SAN MIGUEL COUNTY LAND USE CODE

(Amended through June 7, 2023)

Board of County Commissioners

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SAN MIGUEL COUNTY LAND USE CODE

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

SECTION 1-1: TITLE AND SHORT TITLE
This Resolution, as amended from time to time, shall be known as "The San Miguel County Land Use Code." In this text it may also be called "the Code" or "the Land Use Code."

SECTION 1-2: ORGANIZATIONAL FORMAT

1-201 General
The San Miguel County Land Use Code is substantially based upon the County Land Use Policies in Article 2. Article 3 of the Code contains procedures for all land use reviews. Article 4 contains the submission contents for land use applications and Article 5 contains land use standards. Article 6 contains definitions.

SECTION 1-3: REPEALS AND ENACTMENT

1-301 Repeals
The San Miguel County Subdivision Regulations, San Miguel County Zoning Resolution and San Miguel County Impact Regulations are repealed in their entirety; all other prior San Miguel County resolutions inconsistent with provisions of this Code are hereby repealed to the extent of such inconsistency only, except for Planned Unit Development agreements effective at the time of adoption of this Code. The repeal of any of the above-mentioned resolutions does not revive any other resolution or portion thereof repealed by said resolution. Such repeals shall not affect or prevent the prosecution or punishment of any person for violation of any resolution hereby repealed for an offense committed prior to the repeal.

1-302 Enactment and Effective Date
The Code is hereby enacted pursuant to the approval by the Board of County Commissioners, after review and recommendation by the Planning and Zoning Commission and public hearings as required by State law. The Code became effective upon adoption by the Board of County Commissioners on November 30, 1990.
SECTION 1-4: PURPOSES OF THE LAND USE CODE

1-401 General
The purposes of this Land Use Code are established as follows:

1-402 Implement Policies
To implement the policies of San Miguel County regarding land use and development, housing, growth and related issues, as adopted and amended from time to time.

1-403 Create Common System of Administration and Regulation
To combine the regulation of all aspects of land use and development and the use of land and natural resources into a common system of administration and regulation.

1-404 Simplify the Land Use Regulatory Process
To simplify the application and review process for such regulatory system.

1-405 Protect Health, Safety and Welfare
To protect the health, safety and public welfare of San Miguel County.

SECTION 1-5: BASIS FOR LAND USE CODE

The policies, regulations and districts set forth in this Code have been adopted in accordance with San Miguel County Comprehensive Development Plan(s) prepared with reasonable consideration given to the social, economic and environmental characteristics of certain areas and the community in general; the compatibility of uses with each other and with social, economic and environmental opportunities and constraints; and the particular suitability of certain uses in certain areas.

SECTION 1-6: POWER AND AUTHORITY

1-601 General
It is the intent of the Board in adopting and enforcing the Code to exercise all relevant authority and powers conferred on it by the laws of the State of Colorado, including, but not limited to, the following sections of Colorado Revised Statutes, as they may be amended and supplemented from time to time:

1-601 A. Chapter 28 of Title 30 (County Planning, Zoning, Subdivision);
1-601 B. Chapter 65.1 of Title 24 (Areas and Activities of Local and State Interest);
1-601 C. Chapter 67 of Title 24 (Planned Unit Development);
1-601 D. Chapter 20 of Title 29 (Local Government Land Use Control Enabling Act); and
1-601 E. Applicable provisions of Chapter 11 of Title 30 (County Powers and Functions).
SECTION 1-7: SEVERABILITY
If any part of the Code or the application or enforcement thereof to any person or circumstance is held invalid, the remainder of the Code and its application to other persons or circumstances shall not be affected thereby.

SECTION 1-8: APPLICATION
The Code applies to the use, development and other activity on all land located in San Miguel County but not within the territorial limits of an incorporated municipality.

SECTION 1-9: CONFLICTING PROVISIONS
Where there exists a conflict between any limitation or requirement in the Code or in other applicable State Statutes and any applicable limitation or requirement contained elsewhere in this Code, the more restrictive limitation or requirement shall prevail. Where a conflict exists between the provisions of this Code and any other resolution, regulation or policy of San Miguel County, the provisions of this Code shall control.

SECTION 1-10: COUNTY PLANNING OFFICE
1-1001 Establishment
The San Miguel County Planning Office is part of the County government and operates in accordance with the County operational, fiscal, employment and other policies and directives.

1-1002 Planning Director
The Planning Office's activities are under the control and direction of the Planning Director, who is selected and serves in accordance with County policies.

1-1002 A. Power and Duties
The Planning Director administers the Land Use Code and has those powers and duties expressly assigned to him/her under this Code and otherwise delegated or assigned to him/her in accordance with County policy by the County Manager and/or the Board of County Commissioners. The Planning Office has such duties as the Planning Director delegates and has such other powers and duties as are expressly assigned to it under this Code or in accordance with County policy.

1-1003 Issuance of Development Permits
The Planning Director shall issue development permits (refer to Sections 3-1,2,3) prior to the issuance of any building permits for construction activities pursuant to the procedures in the Code and deny development permits that are inconsistent with the Code. The Planning Director shall consult with other county departments in advance of issuing development permits in order
to discuss and resolve issues that may arise as a result of the proposed development. The goal is
to streamline the development review process for the applicant(s).

1-1004 Written Interpretation
Whenever the Planning Director determines that the meaning or applicability of any of the
requirements of this Land Use Code are subject to interpretation, generally or as applied to a
specific case, the Director may issue an official interpretation. A Request for Interpretation may
also be submitted by any affected person, any resident or real property owner in San Miguel
County, or any person having a contractual interest in real property in the County.

1-1004 A. A Request for Interpretation of the Land Use Code shall be submitted in writing.
The request shall specifically state the provision(s) in question, shall identify the
property for which the request is being made, shall state the applicant’s
understanding of the meaning of the section or Map boundary, and may provide
any additional information to assist in the review of the interpretation request. A
Request for Interpretation shall be accompanied by a fee, as established by the
Board.

1-1004 B. Within thirty (30) days of receipt of a complete Request for Interpretation, the
Planning Director shall render in writing a final interpretation of the request. The
Planning Director shall consider the County’s legislative intent when interpreting
the Land Use Code. The interpretation shall be recorded with the County Clerk
and Recorder in the real property records.

1-1004 C. Any appeal of the Planning Director’s decision may be made pursuant to Section
1-1903.

SECTION 1-11: BUILDING OFFICIAL

The Building Official shall have, in addition to powers granted to such office under applicable
Uniform Building Code then in effect and other enactments of the Board, the additional duties
and powers identified in this Section.

1-1101 Issuance of Building Permits
The Building Official shall issue applicable permits to allow construction activities which have
received a development permit pursuant to the procedures in the Code and deny building permits
for activities which have not received a development permit.

1-1102 Enforcement Powers
The Building Official shall conduct the duties of the office consistent with Code requirements, in
addition to the other duties of the office, including specifically the enforcement powers and
duties under this Code.
SECTION 1-12: COUNTY ATTORNEY
The County Attorney shall advise the Board of County Commissioners regarding all legal matters related to the Land Use Code.

SECTION 1-13: PLANNING COMMISSION

1-1301 Establishment
In accordance with the by-laws of the County the membership of the Planning Commission shall be five persons appointed by the Board of County Commissioners on staggered two or three-year terms. Planning Commission members shall be appointed by area and economy in order to keep the Commission representative of the County population as much as practicable. Three members of the Commission shall be appointed regionally and two members shall be appointed as at-large Commissioners. All five members shall have full voting rights. The members shall be residents of San Miguel County. Up to two alternate members may also be appointed by the Board of County Commissioners to take the place of any member of the Planning Commission if such member is absent from the County, ill, interested in the matter before the Commission or otherwise temporarily disabled from serving. Any member may resign from the Planning Commission on written notice of such resignation to the Chairman of the Board of County Commissioners. Any member of the Planning Commission may be removed for cause by the Board of County Commissioners.

1-1302 Organization
The Planning Commission shall adopt by-laws establishing its organization and procedures. A copy of such bylaws is available in the San Miguel Planning Office. The Planning Commission shall elect a chairperson to serve a one-year term.

1-1303 Powers
The Planning Commission shall have authority provided by the Board of County Commissioners, the Code, and State law. Authority under State law includes, but is not limited to, the following sections of C.R.S. 1973, as it may be amended from time to time: Chapter 28 of Title 30, Chapter 65.1 of Title 24, Chapter 67 of Title 24, Chapter 20 of Title 29, and Chapter 11 of Title 30.

SECTION 1-14: BOARD OF ADJUSTMENT

1-1401 Establishment and Membership
The Board of Adjustment of San Miguel County is hereby established. Board establishment and membership is subject to applicable State law and Board of County Commissioner resolution. The Board of Adjustment consists of five members, including up to two members of the Planning Commission, in accordance with C.R.S. 30-28-117(1). The term of each member shall be set by the Board of County Commissioners, with the term of at least one member expiring each year. The Board of County Commissioners may appoint alternate Board members. Any member of the
Board may be removed for cause by the Board of County Commissioners.

1-1402 Organization

The Board of Adjustment shall adopt by-laws and may adopt supplemental rules of procedure. A copy of such supplemental rules of procedure shall be available in the San Miguel County Planning Office. The Board shall elect a chairperson from its members to serve a one-year term.

1-1403 Powers

The Board of Adjustment shall have authority provided by the Board of County Commissioners, the Code, and State law. Authority under State law includes, but is not limited to C.R.S. Section 30-28-117 et seq., as it may be amended from time to time.

