as amended).
- 2.** Manufactured homes first occupied in Chaffee County after January 1, 1975 shall have affixed a data plate and heating certificate stating compliance with the required state and federal requirements.

**C. Ground Anchors.** If the manufactured home is not installed on a permanent foundation, ground anchors and tie downs shall be placed at least at each corner of the manufactured home, and able to sustain a minimum tensile strength of 2,800 pounds. Anchoring shall be sufficient to secure the manufactured home against uplift, sliding, rotation and overturning.

**D. Installation Time.** Installation shall be complete and ready for occupancy within twenty one (21) days of delivery.

**E. Skirting.** Skirting shall be installed, and shall be provided with doors to permit convenient access to sewer, water and gas connections. Skirting material shall be weatherproof, fire-resistant and durable. The inspection panels shall be not less than four square feet in area, and having no less than 18 inches in the least dimension.

#### **7.8.21 Manufactured Home Park.**

**A. Additional Application Materials.** These materials are in addition to those specified for the review process identified by **Table 2.2, Use Table**.

- 1. Plot Plans.** Typical plot plans for individual manufactured home spaces, at a scale of 1 inch equals 10 feet; and showing utilities, roads, heating fuel supplies, parking and common areas.
- 2. Space Size and Density.** The number, location and size of all manufactured home spaces and the gross density of such spaces.
- 3. Roadway and Walkway Detail.** The location, surfacing and width of roadways, sidewalks, pathways, with typical street and walkway sections.

**B. Site Selection Criteria.** The manufactured home park shall not be sited in areas subject to flooding, fire or other natural hazards nor shall it be located in proximity to chronic nuisances such as noise, smoke fumes or odors.

**C. Park Layout.** The layout of manufactured home spaces shall consider variations in natural terrain and preserve unique natural features of the site such as tree stands, water courses, and rock outcrops, to the extent practicable and feasible.

- 1. Lot Size and Dimension.** The manufactured home park shall be designed to provide spaces of sufficient size to comply with the setback requirements described below. Note that larger manufactured homes may require larger minimum space sizes.
  - a.** Space width - minimum 35 feet.
  - b.** Street setback - minimum 20 feet from interior streets and 25' from exterior streets. Corner spaces shall meet the setback for each street.
  - c.** Side yard setback - minimum 15 feet between manufactured homes.
  - d.** Rear yard setback - 15 feet between manufactured homes.
  - e.** From manufactured home to park boundary line - minimum of 20 feet.
  - f.** Accessory building setback measurements may be 50% 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 and/or recorded easements

**D. Utilities.** Each manufactured home space shall be provided with adequate hookups to water, sewage disposal, electric power and telephone. All utility lines, including service lines, shall be underground. All plans for the above services shall have the approval of the responsible utility prior to County approval of mobile home park plans.

**E. Water Supply and Distribution.** The park shall be served by a domestic water supply and distribution system that is in compliance with the requirements of **Sections 7.2.2 and 7.5.1** of these Regulations.

- 1. Connection.** The water supply system, specifically including all distribution lines up to the connections at individual sites, shall be constructed and maintained in accordance with the Plumbing Codes adopted by Chaffee County.



- 
- 2. Shutoff Valve.** A shutoff valve below the frost line shall be provided near the water-riser pipe on each mobile home lot.
- F. Wastewater System.** The manufactured home park shall be served by an adequate wastewater treatment system that is in compliance with the requirements of **Section 7.2.3 and 7.5.2** of this Article.
- G. Ground Anchors.** Each manufactured home shall be anchored in accordance with the requirements in **Section 7.8.19 D**.
- H. Landscaping for Screening.** Landscaping may be required to provide screening or buffering to mitigate the impacts of a manufactured home park.
- I. Outdoor Storage.** Outdoor storage in manufactured home parks shall comply with the requirements set forth in **Section 7.8.31** of these Regulations.
- J. Certification of Manufactured Homes.** All manufactured homes placed in or relocated to a manufactured home park after adoption of this Code shall meet the certification requirements set forth in **Section 7.8.19 B** of these Regulations.
- K. Fire Protection.** Fire protection requirements shall be in accordance with National Fire Protection Association Standards and requirements of the applicable fire protection district.
- 1. Liquid Propane Tanks.** Liquid propane tanks shall be stored in accordance with the requirements of the applicable Fire Protection District.
  - 2. Firewood.** Firewood stored outdoors shall not encroach into the setback areas between manufactured homes.
- L. Trash Removal.** The park shall designate adequate locations to collect trash from within the park, and shall be so arranged as not to create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be disposed of at a permitted waste disposal facility a minimum once per week.
- M. Supervision.** The duly authorized attendant or caretaker shall be available at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition.