1-1403 A. Appeals to the Board of Adjustment

Appeals to the Board of Adjustment may be taken by any person aggrieved by inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of zoning. Appeals shall be heard only where:

I. The Board of Adjustment is authorized by a Board of Commissioners resolution to hear and decide, in accordance with the provision of the resolution, requests for special exceptions, interpretations of a zoning map or decisions of specific questions authorized by the resolution; or

II. It is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the course of the enforcement of zoning where no other administrative remedy exists pursuant to Land Use Code Sections 1-19, 1-20 and/or the Board of Building Appeals rules of procedure; or

III. By reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of any regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, and where relief in the form of a variance from zoning may be granted without substantial detriment to the public good and substantial impairment of the intent and purpose of zoning, and where the hardship was not created or caused by the owner.

In addition, demonstration by the applicant that access to sunlight for solar-driven devices would be unduly restricted without the variance requested may serve as cause for granting a variance.
SECTION 1-15: LAND USE CODE VIOLATIONS

The following are Land Use Code violations that are subject to the enforcement remedies and penalties provided by the Code:

1-1501 Development without a Development Permit
To engage in development within the County without a development permit for such development, obtained in accordance with the provisions of this Code.

1-1502 Development Inconsistent with Development Permit
To engage in development within the County in any way inconsistent with the development permit for such development.

1-1503 Violation of Development Permit Conditions
To violate, by act or omission, any term or condition of any development permit.

1-1504 Land Use Code Violations
To erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any provision of this Code or any amendments thereto.

1-1505 Offering to Sell Land Prior to Subdivision
To offer to sell land in any subdivision before a preliminary plat for such subdivision has been approved pursuant to State statutes or by the Board of County Commissioners.

1-1506 Selling Land Prior to Subdivision
To sell land in a subdivision prior to approval of final plat approved pursuant to State statutes or by the Board of County Commissioners and recorded or filed with the County Clerk.

1-1507 Continuation of Violations
To continue any of the above violations. Each day of a continuing violation shall be considered a separate offense.

1-1508 Other Violations
Any other violations of this Code not specifically defined in this Section 1-15.

SECTION 1-16: ENFORCEMENT AND REMEDIES

San Miguel County shall have the remedies and enforcement powers identified in this part of the Code. Except as expressly reserved in this Code, the remedies and enforcement powers are hereby delegated to the Building Official or his designee.

1-1601 Legal Notice of Violation
When the Building Official determines that there has been a violation of any provision of the Land Use Code, he/she shall make necessary determinations required in this Section 1601, and give legal notice of such violation to the person or persons responsible therefore, and require compliance with the ordinances, as provided in this Section.
1-1601 A. Legal notice of violations shall:

I. Be put in writing on an appropriate form;

II. Determine and include a list of violations, refer to the section or sections of the Code violated and specify remedial action which, if taken, will effect compliance with the Code provisions;

III. Determine and specify a reasonable time for performance of the remedial action, except when a zoning violation citation tag has been issued pursuant to 1-1602;

IV. Be served on the owner, occupant, operator, lessee, agent or other responsible party in person, provided that such notice and requirement shall be deemed to be properly served on such responsible party if a copy thereof is delivered to, posted on, or sent by registered or certified mail to his/her last known mailing address, residence or place of business; and

1-1601 B. Any person failing to comply with a legal notice and requirement as herein provided shall be deemed guilty of a violation of the Land Use Code. Each day such violation or failure to comply is continued after notification thereof shall constitute a separate offense. The County may assess penalties against the person violating the Land Use Code and/or seek such civil or criminal penalties as are provided by this Land Use Code and/or Colorado law for violation of zoning, subdivision or other provisions of this Code.

1-1602 Zoning Violation Citation Tags

The Building Official or the Building Official's designee is authorized to use Zoning Violation Citation Tags for giving due notice and summons to the person or persons responsible for violations identified in Section 1-15.

1-1602 A. A Zoning Violation Citation Tag shall be put in writing on an appropriate form, state the nature of the violation, refer to the section or sections of the Land Use Code violated and state the appropriate assessment or penalty.

1-1602 B. Such person or persons, when a Zoning Violation Citation Tag is served to her/him, in accordance with the provisions of 1-1602 A., shall appear at the place or places designated on such tag and shall pay the assessment for the violation noted on the citation, pursuant to the assessment schedule in 1-1603.

1-1602 C. On payment of the assessment as provided by Section 1-1602 B. no further action will be taken to prosecute the violation noted on the citation unless the violation is not corrected.

1-1602 D. The citation tag as herein provided shall be sufficient notice, summons and legal service thereof for the purpose specified thereon, provided that the use of such tags shall not prohibit the issuance of either additional citation tags or a legal
notice of violation as provided by Section 1-1601, in the event such violation is continued or repeated.

1-1603 Penalties
As per C.R.S. 30-28-124, any party violating any of the provisions or standards of the Land Use Code, or any amendment thereto, following legal notification pursuant to Section 1-1601, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $100, or by imprisonment in the County jail for not more than 10 days, or both. Each day during which such violation continues shall be deemed a separate offense.

1-1604 Other Remedies
The County shall have such other remedies as may from time to time be provided by Colorado law for the violation of zoning, subdivision or other provisions of this Code.

1-1605 Withholding Development Permits
The County may withhold or deny development permits, building permits, plat approvals or any other administrative or quasi-judicial action on any land on which there is an uncorrected violation of a provision of this Code or of a permit issued hereunder. The County may, rather than withholding a permit or denying another permit or action, condition any such action on the correction of the uncorrected violation. The provisions of this section shall apply regardless of whether the applicant for the subsequent permit is responsible for the uncorrected violation.

1-1606 Stop Work Orders
The County may halt work on any land on which there is or has been an uncorrected violation of a provision of this Code or of a permit issued hereunder, in accordance with its powers to halt work under the applicable Uniform Codes as adopted by the County from time to time.

1-1607 Injunctive Relief
The County may seek an injunction or other equitable relief from the District Court of the State of Colorado to halt any violation of this Code or of a permit issued hereunder.

1-1608 Abatement
The County may seek a court order from the District Court of the State of Colorado in the nature of mandamus, abatement, or other appropriate action or proceeding to abate or remove a violation or otherwise restore premises to the condition in which they existed prior to the violation.

1-1609 Specific Performance
The County may seek specific performance of the terms of any subdivision improvements agreement, development permit or other permit issued under this Code. The County may seek specific enforcement against any party to any such agreement, against the original applicant(s) for any such permit and against any owner of the land affected who acquired title to the land with constructive notice of the existence of such agreement or permit;

1-1610 Cumulative Remedies
All such remedies shall be cumulative. To the extent that Colorado law may limit the availability
of a particular remedy set forth above for a particular violation or a part of a violation, such remedy shall remain available for other violations or other parts of the same violation, and all other remedies shall remain available for the same violation or part of a violation.

SECTION 1-17: PRIVATE ENFORCEMENT

In addition to the powers of San Miguel County to enforce the provisions of this Code and permits issued hereunder, there shall be the private enforcement rights identified in this Section.

1-1701 Improvement Agreements

Any purchaser of land subject to a plat restriction which is the security portion of an improvements agreement may bring an action in the District Court of the State of Colorado to compel enforcement of any improvements agreement on the sale, conveyance or transfer of title of any lot, lots, tract or tracts of land or of any other provision of such agreement. Authority under this provision shall include the right to compel rescission of any sale, conveyance or transfer of title of any lot, lots, tract or tracts of land contrary to the provisions of any such restriction set forth on the plat or in any separate recorded instrument. Any such action shall be commenced prior to issuance of a building permit.

1-1702 Specific Performance

The purchaser of any land included within the land area affected by a development permit approved prior to the date of such purchase shall have the right to seek specific performance of all of the terms and conditions of such development permit against the person(s) obtaining such permit and/or against the person(s) conveying title to such purchaser. If a purchaser is successful in obtaining partial or complete relief in such an action, the Court shall award such person reasonable attorneys' fees, as well as costs of the action.

1-1703 County - No Duty

If bonded improvements are not installed or are not properly installed pursuant to an improvements agreement, then the County shall have the right, but not the duty or obligation to any party to an improvements agreement or to any third-party, to complete the construction of the bonded improvements. If the County, in its sole discretion, chooses to attempt to complete the bonded improvements, then:

1-1703 A. Use of Collateral Proceeds

The Board shall use all liquid collateral and all net proceeds from the sale of any collateral pledged pursuant to any improvements agreement for the purpose of completing the bonded improvements and for no other purpose.

1-1703 B. No Obligation

The Board shall have no obligation to any party to any improvements agreement or to any third-party to utilize any other funds or assets of the County to pay for the completion of any bonded improvements.
SECTION 1-18: OTHER ENFORCEMENT

1-1801 Other Powers
In addition to the other enforcement provisions in this chapter, San Miguel may exercise any and all enforcement powers granted to it by State law, including without limitation Section 30-28-124 C.R.S. 1973 (Enforcement of Zoning Resolution), Section 24-67-106 C.R.S. 1973 (Enforcement of Planned Unit Development Plan), Section 30-28-114 C.R.S. 1973 (Building Inspection Enforcement), and Section 30-28-110 C.R.S. 1973 (Subdivision Enforcement).

1-1802 Other Actions
Nothing in this chapter shall prohibit the continuation of previous enforcement practices undertaken pursuant to valid resolution and law.

SECTION 1-19: APPEAL OF PLANNING COMMISSION AND ADMINISTRATIVE DECISIONS

1-1901 General
Any affected or aggrieved party may request an appeal of a final administrative land use decision by the Planning Commission. Land use recommendations are not subject to appeal. This part of the Code establishes procedures, submission contents and standards for such appeals.

1-1902 Appeal of Planning Commission Decisions

1-1902 A. Filing an Appeal
Any challenge must be filed in writing with the Planning Office by any affected or aggrieved party to the proceedings before the Planning Commission, within 14 days of the Planning Commission public meeting at which an application was considered.