#### **7.8.22 Meat Processing, Small Scale Commercial; Game Processing; Taxidermy.**

- A. USDA License.** The service provider shall have a valid license from the United States Department of Agriculture if required for the type of operation.
- B. Wastewater Treatment System.** The service provider shall have an adequate wastewater treatment and disposal system to handle the private meat processing operation.
- C. Solid Wastes.** The service provider shall provide a plan including disposal intervals, for disposing of solid wastes related to the operation.

---

**7.8.23 Medical /Retail Marijuana Facilities.**

**A. Medical/Retail Marijuana Center (M/R MC).** M/R MC shall not be permitted in any zone in unincorporated Chaffee County.

**B. Optional Premises Cultivation Center (OPC).** The following shall be required as part of a zoning application to operate an OPC; additional building code provisions and license requirements will also apply:

1. **License.** Complete copies of the state and local license applications for the facility (copy of license applications required for zoning application; copy of approved licenses required prior to operation and current licenses shall be required to be submitted annually by May 1.)
2. **Vicinity Map.** Map of sufficient size and scale to show the following minimum requirements in the neighborhood of the proposed facility:
  - a. 1000 foot minimum distance from the property boundary to any licensed private or public school, including post secondary
  - b. 1000 foot minimum distance from the parcel boundary to any state licensed child care facility
  - c. 1000 foot minimum distance from the parcel boundary to any drug/alcohol treatment facility
  - d. 500 foot minimum distance from the facility to any public park, or public lands.
  - e. A minimum 75 foot distance from the closest wall of the facility to an adjacent property boundary that includes an existing residential use located in the Industrial Zone. Distances are computed by direct measurement from the nearest property line of the parcel used for residential use to the closest wall of the facility.
  - f. A minimum 100 foot distance from the closest wall of a facility to an adjacent property boundary that is residential or rural zoned. Distances are computed by direct measurement from the nearest property line of the residentially zoned parcel to the closest wall of the facility.
3. **Site Plan.** A scaled site plan identifying the access, parking, property boundaries, all structures and utilities on the property.
4. **Signage.** Exterior signage is not permitted.

**C. Infused Products Manufacturing Facility (IPM).** The following shall be required as part of a zoning application to operate an IPM; additional building code provisions and license requirements will also apply:

1. **License.** Complete copies of the state and local license applications for the facility (copy of license applications required for zoning application; copy of approved licenses required prior to operation and current licenses shall be required to be submitted annually by May 1.)
2. **Vicinity Map.** Map of sufficient size and scale to show the following minimum requirements in the neighborhood of the proposed facility:
  - a. 1000 foot minimum distance from the property boundary to any licensed private or public school, including post secondary

- b. 1000 foot minimum distance from the parcel boundary to any state licensed child care facility
  - c. 1000 foot minimum distance from the parcel boundary to any drug/alcohol treatment facility
  - d. 500 foot minimum distance from the facility to any public park, or public lands.
  - e. 500 foot minimum distance between the facility and an existing residence. A variance may be considered by the Board of Adjustment only with the explicit written and notarized approval of every residential property owner and resident (if rental) within 500 feet of the facility.
3. **Site Plan.** A scaled site plan identifying the access, parking, property boundaries, all structures and utilities on the property.
  4. **Signage.** Plans detailing the signage / outdoor advertising on the site for the facility. Exterior signage is not required; however if signage will be present, any references to marijuana, cannabis, or related, whether in word or graphic form, shall include the word "medical".
- D. Medical Marijuana Caregiver.** Caregivers are treated as a Home Occupation, and subject to all Home Occupation requirements.
- E. Medical Marijuana Patient.** The use of medical marijuana is not regulated by this Land Use Code.