1-1902 B. Basis of Appeal
The review of an appeal shall be limited to determining whether there has been an abuse of discretion by the Planning Commission.

1-1902 C. Review of Appeal
In reviewing an appeal, the Board of County Commissioners shall consider the development applications based upon the record established by the Planning Commission. The Board of County Commissioners shall affirm the decision of the Planning Commission, unless it determines that there was an abuse of discretion by the Commission in which case the Board of County Commissioners shall take action as it shall deem necessary to remedy the Planning Commission's
action. Legal error or lack of any competent evidence in the record to support the Planning Commission decision shall constitute abuse of discretion. Remedies available to the Board of County Commissioners shall include, but not be limited to changing the Planning Commission' decision or remanding the development application to the Planning Commission for reconsideration.

1-1903 Appeal of Planning Director's Administrative Decisions

1-1903 A. Filing an Appeal

Any challenge must be filed in writing with the Planning Office by an affected or aggrieved party to any Planning Director administrative decision, including any Land Use Code interpretation, within 14 days of the Planning Director's decision.

1-1903 B. Review of Appeal

In reviewing an appeal, the Board of County Commissioners shall consider the Planning Director's decision based upon the land use issue involved. The Board of County Commissioners shall affirm the Planning Director's decision or take action as it shall deem necessary to remedy administrative action.

1-20 Call-Up of Land Use Decisions by the Planning Commission

I. The Board of Commissioners (BOCC), or any two (2) Commissioners, may call-up a land use application for review by the BOCC upon written notice thereof to the Planning Department within fourteen (14) days after the date of final decision of the Planning Commission. For purposes of this procedure a final decision is when the Planning Commission votes to approve, approve with conditions or deny the One-step Land Use application. This written notice from the BOCC shall state the issue or issues that are the basis for the call up of the CPC decision.

II. A copy of the written call-up notice shall be mailed by the Planning Department to the applicant and the Planning Commission chair. Upon filing of such notice with the Planning Department, any decision of the Planning Commission shall be suspended. However, all written materials presented to the Planning Commission, as a part of its evaluation of the land use application and decision, shall be considered by the BOCC and included in the record. The applicant, the Planning Commission, and any interested party may submit additional information or materials that shall then be added to and included in the cumulative record to be considered by the BOCC in making its decision.
III. Upon call-up, the Board of Commissioners shall be vested with jurisdiction over the land use application and shall conduct its review of the application under the process and requirements applicable to the subject land use application(s) including Public Notice in accordance with Land Use Code (LUC) Section3-9. Such review shall be conducted within thirty (30) days from the date of the call-up, or as soon thereafter as can be reasonably accommodated.

IV. In considering the Call-Up of a Land Use Decision by the Planning Commission, the BOCC may affirm the decision of the Planning Commission, may modify or reverse the decision, or may remand the Land Use application back to the Planning Commission for their reconsideration of new and additional information or materials.
SAN MIGUEL COUNTY LAND USE CODE

ARTICLE 2

LAND USE POLICIES

This article contains San Miguel County's land use policies. The policies serve as the guide to the land use standards of this Code.

SECTION 2-1: CONFORMANCE WITH ADOPTED COMPREHENSIVE PLAN
It is the policy of the County to insure that the use and development of land within San Miguel County and any actions committing such land to development or a change in use are consistent with San Miguel County's adopted Comprehensive Plans.

SECTION 2-2: COMPREHENSIVE PLANNING
It is the policy of the County to adopt a Comprehensive Development Plan for the County and regularly update the plan.

SECTION 2-3: PHASING OF PUBLIC SERVICES AND FACILITIES
It is the policy of the County to insure the efficient phasing of public services. To this end, it is County policy to prevent the location of activities and developments resulting in significant changes in population densities that are inconsistent with adopted Comprehensive Development Plan.

SECTION 2-4: COMMUNITY BALANCE
It is the policy of the County to identify the carrying capacity of San Miguel County to achieve and maintain a social, economic and environmental balance in the community. Additionally, the County shall seek to maintain a balance between the peak population in the community and recreational activities and public services, taking into consideration the County's environmental carrying capacity and shall determine appropriate impact mitigation required to develop and maintain an adequate stock of affordable housing.

SECTION 2-5: SKI AREA DEVELOPMENT
It is the policy of the County to seek a balance between ski area capacity and demands generated by skiers for tourist accommodations, commercial facilities and public services including transportation and affordable housing.
SECTION 2-6: COMPATIBILITY WITH EXISTING ADJACENT NEIGHBORHOODS

It is the policy of the County to insure that any land use applicant under the provisions of this Code consults with the local neighborhood caucus or homeowners' association, open to all residents, concerning the compatibility of the uses proposed with existing neighborhood and any adopted neighborhood goals and objectives, or that the procedures for the processing of any development application provide for notice to and hearing of such local groups.

SECTION 2-7: CONFORMANCE WITH OTHER LAWS

It is the policy of the County to consider whether approval of uses or development of lands within San Miguel County is consistent with applicable laws of the United States of America and the State of Colorado and the County Land Use Code.

SECTION 2-8: NATURAL AND MAN-MADE HAZARD AND RESOURCE AREAS

It is the policy of San Miguel County to prevent any use and development of land that may:

2-801

Unreasonably subject any person, or use, to natural or man-made hazards;

2-802

Unreasonably create or contribute to the danger of natural or man-made hazards that might affect lands or the use and development thereof;

2-803

Unreasonably subject other persons including the County to the risks and expenses necessary to mitigate hazardous conditions, respond to emergencies created by such conditions, or to rehabilitate any lands or improvements thereof;

2-804

Be unduly destructive to the natural resources of the County; or

2-805

Constitute a public or private nuisance.

SECTION 2-9: SOIL, SURFICIAL GEOLOGIC CHARACTERISTICS AND
RADIATION

It is the policy of the County to discourage inappropriate land uses or development in hazard areas; those areas susceptible to radiation hazards or to structural damage or failure resulting from soil and surficial geological characteristics such as shrink-swell, inadequate bearing capacity, inadequate groundwater drainage, frost heaving, or chemical reactions.

SECTION 2-10: DRAINAGE

It is the policy of the County to preserve the integrity of existing and natural drainage patterns in order that future public and private development activities do not cause or contribute to storm drainage and floodwater patterns exceeding the capacity of natural or constructed drainage ways, subject other areas to increased potential for damage by flood, erosion or sedimentation, or cause or contribute to polluting natural streams. New development must provide for structures and/or detention facilities necessary to insure that the runoff characteristics of a site are no more disruptive to natural streams, or existing land uses, or drainage systems than are the runoff characteristics in its natural state.

SECTION 2-11: EROSION

It is the policy of the County to prevent the acceleration of the erosion of soil and rock and whenever possible maintain vegetative cover to minimize soil disturbance.

SECTION 2-12: SCENIC QUALITY

It is the policy of the County to preserve the scenic quality of lands within the County for the benefit of its residents and the continued viability of a resort economy that is dependent upon the quality of its rural and natural setting. To this end, it is the policy of the County to:

2-1201

Preserve the natural appearance of the mountain slopes, particularly from major activity areas, public roads, and trails by regulating the location, height, design and screening of development;

2-1202

Minimize the adverse scenic effects of roads and facilities by regulating the location and use of future development and the expansion of existing development where new or increased roads and facilities would be required to serve such areas and where the construction of such roads and facilities would impact the scenic quality of areas visible from public roads, trails or major
activity centers;

2-1203

Minimize any adverse scenic effects of roads and other facilities by regulating their alignment, design, and construction so as to reduce their impact on the visual quality of any areas in the County, particularly public roads, trails and major activity areas;

2-1204

Control the use of natural areas to insure that development does not result in scars from fire, erosion or vandalism;

2-1205

Preserve and create scenic views of the surrounding mountains from public places within the County;

2-1206

Achieve visual quality within areas of existing and future development by prohibiting or mitigating the impacts of unsightly equipment, uses and structures; controlling the design and alignment of electricity and phone lines and similar facilities; and, where feasible, requiring such lines to be underground; specifying design standards such as setbacks, height limits, view corridors, historic zones and material requirements; controlling signs, and ensuring the rehabilitation of areas subject to temporary or discontinuous use, such as mines, pits and quarries; and

2-1207

Manage development within the designated view planes and the scenic foreground to preserve the natural appearances within the Telluride Region.

SECTION 2-13: AIR QUALITY

It is the policy of the County to permit only that development which will not contribute significantly to degradation of air quality in the County.

SECTION 2-14: WATER RESOURCE AND WETLAND IMPACTS

It is the policy of the County to preserve and protect water resources, identified wetland areas,
watershed basins, riparian areas and ecologically important ground waters, recognizing the County's semi-arid character and that the vested rights of senior appropriations in the basins have materially curtailed the availability of an already scarce water resource. To this end it is the policy of the County:

2-1401
To discourage development that would adversely affect the quantity, quality, or accessibility of the County's water resources; and to discourage development which would occur at the expense of established water-dependent agricultural activities or which would result in increased degradation of water resources, loss of minimum stream flows, further destruction of wildlife habitat or major expenditures to reacquire or redistribute major water resources; and

2-1402
To maintain a natural vegetative buffer along surface waters such that the surface and groundwater resources of the area are not encroached upon by land uses or other human activities which could cause degradation of water quality or impair the ecological functions and natural treatment processes provided by riparian areas, meadows and wetlands.

2-1403
To protect the significant ecological, recreational, aesthetic and water resource values of watershed basins of the upper San Miguel River, and in so doing protect the natural resources of the upper San Miguel River.

2-1404
To facilitate the protection and provision of public drinking water supplies, by protecting the integrity of the upper San Miguel River watershed, including ecological and drinking water functions of groundwater and the integrity of the San Miguel River ecosystem.

SECTION 2-15: NOISE
It is the policy of the County to discourage land uses that will generate noise that would adversely impact existing neighboring land uses or the enjoyment thereof.

SECTION 2-16: WILDLIFE PROTECTION
It is the policy of the County to identify and protect wildlife habitats for the preservation of wildlife, to encourage land use patterns that avoid disruptions to such habitat. The County will coordinate with Colorado Parks and Wildlife personnel regarding proposed development or uses within or adjacent to mapped wildlife habitat areas to mitigate impacts of development on wildlife.
2-1601
It is the policy of the County to protect, enhance and preserve Gunnison Sage-grouse populations and their habitats. To this end, the County will consider and, to the extent possible, implement the rangewide and local conservation strategies set forth in the Gunnison Sage-grouse Rangewide Conservation Plan, dated April 2005, and all amendments to the Plan (Colorado Parks and Wildlife) when considering land use activities and development that is located within Gunnison Sage-grouse habitat as mapped by the Colorado Parks and Wildlife.

SECTION 2-17: ADEQUATE PROVISION OF WATER

It is the policy of the County to insure the availability of a water supply of adequate quality, quantity, pressure and dependability for fire protection and support of a proposed land use prior to approval of the use. The County shall encourage land uses to hook up to existing public systems if service is available.

SECTION 2-18: SEWAGE TREATMENT AND COLLECTION

It is the policy of the County to insure that adequate facilities to collect, treat and dispose of anticipated types and quantities of sewage are available with suitable capacity, quality of discharge, suitable point of discharge and dependability, and that any proposed system is financially feasible based on the available tax base and other legal criteria prior to approval of any land use. The County shall encourage land uses to hook up to existing public systems if service is available.

SECTION 2-19: ROAD SYSTEM IMPACTS

It is the policy of the County to preclude development that generates traffic volumes in excess of the capacity of the County road system or results in significant service level reductions or extraordinary impacts, unless the proponents of the development pay their fair share of costs to be generated by the proposed development to upgrade on-site and off-site roads consistent with the County's Road Management Plan and other policies of the County. The County may deny or postpone development approvals to insure that the timing of development coincides with the County's road improvement program.

SECTION 2-20: NEW SUBDIVISION ROADS

It is the policy of San Miguel County to accept the dedication of new roads within subdivisions, when a developer demonstrates the roads are constructed in compliance with County standards and development will generate an adequate revenue stream for the County to maintain the roads.
without placing an additional tax burden on existing County residents.

SECTION 2-21: EXISTING SUBDIVISION ROADS

The County shall assist homeowners currently maintaining their subdivision roads to form districts to maintain existing subdivision roads. Additionally, the County shall insure that new development which impacts existing subdivision roads pays its fair share cost to mitigate the impacts of construction and daily traffic on existing subdivision roads.

SECTION 2-22: ROAD DESIGN AND CONSTRUCTION

2-2201
It is the policy of the County to insure that new and upgraded roadways are designed, engineered and constructed to minimize environmental or aesthetic damage and future maintenance costs consistently with public safety needs. The County shall utilize flexible road standards to design roadways to adapt to the landscape rather than requiring significant changes to the landscape by strictly applying standard engineering practices.

2-2202
This policy statement is intended to reflect the Goals and Objectives of the Telluride/Ophir High Country Area Sections of the County’s Comprehensive Development Plan (Master Plan). It is the policy of the County in the High Country Area (HCA) Zone District to prohibit both public and private improvements to public roads, in order to retain the relatively undeveloped character of backcountry areas and maintain the present rough condition of existing mountain passes and roads to protect their historic character and recreational functions.

2-2203
Roads and driveways shall have minimal visibility from the Towns of Telluride, Mountain Village, or Ophir.

2-2204
The County shall prohibit public or private routine winter maintenance on public roads from November 1 through May 1 in the High Country Area (HCA) Zone District. The County Road and Bridge Department may, pursuant to Resolution 1996-23, in its reasonable discretion issue a Special Construction Permit authorizing winter maintenance on a portion of CR K69, also referred to as Lower Bridal Veil Road, a designated High Country Road, after November 1 and before May 1, based upon its determination that weather and snow pack conditions are reasonably safe and appropriate for such road maintenance activities as may be required to serve
essential community facilities.

SECTION 2-23: EXTENSION OF UTILITIES

It is the policy of the County to regulate utility extensions in a manner which insures that utility resources be directed to areas with or adjacent to existing development and to areas suitable for development consistent with the policies of the County. Such areas should be provided with necessary public utilities. The County shall discourage utility extensions:

2-2301
To areas which are not fully serviced and are premature for development;

2-2302
To areas that are not suitable for the type or amount of development necessary to support the service or development that is likely to result from such extension;

2-2303
That are not financially viable without additional public expenditures to extend or upgrade components of the system or for increased maintenance or operating needs;

2-2304
Which duplicate major lines or treatment facilities;

2-2305
Which would require unusual construction, maintenance or operating costs due to topographical, soil or geological conditions; and

2-2306
Which generate costs, including environmental impacts exceeding the benefit to be gained thereby.

SECTION 2-24: IMPACTS ON TAXES AND MANAGEMENT OF NECESSARY SERVICES AND FACILITIES

It is the policy of the County to insure that new development shall make a fair share contribution to San Miguel County or to special districts to insure that new development will not result in any reduction in the quality of services, or public facilities or programs provided to the community.
SECTION 2-25: TRANSPORTATION

It is the policy of the County to encourage in any new development measures minimizing automobile congestion; promoting traffic safety and discouraging automobile sources of air pollution; promoting non-motorized transportation alternatives such as trails for bicycles, horses, pedestrians and cross-country skiers; encouraging the use of public transportation, as opposed to the individual use of the automobile; and reducing the number of vehicle trips per day.

SECTION 2-26: MASS TRANSIT

It is the policy of the County to require new developments to pay their fair share costs to enhance the mass transit system in San Miguel County.

SECTION 2-27: COMPATIBILITY WITH AGRICULTURAL LANDS AND OPERATIONS

It is the policy of the County to promote the economic viability of agricultural lands and operations within San Miguel County and to insure that large tracts of land now committed to or capable of agricultural uses are preserved. To this end, the County shall:

2-2701
Insure that development in the vicinity of agricultural land shall not make continued agricultural operations impractical or economically infeasible;

2-2702
Encourage the exclusion of primarily agricultural lands from taxing districts that may be formed for purposes with little measurable benefit to agricultural operations;

2-2703
Preclude development or development patterns that remove so much water from agricultural use that there is an insufficient supply for agriculture;

2-2704
Encourage the preservation of agricultural lands and uses within the undeveloped portions of proposed or approved development wherever possible;

2-2705
Protect agricultural operations from disruptions resulting from domestic pets; and
2-2706
Encourage practices that eliminate noxious weeds, including use of weed-free hay. Any ground disturbance should incorporate appropriate weed control measures to be determined in consultation with the San Miguel Basin Weed Board.

SECTION 2-28: COMPATIBILITY WITH HISTORICAL AND ARCHAEOLOGICAL RESOURCES

It is the policy of the County to protect any sites, structures and surrounding areas determined to have historical or archaeological significance to the community, the region, or the State of Colorado from any destruction or alteration of the site, structure or surrounding area that would detract from its historical and archaeological significance.

SECTION 2-29: HOUSING

Resident and tourist speculative investment and the utilization of an increasing percentage of the housing stock as short-term accommodations or vacation homes are economic factors contributing to high housing costs and a contraction of the housing stock available for permanent and seasonal residents. Real estate market forces spur developers to create an exclusionary, homogenous, high income, second-home housing market absent of low and moderate income housing opportunities. It is the policy of the County to:

2-2901
Alleviate overcrowding, excessive commuting, and social instability prevalent in the permanent resident community resulting from speculative, second home and tourist influences in the permanent resident housing market;

2-2902
Provide a wider choice of housing alternatives for persons of low or moderate incomes living in the community;

2-2903
Insure that future development alleviates rather than contributes to problems of inadequate housing for persons residing or working within the County;

2-2904
Disapprove those developments that are exclusionary;
2-2905
Assist the private sector in providing new affordable housing throughout San Miguel County, but primarily in the Telluride Region, to reduce the critical shortage of affordable housing;

2-2906
Prepare, adopt and continually update a Housing Action Plan addressing affordable housing;

2-2907
Revise County land use policies and regulations based upon the adoption of the Housing Action Plan and updates to the Plan; and

2-2908
Insure that housing units that are intended to mitigate the impacts of development upon affordable housing are located in the same general area as the development.

2-2909
Insure that all new employee generating development contributes its fair share to the housing of local residents in order to reduce commuting traffic, create social investment and maintain vitality within our community.

2-2910
It is the policy of the County to provide affordable employee housing for persons working in the County. This policy has been reiterated by the Board of County Commissioners and is formally recognized in this Code and by the establishment of the multi-jurisdictional housing authority created by San Miguel County and Towns of Mountain Village and Telluride. Revisions to this Code are necessary to further the goal of the County to provide housing that is affordable to the average person employed in the County so that further degradation of our community character is prevented and that the County continues to be a viable residential community.

San Miguel County has set the following priorities to further the goal of providing affordable housing:

1. Onsite construction of affordable housing units
2. Off-site construction of affordable housing units
3. Dedication of improved lots within a subdivision
4. Dedication of (raw or unimproved) land
5. Conversion of existing free market housing to deed restricted, appreciation Capped units in a manner acceptable to the Board of County Commissioners
6. Payment in-lieu (employee housing Impact Fees), to apply to development that has not otherwise fully mitigated its employee housing impacts.