**7.8.24 Mining and Extraction Uses.** All mining operations shall comply with all state and federal regulations related to mining, air quality, water quality and water law, and stormwater. In addition:

- A. Operating Restrictions.** The mine shall operate in accordance with the following conditions as well as all conditions imposed by either the State or local application review process, or the permit may be revoked following a hearing by the Board of County Commissioners.
1. **Excavation Restrictions.** Excavation shall not occur within 20 feet of any property line or right-of-way line, or within 50 feet of ditches, streams or water ways. Excavation shall only occur within an easement with the written approval of the easement holder.
  2. **Screening and Crushing Restrictions.**
    - a. Screening or crushing shall not occur within 200 feet of the boundary line of the property if the operation is in a Recreational or Rural Zone.
    - b. Screening or crushing shall not occur within 500 feet of a residence or commercial building on adjoining property if the operation is in a Recreational or Rural Zone
  3. **Time Restrictions.** Excavation, screening or crushing shall not occur outside the hours of 7:00 AM – 8:00 PM if the operation is within 1500 feet of a residential structure or a commercial structure such as a hotel, motel or lodge that provides sleeping accommodations.

- 
4. **Fencing.** Appropriate fencing must be provided to ensure public safety as identified during the review process.
  5. **Reclamation.** The mined area shall be reclaimed and re-vegetated in a manner compatible with the surrounding area.
- B. Roads.** The mine operator shall be required to enter into an agreement with the County to mitigate the impacts of the operation on the County Road system, per **Section 7.4.3** of this Land Use Code. 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.
- C. Routing.** Designation of construction and haul routes for a specific mining operation application shall comply with the following standards:
1. **Avoidance of Developed Areas.** Truck haulage and traffic routes shall be designed to the maximum extent feasible to avoid residential areas, commercial areas, schools and other civic buildings, municipalities and already congested locations. Alternative routes shall be identified.
  2. **Timing of Hauling.** Timing of truck traffic may be controlled to prevent congestion or adverse noise impacts or safety risks.
  3. **Load Control.** Applicant shall prevent loss of loads and fugitive dust emissions during transit, and shall be responsible to ensure that haul routes are maintained in accordance with dust-suppressant methods required by applicable state or federal agency.

**7.8.25 Nursery or Tree Farm.** One single-family dwelling unit occupied by the owner, operator or manager shall be considered customary and incidental as a part of this use.

**7.8.26 Park or Open Space.**

- A. Designation.** Land dedicated or reserved as a park or open space shall be designated as such on the plat or other document recorded to formalize the project approval.
- B. Ownership.** Documentation of ownership and responsibility for maintenance shall be recorded with the plat or other document recorded to formalize the project approval.

**7.8.27 Recreational Vehicle While Building.** Applications involving a temporary placement of a recreational vehicle while building a home will be reviewed and approved by the Director provided it meets the following criteria:

- A.** A well permit, septic permit and building permit shall each have been obtained.
- B.** There are not violations on the property of any County regulation, ordinance or state statute;

**C.** 18-month maximum permit term. Renewals shall only be considered if the building and related permits have not expired and construction is being diligently pursued.

**7.8.28 Recycling Collection Center.** Collection and drop-off centers shall be considered customary and incidental to solid waste transfer facilities, and not required to be located on a building lot or to comply with the minimum lot size requirements for the district in which it is located.

**A. Maintenance.** The collection center shall be kept in proper repair and the exterior shall have a neat and clean appearance, with a provision for containment of windblown debris.

**B. Small Recycling Collection Centers.** A small recycling collection and drop-off center shall be considered customary and incidental to commercial or retail uses.

- 1.** A small recycling collection center located in a parking lot shall not occupy required parking spaces. The collection center shall be located so as to not impede traffic flow.
- 2.** A small recycling collection center shall not include power driven processing equipment unless in a Commercial or Industrial zone.

**7.8.29 Shooting Range (Commercial); Indoor or Outdoor.**

**A. Design by NRA Standards.** The shooting range shall be designed in accordance with standards established in the NRA document entitled "The Range Manual". The Board may require modifications to the design and operating hours to address public safety concerns and to ensure adequate safety measures, based upon public input received during the application review and approval process.