SECTION 2-30: ENERGY CONSERVATION

It is the policy of the County to encourage features in any development that will conserve energy resources and minimize the consumption of energy.

2-3001

Encourage the utilization and incorporation of energy conservation measures, Green Building Standards (pursuant to Board of Commissioner Resolution 2005-44 regarding Prescriptive Energy Code and Green Building Standards), and alternative energy sources, including but not limited to passive solar design, wind generation, geothermal, photovoltaic, hydrogen fuel cells, etc., for all construction in the County.

SECTION 2-31: COMPATIBILITY WITH ADJACENT OR NEARBY PUBLIC LANDS

It is the policy of the County to preserve and protect public lands from the impacts of incompatible development. To this end it is the policy of the County to:

2-3101

Insure that development near or adjacent to public lands will not cause high concentrations of population in such areas;

2-3102

Discourage development that will encourage the intrusion of roads or high levels of human activities on such lands;

2-3103

Insure that any development will not result in adverse environmental impacts on such lands, such as water or air pollution and threats to wildlife habitat by dogs or human activity;

2-3104

Favor low-impact land uses that support non-motorized dispersed recreation and the preservation of wildlife habitat, scenic quality and air and water quality;

2-3105
Favor public land management practices, policies and plans that are consistent with County policies over other land management practices;

2-3106
Coordinate and cooperate with public land managers on the management of both public and private lands and interests consistent with County policies;

2-3107
Adhere to the policies and standards embodied in the San Miguel County Land Use Code, the San Miguel County Comprehensive Development Plan, Planned Unit Development agreements and State and federal regulations in addressing development of lands within or adjacent to public lands;

2-3108
Neither impose special standards nor waive existing standards in response to land use permitting in these areas;

2-3109
Pursue the implementation of these policies through a land use planning process, including public involvement and more specific legislation if necessary; and

2-3110
Strongly oppose land uses within wilderness areas that are not consistent with the Wilderness Act of 1964.

SECTION 2-32: ACCESS TO PUBLIC LANDS

It is the policy of the County to preserve existing access points to public lands and to strive to secure new access points to public lands. To this end it is the policy of the County to:

2-3201
Insure open access to public lands while protecting the rights of private landowners;

2-3202
Favor pedestrian and non-motorized forms of access in pursuit of exercise, camping, hunting and
fishing, nature study and similar uses minimizing impacts and preserving the natural environment over other types of access;

2-3203
Favor the maintenance of access into areas along routes that have been used in the past over the development of new access routes, unless the Master Plan recommends the development of a new route or if it is found that the abandonment of old access routes and the development of new ones will lead to significant reductions in environmental impacts and superior public access;

2-3204
Identify access routes in which the County has a legal interest and pursue the establishment of such interests by appropriate means;

2-3205
Identify those access routes of which preservation is essential to the maintenance of appropriate uses and activities, and take appropriate steps to secure those routes for ongoing public use; and

2-3206
Favor permanent and irrevocable rights of access over conditional or temporary rights.

SECTION 2-33: PRIVATE LANDS SURROUNDED BY PUBLIC LANDS (INHOLDINGS)

It is the policy of the County to promote and encourage the transfer of private inholdings to public ownership with the objective of promoting consistent management of the public lands to reduce conflicts between private owners and developers and the public at large. To this end it is the policy of the County to:

2-3301
Pursue and promote the acquisition of private inholdings through purchase or exchange by the federal government, or, within the constraints of County budget and competing needs, by the County;

2-3302
Favor maintenance of inholdings for open space over the use of inholdings for any developmental purpose; and

2-3303
Subject any development of inholdings for any purpose to all applicable County land use standards including, but not limited to, zoning codes, building codes and land use codes.

SECTION 2-34: REVEGETATION WITH NATIVE SPECIES

It is the policy of the County to prevent weed infestation and to ensure that all surface disturbances, especially of topsoil, are revegetated with native species.

SECTION 2-35: MINING AND MINERAL PROCESSING OPERATIONS

It is the policy of the County to permit commencement or expansion of Mining and Mineral Processing operations only in appropriate areas identified pursuant to the County Comprehensive Development Plan, with review, as appropriate, under Land Use Code Section 5-4 and CRS 24-65.1-101 et. seq., "Areas and Activities of State Interest," subject to adequate mitigation of environmental, noise, traffic, and other impacts of such activities.

SECTION 2-36: CODE ENFORCEMENT

It is the policy of the County to enforce all provisions of the Land Use Code, Uniform Building Code, Colorado Department of Health and Environment regulations, and all other applicable County-adopted codes governing public health, safety and welfare, such that County personnel’s knowledge of non-compliance discovered during the normal course of business shall result first in efforts to bring non-compliant situations into compliance, and then, if compliant can’t be achieved within a reasonable time frame, in seeking appropriate remedies as described in Land Use Code Section 1-16.

SECTION 2-37: PRESERVING THE HIGH COUNTRY AREAS

2-3701

It is the policy of the County to encourage private efforts to preserve land in the High Country Master Plan Area through conservation easements with land trusts, or by sale, transfer, or land exchange to a public land management agency. The County favors preservation and protection of these high country areas in the upper San Miguel Watershed for open space, public recreation, and watershed and source water protection over the use of these properties for any development purpose.

2-3702

Ensure that any development of property in the High Country Area Zone District is in keeping
with the goals and objectives of the Telluride/Ophir High Country Area Sections of the Master Plan.

SECTION 2-38: WIRELESS SERVICES AND COMMUNICATIONS FACILITIES

It is the policy of the County to ensure that residents, visitors, schools, public safety operations and businesses in unincorporated areas San Miguel County have reliable access to Personal Wireless Services while ensuring that this objective is achieved in a fashion that preserves the aesthetic character of the community and neighborhood and is accomplished according to the County’s planning, zoning, and design standards.

SECTION 2-39: PRESERVING THE DARK NIGHT SKY

2-3901
It is the policy of the County to protect the quality of starry nights and nocturnal environment, and to specifically protect the night sky for its scientific, natural, and educational values; cultural heritage; and/or public enjoyment.

2-3902
Ensure that all outdoor nighttime lighting in all county Zone Districts be designed wisely to minimize the harmful effects of light pollution. Lighting plans shall address the type, intensity, location, color, timing, and fixture design, as well as the specific needs of a property or facility’s use.
SECTION 3-1: GENERAL

This article establishes the procedures to be followed for approval of development permits.

3-101 Development Permits

No person (s) may engage in any development within the unincorporated area of San Miguel County without obtaining a development permit unless the proposed development qualifies for an exemption. Development Permits (other than those associated with buildings and signs, see Section 5-704, and Oil and Gas Development pursuant to Section 5-26) are not required in the WM Zone District. Development permits are not required in the WE Zone District, except for Data Centers pursuant to Section 5-320 J and Oil and Gas Development pursuant to Section 5-26. Any development within the Telluride R-1 School District shall require compliance with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development.

No person or entity owing money to the County, in any amount or for any purpose, including any delinquent taxes certified by the County Treasurer, may be granted any development permit or any other development approval. All development shall be in compliance with the effective development permit duly issued in compliance with the Code. Failure to comply with any condition(s) of approval, as determined by the Board of County Commissioners, shall result in inability to obtain any rights granted conditionally thereunder, in accordance with Land Use Code Section 3-1402 and C.R.S. 24-68, and County revocation of the development permit upon 30 day notice to the Developer and opportunity for hearing and County determination of non-compliance with conditions.

3-102 Subdivision Exemptions

The subdivision of land into parcels greater than 35 acres in size is exempt from subdivision review by San Miguel County.

3-103 Building Permits

No person(s) shall erect, construct, reconstruct, excavate for a foundation, alter or change the use of any building or other structure or improvements of land without obtaining a building permit or an exemption from the Building Department. Building Permits are not required in the WE Zone District. No person or entity owing money to the County, in any amount or for any purpose, may be granted any building permit approval. A building permit shall not be granted if “Access” (as defined in Article 6) to the property does not exist.
FIGURE 3-1

LAND USE ACTIVITIES AND REVIEW PROCEDURES

Administrative Reviews

Caretaker, Accessory Dwelling & Secondary Dwelling Units

Development of a Residence, and /or Access & Utilities associated with a Residential Unit in a Wetland Area

Enhancement or protection against property loss and/or damage in a Wetland area

Development in a Watershed Protection Area

Release of Collateral

Open Land Protection for Four or Fewer Lots

Wright’s Mesa Open Land Protection for Ten or Fewer Lots

Minor Review of a Single-family Residence in an Area of Local and State Interest/C.R.S.1041 Environmental Hazard Review

Minor Amendments to Special Use Permits

Minor Amendments to Special Approvals Granted to Land Uses Subject to One-step Planning Commission or Board of County Commission Approval

Scenic Foreground Overlay Review for One Single-family Dwelling Unit

Insubstantial Amendments to Final Plat or Planned Unit Development (PUD)

Underground Electricity Transmission and Distribution Lines

Temporary Uses with minimal adverse short-term impacts

Minor Facility Oil and Gas Development
One-step Planning Commission Reviews

Special Use Permits/Planning Commission Approvals

Approval of Specific Land Uses Identified within Article 5 as Uses Subject to One-step Planning Commission Review

Scenic Foreground Overlay Reviews for all development other than construction of one Single-family dwelling unit

Major Review of a Single-family Residence in an Area of Local and State Interest / C.R.S. 1041 Environmental Hazard Review

One-step Board of County Commissioner Reviews

Subdivision Exemptions for the following activities:

a. Correction of Survey Errors;
b. Lot line adjustments;
c. Parcels for Essential Community Facilities;
d. Reversion to Acreage Plats;
e. Agricultural Lands Lots Split;
f. Open Land Protection (5 or more lots);
g. Fully Developed Residential Property;
h. Single Lot Split in an Existing Subdivision;
i. Wright’s Mesa Subdivision Exemption (parcels 150 acres or greater);
j. West End
k. Wright’s Mesa Open Land Protection (11 or more lots)
l. Wright’s Mesa Essential Community Facilities & Parks
m. Vacation of Lot Lines

Acceptance of Subdivision Roads

Reduction in Highway Setbacks

Road Standard Variances
Two-step reviews

Development in Wetland Areas other than a Residential Home and Access & Utilities associated with a Residential House

Special Use Permits

Substantial Plat Amendments

Substantial Planned Unit Development (PUD) Amendments

Land Uses Requiring Special Use Permits

Land Use Code Amendments

Rezoning

Mining and Mineral Processing

Conditional Uses on Federal Lands

All Development in Areas of Local and State Interest/ C.R.S. 1041 Environmental Hazard Review with the exception of the construction of one single-family dwelling unit

Public Utility Structures and Above ground Electricity Transmission and Distribution Lines

Modification of Ecological Sensitivity Area Boundaries

Road Vacations

Flood Plain Development Permits for Special Uses

Major Facility Oil and Gas Development

Wright’s Mesa Subdivision Exemption for parcels 37 acres or larger and less than 150 acres

Five-step Reviews

Subdivisions

Planned Unit Developments
### FIGURE 3-2

**DEVELOPMENT REVIEW PROCESS**

<table>
<thead>
<tr>
<th>Step</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre Application Conference</td>
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<tr>
<td>Submission of Application &amp; Fees</td>
</tr>
<tr>
<td>Determination of Application Completeness</td>
</tr>
<tr>
<td>Scheduling Hearing for Application Review</td>
</tr>
<tr>
<td>Review &amp; Recommendation by Planning Office</td>
</tr>
<tr>
<td>Review of Application by Decision-making Bodies</td>
</tr>
<tr>
<td>Receipt of Development Permit</td>
</tr>
<tr>
<td>Vested Property Rights</td>
</tr>
<tr>
<td>Submission of Building Permit Application</td>
</tr>
<tr>
<td>Receipt of Building Permit</td>
</tr>
</tbody>
</table>
SECTION 3-2: OVERVIEW OF DEVELOPMENT REVIEW PROCESS

3-201 General

Article 3 establishes the procedures for submission and review of development permit applications. Figure 3-1 identifies the review procedure for each type of land use application.

3-202 Ten Stages of the Land Use Review Process

The land use review process is comprised of the ten stages, which are described in this section and depicted in Figure 3-2.

3-202 A. Pre-Application Conference

Prior to the formal submission of an application, it is required that an applicant confers with the Planning Office staff in a pre-application conference to obtain information and guidance. During the pre-application conference, the applicant or his or her representative shall describe the proposed development project. The Planning Office staff shall identify the procedural review requirements, applicable standards of the Code, vested rights procedures and referral agencies to be involved in the review process. The staff shall identify, pursuant to the Code, the submission contents for the type of development application required to be submitted, the number of copies and application fees. Determinations made by the staff regarding the procedures, standards and submission contents are not binding upon the Planning Commission or the Board of County Commissioners.

At the conclusion of the conference, an applicant will be presented with a written summary of the meeting on a pre-application summary sheet. The applicant shall be required to submit the pre-application summary sheet with the application.

3-202 B. Submission of Application and Fees

A development application shall be submitted in the standard form as specified by the staff and shall contain the submission contents identified by the staff in the pre-application conference pursuant to Article 4 of the Code. The development application shall be accompanied by a fee, as established by the Board, from time to time.

3-202 C. Determination of Application Completeness

Within seven working days of the submission of a development application, the Planning Director shall complete a preliminary review of the application to determine whether or not the application is complete. Commencement of the PUD and Subdivision application review process does not
occur until the application is certified complete. If the Planning Director determines that the application is incomplete, a written notice shall be sent to the applicant or applicant's representative specifying the deficiencies. No further action will be taken on the application until the application's deficiencies are remedied by the applicant. An application may be certified incomplete if a Land Use Code amendment applicable to the application is pending and such application shall be processed pursuant to the amended Land Use Code provision, if adopted.

If the application is determined to be complete, the Planning Director shall notify the applicant of its completeness. A determination of completeness shall not necessarily constitute a determination of compliance with the substantive requirements of the Code. The Planning Commission or the Board of County Commissioners may require more materials or information to be supplied by an applicant.

3-202 D. Scheduling Application Review Hearing

After the Planning Director determines that a development application is complete, the Planning Director shall send a letter notifying the applicant of the hearing date. Development applications will be scheduled for review before the Board or Commission at the earliest available agenda date but no sooner than 30 days following certification of completeness. Administrative reviews will be processed by the staff without a hearing. Agenda dates will be assigned to complete applications based upon the order in which the applications have been certified as complete and numbered by the Planning Director, unless determined otherwise by the Board. If public notice of a hearing is required, the Planning Director shall cause public notice to be given pursuant to Section 3-9 and send a copy of the notice to the applicant.

3-202 E. Review and Recommendation by the Planning Office

I. Comments from Referral Agencies

Once the application is certified as complete by the Planning Director, the application shall be referred to those County, City, State and Federal Agencies and neighborhood organizations selected by the Planning Director for comments.

All land use applications for property located within two miles of the boundaries and/or service area boundaries of incorporated areas shall be referred to the municipalities for referral comments. The Planning Office staff shall consider all referral comments in reviewing the development application.
II. Report and Recommendation

The Planning Office staff shall compile all comments and recommendations from referral agencies and shall make a written report and recommendation concerning the development application to the appropriate decision-making body. The report shall state whether or not the application conforms to the appropriate review standards and whether it should be approved, approved with conditions, disapproved or tabled for further consideration. The staff report shall be distributed to the decision-making bodies and the applicant at least one day prior to consideration.

3-202 F. Review of Application

I. Following the Planning Office review, a land use application shall be referred to the appropriate decision-making body for consideration at a public meeting, unless the land use application is subject only to administrative review. Each development application shall be subject to one of the following six review procedures:

a. Building Permit Review (refer to Section 3-3)
b. Administrative Review (refer to Section 3-4);
c. One-step Planning Commission Review (refer to Section 3-5);
d. One-step Board of County Commission Review (refer to Section 3-5);
e. Two-step Review (refer to Section 3-6);
f. Five-step Review (refer to Section 3-7).

II. Applications for development permits shall be considered by decision making bodies and approved, approved with conditions, disapproved or tabled for further consideration. A development permit shall be issued for a development request that meets the applicable standards of the Code. Conditions may be imposed upon a development request to assure compliance with the Code.

III. In the case of applications for development permits subject to administrative review, applications may be approved, approved with conditions, or disapproved by the Planning Director, or scheduled by the Planning Director for review by the Planning Commission or Board of
County Commissioners at a duly noticed public meeting.

IV. Applications requiring more than one type of approval shall be processed simultaneously until all approvals have been obtained or until any necessary approval has been denied.

3-202 G. Receipt of Development Permit

Applications, which receive approvals or conditional approvals, qualify for a development permit. A resolution of approval signed by the chairperson of the decision-making body and recorded with the County Clerk and Recorder shall constitute the development permit. In the case of administrative reviews the Planning Director shall prepare and sign a development permit.

3-202 H. Vested Property Rights

Following receipt of a development permit, an applicant may request the Planning Office to initiate procedures for vesting property rights pursuant to Section 3-14.

3-202 I. Submission of Building Permit Application

Following a receipt of a development permit, an applicant may submit a building permit application to the Building Department unless specified otherwise in the development permit.

3-202 J. Receipt of Building Permit

Following a review of the building permit application, the Building Department shall issue a building permit to applicants whose applications comply with the appropriate development permits, if any, and the Uniform Building Code.

SECTION 3-3: BUILDING PERMIT REVIEW

3-301 General

Building permit development applications are reviewed by the Chief Building Official or his or her designee. The Chief Building Official may issue a building permit upon compliance with the Uniform Building Code and issuance of a development permit to an applicant by the Planning Director.
## FIGURE 3-3

### ADMINISTRATIVE REVIEWS: SUBMISSION CONTENTS AND STANDARDS

<table>
<thead>
<tr>
<th>Land Use Activity</th>
<th>Land Use Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Submission Contents</td>
</tr>
<tr>
<td>Accessory Dwelling Units</td>
<td>4-7</td>
</tr>
<tr>
<td>Minor Review of a Single-Family Residence in an Area of Local and State Interest / C.R.S. 1041 Environmental Hazard Review</td>
<td>4-6</td>
</tr>
<tr>
<td>Minor Amendments to Special Use Permits</td>
<td>4-7</td>
</tr>
<tr>
<td>Minor Amendments to Special Approvals Granted to Land Uses Subject to One-step Planning Commission or Board of County Commission Approval</td>
<td>4-7</td>
</tr>
<tr>
<td>Scenic Foreground Overlay Review for one Single-family Dwelling Unit</td>
<td>4-8</td>
</tr>
<tr>
<td>Insubstantial Amendments to Final Plat or Planned Unit Development (PUD)</td>
<td>4-6</td>
</tr>
<tr>
<td>Underground Electricity Transmission and Distribution Lines Carrying Less Than 115 Kilovolts</td>
<td>4-7</td>
</tr>
<tr>
<td>Collateral Release</td>
<td>3-1203</td>
</tr>
<tr>
<td>Development in Wetland Area of Access or Utility associated with Residential Unit or House Site</td>
<td>4-2, 5-2202 B.</td>
</tr>
<tr>
<td>Development in a Watershed Protection Area</td>
<td>4-2, 5-2203 E</td>
</tr>
<tr>
<td>Secondary Dwelling Units in the WM Zone District</td>
<td>4-2</td>
</tr>
<tr>
<td>Open Land Protection for Four or Fewer Lots</td>
<td>4-2, 5-1207 E. I.</td>
</tr>
<tr>
<td>Minor Facility Oil and Gas Development</td>
<td>5-2603 B. &amp; C.</td>
</tr>
</tbody>
</table>
SECTION 3-4: ADMINISTRATIVE REVIEW PROCEDURES

3-401 General

The development applications identified in Figure 3-1 and listed in this section are subject to the Administrative review procedures described in this part of the Code. Figure 3-3 is a guide to the procedures, submission contents and review standards for Administrative reviews.