**B. On-Site Sanitary Facilities Required.** The shooting range shall have on-site sanitary facilities that are approved by Director of Development Services.

**C. Alcoholic Beverages Prohibited.** Alcoholic beverages shall be prohibited on-site.

**7.8.30 Small Scale Renewable Energy Systems.** As a means of providing renewable energy, the installation of small scale renewable systems for private use (residential and non-residential use) is encouraged in all zones. Small scale renewable systems that are incidental and subordinate to a principal use established and located on a property shall be permitted as a use by right on all properties. Small scale renewable energy systems include, but are not limited to: small scale hydroelectric, small scale wind turbines, and small scale solar energy systems.

**A. Dimensional Standards.**

- 1. Height.** The height of small scale renewable energy systems shall not exceed height limitations for structures, except that solar panels placed on roofs may exceed the maximum permitted building height by 10%, which shall include roofs of a legal, non-conforming structure. A variance is

required for any system in excess of the maximum permitted height, as set forth in **Section 4.5.1**.

2. **Setback.** The setback shall be the same as the height of the structure but not less than the minimum zoning or plat setbacks.

**B. Hydroelectric Systems.** Small-scale hydroelectric systems shall comply with all state and federal laws, including water law.

#### **7.8.31 Solid Waste Disposal Site.**

**A. Lot Size.** A minimum lot size of five (5) acres, not part of a platted residential subdivision shall be required.

**B. Certificate of Designation.** Solid waste disposal sites shall require a Certificate of Designation pursuant to **C.R.S. 30-20-102**.

#### **7.8.32 Storage Areas and Facilities, Salvage Yards, Junk Yards.**

**A. Storage of Hazardous Materials.** Flammable or explosive solids or gases shall be stored according to the manufacturer's standards and shall comply with the national, state and local fire codes.

**B. Materials and Wastes Contained on Property.** No materials or wastes shall be deposited on the property in a form or manner that may be transferred off the property by any reasonably foreseeable natural cause or force.

**C. Outdoor Storage Enclosed or Concealed.** Outdoor storage facilities shall be enclosed or have adequate provisions to conceal these facilities from adjacent property.

**D. Use and Storage of Heavy Equipment.**

1. Loading and unloading activity shall not be conducted on any public right-of-way.
2. Repair and maintenance activity requiring use of equipment that will generate noise, odors or glare beyond the property boundaries shall be conducted within a building, or may be conducted outdoors during the hours of 8 am to 6 pm Monday through Friday.
3. Storage area shall not be located any closer than 300 ft from an existing residential dwelling on an adjacent property.
4. Equipment storage will be enclosed in area with screening at least 8 feet in height and obscured from view at the same elevation or lower.
5. A minimum lot size of 5 acres that is not a platted residential subdivision shall be required.
6. The storage area for uses other than those for natural resources shall not exceed ten (10) acres in size.

- E. Agriculture Exempt.** Outdoor storage of agricultural products and agricultural equipment is exempt from the requirements of this Section.

**7.8.32 Telecommunications Facilities.** The intent of these criteria is to limit the proliferation of telecommunication towers and encourage co-location of telecommunication facilities. Shared use/co-location of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own shall be utilized unless it can be demonstrated to the satisfaction of the Board of County Commissioners that shared use/co-location is not feasible or practical.

**A. New Towers and Facilities.** No new transmission tower or facility shall be allowed unless the applicant demonstrates to the satisfaction of the County that no existing tower, structure or utility facility can be used by the applicant. To gain approval to construct a new transmission tower or facility, the applicant must demonstrate that:

1. No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements or sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment.
2. No owner of existing towers, structures or utility structures, within a distance that meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon.

**B. Interference.** The transmission tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

**C. Health Standards.** Transmission towers and telecommunication facilities shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.

**D. Design, Materials and Color.** Transmission towers and telecommunication facilities shall be designed and maintained to minimize visual impact; carry gravity and wind loads required by law; and shall use concealment or stealth methods, such as camouflaging transmission towers to look like light poles or trees. At a minimum, the transmission towers and facilities shall meet the following design standards:

1. Architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape.
2. Located on existing vertical infrastructure such as utility poles and public building or utility structures.
3. Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building.