3-401 A. Accessory Dwelling Units (Refer to Section 4-7 for submission contents and Section 5-13 for review standards).

3-401 B. Minor Review of a Single-Family Residence in an Area of Local and State Interest/C.R.S. 1041 Environmental Hazard Review (refer to Section 4-6 for submission contents and Section 5-4 for review standards).

3-401 C. Minor Amendments to Special Use Permits (Refer to Section 4-7 for submission contents and Section 5-10 for review standards).

3-401 D. Minor Amendments to Special Approvals Granted to Land Uses Subject to One-step Planning Commission or Board of County Commission Review (Refer to Section 4-7 for submission contents and section 5-10 for standards).

3-401 E. Scenic Foreground Overlay Review for One Single-family Dwelling Unit (Refer to Section 4-8 for submission contents and Section 5-316 for standards).

3-401 F. Insubstantial Amendments to Final Plat or Planned Unit Development (PUD) (Refer to Section 4-6 for submission contents and Section 5-15 for standards).

3-401 G. Underground Electricity Transmission and Distribution Lines (Refer to Section 4-7 for submission contents and 5-709 for standards).

3-401 H. Development in a Wetland Area or Wetland Area Buffer Zone of Access, Utility associated with a residence and/or Residence (Refer to Sections 4-2 and 5-2203 F. for submission contents and 5-22 for standards).

3-401 I. Caretaker Units in the Forestry, Agriculture and Open (F) Zone District (Refer to Section 5-307 C.I.).

3-401 J. Development in a Watershed Protection Area (Refer to Section 5-25).

3-401 K. Subdivision Exemption for Open Land Protection for Four or Fewer Lots (Refer to Section 5-1207).
3-401 L. Release of Collateral (Refer to Section 3-1203).

3-401 M. Minor Oil and Gas Development (Refer to Section 5-26 for submission contents and requirements).

3-401 N. Subdivision Exemption for Wright’s Mesa Open Land Protection for Ten or Fewer Lots (Refer to Section 5-1212)

3-401 O. PUD Architectural Review Plan for Allowable Uses provided for in Section 5-323 C. II (Refer to Section 5-323 for standards).

3-402 Administrative Review Procedure

Administrative reviews shall be conducted pursuant to the applicable stages of the ten-stage land use review process described in Section 3-202 and this section of the Code.

3-402 A. Planning Office Review and Decision by Planning Director

I. An applicant seeking administrative review approval shall submit an application to the Planning Office consistent with the submission contents requirements described in Article 4 of the Code. The Planning Office shall review the application for compliance with the standards of the Code that are applicable to the development proposal.

II. After completion of the Planning Office review, the Planning Director shall:

a. Issue a development permit, or

b. Issue a development permit subject to conditions based upon the standards of the Code, or

c. Issue a written denial of the application, or

d. Schedule a public meeting before the Board of County Commissioners to consider the application.

III. The Planning Director may refer any Administrative Review application to the Board of County Commissioners for consideration. For example, the Planning Director may refer such applications to the Board in the event of a disagreement with an applicant regarding a condition of approval.

3-402 B. Appeal of Planning Director's Decision

An applicant or other affected and aggrieved person(s) may appeal the Planning Director's decision by preparing a letter addressed to the Planning Director requesting an appeal. The
Board of County Commissioners shall conduct a public meeting within 60 days to consider such an appeal. The Board shall render its written decision within 30 days of the date of the appeal hearing, which decision shall constitute the final action of the County.

SECTION 3-5: ONE-STEP REVIEWS

3-501 General

The development applications identified in Figure 3-1 and listed in this section are subject to the one-step Planning Commission or the one-step Board of County Commissioners review procedures described in this part of the Code. Figure 3-4 serves as a guide to procedures, submission contents and review standards for one-step reviews.

3-501 A. The land use activities listed in this section are subject to One-step Planning Commission Review.

I. Approval of Specific Land Uses Identified within Article 5 as Uses Subject to one-step Planning Commission Review (Refer to Section 4-6 for submission contents and Section 5-10 for review standards);

II. Scenic Foreground Overlay Reviews for all development other than construction of one single-family dwelling unit (Refer to Section 4-8 for submission contents and Section 5-316 for review standards);

III. Major Review of a Single-Family Residence in an Area of Local and State Interest C.R.S. 1041 Environmental Hazard Review (refer to Section 4-6 for submission contents and Section 5-4 for review standards);

IV. Determination of Parking Requirements (Refer to Section 4-7 for submission contents and Section 5-702 F. for standards);

V. Amendments to the Comprehensive Development Plan; such amendments require a public hearing before the Planning Commission;

VI. Development of equestrian centers, allowed only in the Low Density (LD) Zone District (see Section 4-2 for submission requirements and Sections 5-10 and 5-24 for standards);

VII. Reduction in Highway Setbacks (Refer to Section 4-7 for submission contents and Section 5-505 for review standards);

VIII. Logging (Refer to Section 5-17 for standards).
IX. PUD Architectural Review Plan for Allowable Uses provided for in Section 5-323 C. III (Refer to Section 5-323 for standards).

3-501 B. The land use activities listed in this section are subject to One-step Board of County Commissioners Review.

I. Subdivision Exemptions for the following activities:

a. Correction of Survey Errors (Refer to Section 4-6 for submission contents and Section 5-1202 for review standards);

b. Lot line adjustments (Refer to Section 4-6 for submission contents and Section 5-1203 for review standards);

c. Parcels for Community Facilities (Refer to Section 4-6 for submission contents and Section 5-1204 for review standards);

d. Reversion to Acreage Plats (Refer to Section 4-6 for submission contents and Section 5-1205 for review standards);

e. Agricultural Lands Lots Split (Refer to Section 4-6 for submission contents and Section 5-1206 for review standards);

f. Open Land Protection, creating 5 parcels or more (Refer to Section 4-6 for submission contents and Section 5-1207 for review standards);

g. Fully Developed Residential Property (Refer to Section 5-1208 for standards);

h. Single Lot Split in an Existing Subdivision (Refer to Section 5-1209 for standards);

i. Wright’s Mesa Subdivision Exemption for parcels 150 acres or greater (Refer to Section 4-6 for submission contents and Section 5-1210 for review standards);

j. West End (Refer to Section 4-6 for submission contents and Section 5-1211 for review standards);

k. Wright’s Mesa Open Land Protection, creating 11 parcels or more (Refer to Section 4-6 for submission contents and Section 5-1212 for review standards);
I. Wright’s Mesa Essential Community Facilities & Parks (Refer to Section 4-6 for submission contents and Section 5-1213 for review standards);

m. Vacation of Lot Lines (Refer to Section 4-6 for submission contents and Section 5-1214 for review standards).

II. Acceptance of Subdivision Roads (Refer to Section 4-6 for submission contents and Section 5-504 for review standards).
## FIGURE 3-4
### ONE-STEP REVIEWS: SUBMISSION CONTENTS AND STANDARDS

<table>
<thead>
<tr>
<th>Land Use Activity</th>
<th>Land Use Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use Activities Subject to Planning Commission Review</strong></td>
<td></td>
</tr>
<tr>
<td>Approval of Specific Land Uses Identified within Article 5 as Uses Subject to One-step Planning Commission Review</td>
<td>4-6</td>
</tr>
<tr>
<td>Scenic Foreground Overlay Reviews for all development other than construction of one Single-Family Dwelling Unit</td>
<td>4-8</td>
</tr>
<tr>
<td>Major Review of a Single-family Residence in an Area of Local and State Interest / 1041 Environmental Hazard Review</td>
<td>4-6</td>
</tr>
<tr>
<td>Equestrian Centers (allowed in Low Density Zone District only)</td>
<td>4-2</td>
</tr>
<tr>
<td><strong>Land Use Activities Subject to Board of County Commissioner Review</strong></td>
<td></td>
</tr>
<tr>
<td>Subdivision Exemptions for:</td>
<td></td>
</tr>
<tr>
<td>Correction of Survey Errors</td>
<td>4-6</td>
</tr>
<tr>
<td>Lot Line Adjustments</td>
<td>4-6</td>
</tr>
<tr>
<td>Parcels for Community Facilities</td>
<td>4-6</td>
</tr>
<tr>
<td>Reversion to Acreage Plats</td>
<td>4-6</td>
</tr>
<tr>
<td>Agricultural Lot Split</td>
<td>4-6</td>
</tr>
<tr>
<td>Open Land Protection, 5 lots or more</td>
<td>4-6</td>
</tr>
<tr>
<td>Fully Developed Residential Property</td>
<td>4-6</td>
</tr>
<tr>
<td>Single-lot Split in an Existing Subdivision</td>
<td>4-6</td>
</tr>
<tr>
<td>Wright’s Mesa Subdivision Exemption, 150 acres or larger</td>
<td>4-6</td>
</tr>
<tr>
<td>West End</td>
<td>4-6</td>
</tr>
<tr>
<td>Wright’s Mesa Open Land Protection, 11 lots or more</td>
<td>4-6</td>
</tr>
<tr>
<td>Wright’s Mesa Essential Community Facilities &amp; Parks</td>
<td>4-6</td>
</tr>
<tr>
<td>Vacation of Lot Lines</td>
<td>4-6</td>
</tr>
<tr>
<td>Acceptance of Subdivision Roads</td>
<td>4-6</td>
</tr>
<tr>
<td>Reduction in Highway Setbacks</td>
<td>4-7</td>
</tr>
</tbody>
</table>

* Other standards may apply.
3-502 Procedure

3-502 A. One-step reviews shall be conducted pursuant to the applicable stages of the ten-stage land use review process described in Section 3-202 and this section of the Code. An applicant seeking a one-step review approval for any of the applications identified in Figure 3-1 and listed in 3-501 shall submit an application to the Planning Director consistent with the submission contents described in Article 4 of the Code.