- E. Landscaping and Screening.** The telecommunication facility or tower should be located in areas where the existing topography, vegetation, buildings or other structures provide screening to the extent possible.
- F. Lighting and Signage.** Only lighting required by a federal agency is allowed. Only signage that is required by state or federal law is allowed. No advertising shall be allowed.
- G. Telecommunication Facility Equipment Buildings.** Exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall not contain more than four hundred (400) square feet of gross floor area, shall not be more than twelve (12) feet in height, and shall maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.
- H. Review.** Each new tower or facility shall be subject to a two (2)-year review by the Director to determine compliance with the terms and conditions of the permit.
- I. Federal Aviation Agency ("FAA") Form.** The applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, except that such form shall not be required for the following:
1. An amateur radio antennae if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae.
  2. Any existing tower and antennae provided a building permit was issued for a tower or antennae prior to the adoption of this Code.
  3. Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities.
  4. Any antennae used for Federal Communications Commission (FCC) licensees engaged in AM, FM or television broadcasting.
- J. Telecommunications Act.** All telecommunications facilities shall comply with the standards of this Code, all applicable standards of the Federal Telecommunications Act of 1996, as amended, and all applicable requirements of the Federal Aviation Administration (FAA).
- K. Removal.** Towers shall be removed within 30 days following expiration of the permit or following 365 days of non-use for telecommunications purposes. Failure to remove the tower shall be a zoning violation subject to enforcement under this Land Use Code.

**7.8.33 Utility Transmission Lines and Pipelines.** The following standards shall apply to all utility transmission lines and pipelines:

- A. Height.** Major impact review is not required for electric transmission lines with towers less than 40 feet in height.
- B. Location.** All off-site collection and distribution pipelines shall, to the extent practicable, share existing dedicated rights-of-way. All surface pipelines shall be painted and/or landscaped to blend with the environment.



**C. Underground.** All transmission lines for local service shall, whenever possible, be constructed underground and in existing rights-of-way or easements.

**7.8.34 Short Term Rentals.** The following standards shall apply to all short-term rentals:

**A. Definitions.** The following definitions shall apply to this section:

**Chaffee County Resident Owner** means a natural person who intends to lease or leases the property or a portion thereof as a short-term rental unit and has their primary residence in either the incorporated or unincorporated portions of Chaffee County and whose name appears on the deed of the property. For the purpose of determining full-time residency the property owner must show legal proof of primary residence; such requirements will be established by staff but should include documentation of a current tax return (redacted) showing residency within Chaffee County and two of the following items: current and valid voter registration, current and valid vehicle registration, or a current and valid Colorado identification card, reflecting a physical address located within Chaffee County.

**Chaffee County Resident Owner Entity** means an owner of a property that is either an entity registered with the Colorado Secretary of State (such as an LLC, LLP corporation or similar) or a trust, within the unincorporated portions of Chaffee County who intends to lease or leases the property or a portion thereof as a short-term rental unit and is one hundred (100) percent owned by a Chaffee County Resident Owner or, for the purposes of a trust, the beneficiary of the trust is a natural person that is a Chaffee County Resident Owner and who shall show proof of full-time residency as required for a Chaffee County Resident Owner. Chaffee County Resident Owner Entity's name must appear on the deed of the property seeking a short-term rental license.

**Local agent** means a management company or a full-time resident who is identified by an applicant as the responsible agent in the application for a short-term rental license and who is physically based in Chaffee County. The local agent may be the owner of the short-term rental unit or a property manager and must have access to the short-term rental unit, authority to assume management of the short-term rental unit, and the ability to take remedial measures as necessary.

**Long-Term Rental** means the rental or leasing of properties for thirty (30) or more consecutive calendar days to a single renter or lessee.

**Owner** means the owner of a property within the unincorporated portions of Chaffee County who intends to lease or leases the property or a portion thereof as a short-term rental unit.

**Renter** means the party to a written lease or rental agreement that has obtained the temporary right to use and occupy a short-term rental unit or a portion thereof for a term of fewer than thirty (30) consecutive calendar days or less.

**Short-term rental** means rental or lease of all or a portion of a residential structure for fewer than thirty (30) consecutive calendar days.

- B. Applicability.** This section does not apply to hotels, motels, lodges, hostels, bed-and-breakfast establishments, long-term rental units, guest ranches, agritourism, or campgrounds as a primary use. Approved agritourism/agritainment operations are required to obtain a license from the County, but are exempt from and do not count towards the Maximum Number of Licenses Per Year as defined in this Section 7.8.34 and/or updated by Resolution. Historic vacation rental sites that can verify that they have been operating as short-term rentals for more than fifty (50) years prior to the year 2022 are exempt from the permit issuance requirement and shall not count against the maximum number of licenses available as set forth herein, but shall still be required meet the use standards or receive applicable exemptions.

This section does not supersede any PUDs with approved short-term rentals, private covenants, or restrictions prohibiting short-term rental units. This section shall not regulate a short-term rental unit during periods when the property is not being used as a short-term rental unit and is instead being used solely for personal use by the owner of such property.

- C. Maximum Number of Licenses Per Year.** There shall be a maximum of three hundred ten (310) short-term rental licenses available per year. The Board of County Commissioners shall receive, during a public meeting no later than September 15<sup>th</sup> of a calendar year unless otherwise noticed, a report from the Planning Department's short-term rental program facilitator. Following such report, the Board of County Commissioners may, at its discretion, revise by resolution approved no later than November 1<sup>st</sup> of the same calendar year, the maximum number of short-term rental licenses available, to take effect beginning January 1<sup>st</sup> of the upcoming year.
- D. Maximum Number of Licenses Per Ownership Interest.** The Board of County Commissioners may, at its discretion by resolution, establish a maximum number of licenses any owner or owner entity with an ownership interest may possess at a time. For purposes of this limitation, an ownership interest is defined as any financial, fiduciary, legal, or functional interest in a property associated with a short-term rental license, whether whole or partial, and taking into account all forms of real or potential ownership interests, including as an individual owner or as part of an owner entity.
1. Any owner or owner entity with an ownership interest in a property for which a short-term rental license has been applied shall not be permitted to apply for another short-term rental license within one (1) year of the submission of a short-term rental license application.
- E. Eligibility.** The short-term rental property shall either be owned by a local resident or owned by a non-resident owner or owner entity and rented long term to the local workforce for a period of three (3) years prior to eligibility for application for a short-term rental license.
1. Where a property contains both principal and accessory dwelling units on- site, only one dwelling shall be eligible for a short-term rental license.
- F. Use Standards.** All short-term rentals shall comply with the following standards in addition to the licensing requirements in this section:

1. Quiet Hours. Quiet hours shall be observed between the hours of 10:00 p.m. and 7:00 a.m.
2. Nuisance. No short-term rental shall be operated in such a way as to constitute a nuisance.
3. Occupancy. The maximum number of occupants permitted in a short-term rental shall be established at the time of initial unit licensing and shall be determined by the Planning Department based on factors including, but not limited to, unit size, number of bedrooms, water adequacy, and septic capacity.
4. Events, such as concerts and wedding events, are prohibited.

**G. Licenses Required.** It is unlawful for an Owner to lease or rent, advertise for lease or rent, or permit the leasing or renting of any short-term rental unit within the County without a valid license issued by the County pursuant to this section. During the term of the license, license holder shall include the specific license number for the short-term rental unit on any and all rental advertisement listings. A physical copy of the valid license shall be conspicuously posted inside the property such that it is visible to guests.

1. It shall be a violation of the Land Use Code for an Owner without a valid license to rent or lease a property as a Long-Term Rental with the intent for the occupancy of the renter or lessee to resemble that of a Short-Term Rental.

**H. Application Requirements.** A complete application for a short-term rental license must be submitted to the County. The application shall be in writing on forms provided and approved by the County or submitted through any on-line application process approved by the County. In addition to any other requirements in the Land Use Code, the following documents and information must be included with the application for the application to be considered complete:

1. The name, address, and contact information of the local agent for the proposed short-term rental unit;
2. A copy of the approved Certificate of Occupancy for the proposed short-term rental unit, or a completed Attestation form and inspection for properties deemed ineligible for a Certificate of Occupancy;
3. Any requirements of the Land Use Code, including but not limited to:
  - a. A site plan showing the location of the buildings on the property including off-street parking spaces;
  - b. A scaled floor plan noting the location of necessary egress windows, fire extinguishers, smoke alarms, and carbon monoxide detectors;
  - c. Verification of adequate wastewater treatment system that is adequately sized for the maximum possible number of renters for the short-term rental unit as stated in the application;
  - d. Fire safety inspection if required by the fire protection district;

- 
- e. If necessary for a Chaffee County Resident Owner or Chaffee County Resident Owner Entity, proof of primary residence within Chaffee County; and
  - f. Payment of any applicable application fee.
- I. License Fee.** All license fees, as set forth by the Board of County Commissioners by resolution, as amended, shall be due at the time of short-term rental unit license approval.
- J. Application Approval.** Short-term rental license applications shall be administratively reviewed and approved by the County’s designee(s), following the process outlined in herein and in Section 4 of this Land Use Code. The County’s designee(s) shall not approve an application for a short-term rental license or issue a short-term rental license unless:
- 1. Applicant has submitted a complete application, including payment of all applicable fees, including, but not limited to the application fee and the license fee;
  - 2. Applicant has provided proof of a current filing of a Personal Property Declaration with the Chaffee County Assessor’s Office detailing all personal property in the short-term rental unit;
  - 3. Applicant has provided proof the short-term rental unit is currently up to date on all assessed property taxes;
  - 4. Applicant has obtained any required sales and lodging tax license;
  - 5. The proposed short-term rental unit does not exceed the maximum number of licenses available per year or per ownership interest, as stated and enumerated in this Section 7.8.34; and
  - 6. The proposed short-term rental unit is in compliance with all applicable County codes and ordinances and State of Colorado regulations.
- K. Term of License.**
- 1. **Term.** All short-term rental licenses shall be effective for a period of one (1) year from the date of issuance. County staff shall process all applications by the final business day of the calendar month following the submission of a complete application.
  - 2. **Renewal.** All short-term rental licenses must be renewed or will automatically lapse. All renewal applications must be submitted no later than twenty-one (21) days prior to the expiration of the valid license on forms provided and approved by the County, or submitted through any on-line application process approved by the County, and will be reviewed and processed in the order received based on date and time stamp of submission.
    - a. All short-term rental licenses and renewals shall be subject to the maximum number of licenses as set forth herein.
    - b. Notwithstanding the foregoing, if the short-term rental license maximum number of licenses is met for a given year, applicants will be placed on a waiting list on a first-come, first- served basis in the order of the receipt of a complete application, which will be rolled over to the subsequent year. Chaffee County Resident

Owners and Chaffee County Resident Owner Entities will be given priority over non-resident applicants to apply for a short-term rental license for the following license year if the following year's maximum number of licenses is not met. (As an example, if Jane Doe, a Chaffee County Resident Owner, applies for a short-term rental license in 2021 and the cap in 2021 is ten and all ten license have already been issued, Jane Doe will be placed on the waiting list. If in 2022 only nine of the ten prior short-term rental licenses are renewed, Jane Doe will be allowed to apply for the one available license.)

**L. Limitations and Requirements.**

- 1. Local Agent.** The Local Agent shall be available to respond to complaints or violations of any applicable law, code or regulation regarding the property twenty-four (24) hours a day, seven (7) days a week. Local Agents must respond to complaints, regardless of the source of the complaint, involving the short-term rental unit within twenty-four (24) hours and shall respond to emergencies at the short-term rental unit within one (1) hour of the agent's receipt of notice of the emergency.
- 2. Non-Transferability.** No short-term rental license granted pursuant this Land Use Code shall be transferable to a different applicant, natural person, owner, entity, or property.
- 3. Capacity.** The use of the property shall not exceed in practice or in advertisement the capacity as set forth in the license.

**M. Appeal.** An applicant may appeal a denial of their application to the Board of County Commissioners and shall be entitled to a public hearing before the Board. An appeal must be made in writing, stating the grounds for appeal, and delivered to the County within five (5) business days of the date of the notice of denial.

**N. Revocation and Suspension.** The County may revoke or suspend any license at any time for any violation of this Land Use Code, any adopted County code, resolution, or ordinance, or any State of Colorado regulation.

**7.8.35 Special Event Facility.**

**[PER CHAFFEE COUNTY RESOLUTION 2022-67, SECION 7.8.35 – SPECIAL EVENT FACILITY IS NOT EFFECTIVE UNTIL THE EXPIRATION OF THE MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS REQUIRING A LIMITED OR MAJOR IMPACT REVIEW AS SET FORTH IN RESOLUTION 2022-41, AND THE ADOPTION OF NEW LIMITED AND MAJOR IMPACT REVIEW PROCESSES AND STANDARDS]**

**A. Definitions.** A Special Event Facility is a facility or property used by groups of people to congregate for such purposes as education, meetings, conferences, social gatherings, religious or spiritual activities, seminars, or weddings and which may provide meals, services, and recreation for participants during the period of the event or program only. Examples of facilities could include fairgrounds, hot springs, concert venues, outdoor

---

theaters, or convention centers. Events held at a county-approved special event facility shall be exempt from acquiring a Special Event Permit for each event held at the facility and shall not be limited to the minimum number of events per section 4.2.7.

1. Small Special Event Facilities shall be those that are designed to host only such events that are anticipated to have lesser impact as indicated by a score of three (3) points or less in the Special Event Scoring Matrix in Section 4.2.7, or as otherwise specifically outlined in the approval of the application for the Special Event Facility. Any Special Event occurring at a small Special Event Facility that would score more than three (3) points on the Special Event Scoring Matrix in Section 4.2.7 shall require a Special Event Permit pursuant to Section 4.2.7.
2. Large Special Event Facilities shall be those that are designed to host events anticipated to have a larger impact on surrounding properties as indicated by a score of more than three (3) points in the Special Event Scoring Matrix in Section 4.2.7.

**B. Use standards for all Special Event Facilities.**

1. All vehicular parking shall be provided entirely on-site.
2. Hours during which the normal activity of a Special Event may take place shall be between 7 a.m. and 10 p.m. unless otherwise specified in the Special Event Facility Permit. The approved permit may allow for an extension of the hours of operation for up to one hour due to a weather event that causes delay.
3. Quiet hours for the Special Event Facility shall be from 10:00 pm to 7:00 am unless otherwise specified in the approval permit.
4. All lighting and illumination of outdoor facilities shall be turned off within one (1) hour of conclusion of the event.
5. The applicant will need to provide verification of wastewater treatment system based on Colorado Department of Health and Public Environment (CDPHE). Applicant is responsible for any fees associated with reviews.
6. The Special Event Facility shall comply with all requirements of the local fire district, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.
7. A commercial kitchen facility requires additional review and approval from the state and local health departments. Applicant is responsible for any fees associated with reviews.
8. Overnight accommodations may be allowed with prior approval and in conformance with applicable sections of this Land Use Code.

---

**[Note: Duplicate Section number due to October 2022 update]**

**7.8.35 License, Transferability, and Revocation.** The approval for use of a property or portion thereof as a Special Event Facility shall be considered a license granted by the County. Any such granted license shall be granted to the property and, as such, shall be transferrable with the property. The County reserves the right to suspend or revoke the Special Event Facility license for failure to comply with the license's conditions of approval, the Land Use Code, or any other adopted County codes, resolutions, or ordinances, or State of Colorado regulations.

**7.8.36 Bed and Breakfast**

**A. Definition.** A Bed and Breakfast is a primary dwelling unit that is owner-occupied where short-term lodging is provided through the rental of rooms to the general public for compensation, with common dining and cooking facilities.

**B. Use standards**

- 1.** Verification of wastewater treatment system adequacy based on Colorado Department of Public Health and Environment (CDPHE) standards. Applicant is responsible for any fees associated with reviews.
- 2.** The Bed and Breakfast must maintain the residential character of the area in which it is located by including physical characteristics indicative of a residential area such as residential-scaled building features, landscaped yards, and porches.
- 3.** No storage or warehousing of business material, supplies, or equipment is allowed outside.
- 4.** Off-street parking must be provided on-site for all residents, visitors, guests, and employees.
- 5.** On-premises signs identifying or advertising the Bed and Breakfast are limited to one unlit wall sign no larger than nine (9) square feet in area.
- 6.** Central dining facilities shall be provided for guests.
- 7.** The Bed and Breakfast shall comply with all requirements of the local fire district, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.