3-502 B. One-step reviews shall occur at public meetings of the Planning Commission or the Board of County Commissioners depending upon which body has jurisdiction pursuant to Section 3-501.

3-503 Platting Procedure

An applicant seeking approval for a Subdivision Exemption shall be required to prepare and record with the County Clerk and Recorder a final plat approved by the Planning Director and signed by the County Attorney and Chairperson of the Board of County Commissioners consistent with the submission requirements in Article 4 and Section 5-12 of the Land Use Code.
### FIGURE 3-5

**TWO-STEP REVIEWS: SUBMISSION CONTENTS AND STANDARDS**

<table>
<thead>
<tr>
<th>Land Use Activity</th>
<th>Submission Contents</th>
<th>Standards*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantial Plat Amendments</td>
<td>4-6</td>
<td>5-15</td>
</tr>
<tr>
<td>Substantial Planned Unit Development (PUD) Amendments</td>
<td>4-6</td>
<td>5-14</td>
</tr>
<tr>
<td>Land Uses Requiring Special Use Permits</td>
<td>4-6</td>
<td>5-10</td>
</tr>
<tr>
<td>Land Use Code Amendments</td>
<td>4-7</td>
<td>5-18</td>
</tr>
<tr>
<td>Rezoning</td>
<td>4-6</td>
<td>5-18</td>
</tr>
<tr>
<td>Mining and Mineral Processing</td>
<td>4-7</td>
<td>5-16</td>
</tr>
<tr>
<td>Conditional Uses on Federal Lands</td>
<td>4-7</td>
<td>5-11</td>
</tr>
<tr>
<td>All Development in Areas of Local and State Interest /C.R.S. 1041 Environmental Hazard Review with the exception of the construction of one Single-family Dwelling Unit</td>
<td>4-6</td>
<td>5-4</td>
</tr>
<tr>
<td>Public Utility Structures, Above Ground Electricity Transmission and Distribution Lines longer than 1,000 feet and; Underground Electricity Transmission and Distribution Lines carrying more than 115 kilovolts</td>
<td>4-701 J</td>
<td>5-709</td>
</tr>
<tr>
<td>Development in Wetland Area other than Access, Utility, House on Previously Approved Parcel</td>
<td>4-2, 5-2203 E.</td>
<td>5-22</td>
</tr>
<tr>
<td>Modification of Ecological Sensitivity Boundaries</td>
<td>5-2502 B.</td>
<td>5-25</td>
</tr>
<tr>
<td>Major Facility Oil and Gas Development</td>
<td>5-2604 B.</td>
<td>5-2604</td>
</tr>
<tr>
<td>Wright’s Mesa Subdivision Exemption 37 Acres or larger &amp; Less than 150 Acres</td>
<td>4-6</td>
<td>5-1210</td>
</tr>
</tbody>
</table>

*Other standards may apply.*
SECTION 3-6: TWO-STEP REVIEWS

3-601 General (including Land Use Code Amendments)

The development applications identified in Figure 3-1 and listed in this section are subject to two step review procedures described in this part of the Code (Figure 3-5 serves as a guide to the procedures, submission contents and review standards for two-step reviews):

3-601 A. Substantial Plat Amendments (Refer to Section 3-703 for continuance requirements, Section 4-6 for submission contents and Section 5-15 for review standards).

3-601 B. Substantial Planned Unit Development (PUD) Amendments (Refer to Section 3-703 for continuance requirements, Section 4-6 for submission contents and Section 5-15 for review standards).

3-601 C. Land Uses Requiring Special Use Permits (Refer to Section 4-7 for submission contents and Section 5-10 for review standards).

3-601 D. Land Use Code Amendments (Refer to Section 4-7 for submission contents and Section 5-18 for review standards).

3-601 E. Rezoning (Refer to Section 4-6 for submission contents and Section 5-18 for review standards).

3-601 F. Conditional Uses on Federal Lands (Refer to Section 4-7 for submission contents and Section 5-11 for standards).

3-601 G. All Development in Areas of Local and State Interest/1041 Environmental Hazard Review with the exception of the construction of one single-family dwelling unit (refer to Section 4-6 for submission contents and Section 5-4 for review standards).

3-601 H. Public Utilities Structures, Above Ground Electricity Transmission and Distribution Lines Longer Than 1,000 Feet, and Underground Electricity Transmission and Distribution Lines Carrying More Than 115 Kilovolts (Refer to Sections 4-701 I. and 4-703 for submission contents and Section 5-709 for standards).

3-601 I. Development in Wetland Areas or Wetland Buffer Zone Areas (See Sections 4-2 and 5-2203 E. for submission requirements and Section 5-22 for standards).)

3-601 J. All reviews required pursuant to CRS 30-28-110(1) regarding construction, use or modification of public facilities, including rights-of-way.

3-601 L. Major Oil and Gas Development (Refer to Section 5-26 for submission contents and review standards).

3-601 M. Wright’s Mesa Subdivision Exemption for parcels 37 acres or larger but less than 150 acres in size.

3-601 N. Mining and Mineral Processing.

3-602 Procedures

3-602 A. General

Two-step reviews shall be conducted pursuant to the applicable stages of the ten-stage land use review process described in Section 3-202 and this section of the Code. An applicant seeking a two-step review approval for any of the applications identified in Figure 3-1 and listed in 3-501 shall submit an application to the Planning Director consistent with the submission contents described in Article 4 of the Code.

3-602 B. Planning Commission Review

The Planning Commission shall review the application at a public meeting and either recommend approval, denial or approval with conditions or continue or table the application for up to two regular meetings (or longer at the request of an applicant) to allow for provision of additional information. The Planning Commission may document its recommendation within a resolution recorded with the County Clerk and Recorder.

3-602 C. Board of County Commissioners Review

The Board of County Commissioners shall review the application at a public hearing noticed pursuant to Section 3-9. The Board shall be the decision-making body for all two-step reviews and will document their decisions within a resolution recorded with the County Clerk and Recorder.

SECTION 3-7: FIVE-STEP REVIEWS

3-701 General

The development applications identified in Figure 3-1 and listed in this section are subject to five-step review procedures described in this section of the Code (Figure 3-6 serves as a guide to the procedures, submission contents and review standards for five-step reviews:

3-701 A. Subdivisions (Refer to Section 4-3, 4-4 and 4-5 for submission contents and Figure 3-6 for review standards); and

3-701 B. Planned Unit Developments (Refer to Sections 4-3, 4-4, 4-5 and 4-9 for submission contents and Section 5-14 for review standards).
### FIGURE 3-6

**FIVE-STEP REVIEWS: SUBMISSION CONTENTS AND STANDARDS**

<table>
<thead>
<tr>
<th>Land Use Activity</th>
<th>Land Use Code Section</th>
<th>Submission Contents</th>
<th>Standards*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivisions</td>
<td>4-3, 4-4 and 4-5</td>
<td></td>
<td>2-1 to 2-33</td>
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<td>5-1 to 5-10</td>
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<tr>
<td>Planned Unit Developments</td>
<td>4-3, 3-4, 4-5 and 4-9</td>
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<td>2-1 to 2-33</td>
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<td>5-1 to 5-10, 5-14</td>
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* Other standards may apply.
3-702 Procedures

Five-step reviews shall be conducted pursuant to the ten stages of the land use review process described in Section 3-202 and the procedures described in this part of the Code. An applicant seeking a five-step review approval for any of the applications listed in section 3-701 shall submit an application to the Planning Director consistent with the submission contents described in Article 4 of the Code:

3-702 A. Steps One and Two - Planning Commission and Board of County Commissioners Sketch Plan Subdivision and Planned Unit Development (PUD) Review.

I. Planning Commission Review

The Planning Commission shall review an application containing the submission contents identified in Sections 4-3 and 4-10 at a public hearing noticed pursuant to Section 3-9 and shall recommend approval, denial, approval with conditions or continuance (in accordance with Sections 3-703 and 3-1006). The Planning Commission may document its recommendation within a resolution recorded with the County Clerk and Recorder.

II. Board of County Commissioners Review

The Board of County Commissioners shall review the application at a public meeting. The Board shall be the decision-making body and shall document its decisions within a resolution recorded with the County Clerk and Recorder.

3-702 B. Steps Three and Four - Planning Commission Preliminary Subdivision and Planned Unit Development (PUD) Review

I. Within one year of the approval of Sketch Plan Subdivision Plan, the applicant shall submit a Preliminary Subdivision application containing the submission contents identified in Section 4-4 to the Planning Director or the Sketch Plan Subdivision approval shall expire.

II. The Planning Director shall consider the referral agency comments, citizen comments and the standards of the code and conditions imposed by the Board of County Commissioners during the Sketch Plan Subdivision Review and the standards which are applicable to the development as noted in Figure 3-6.

III. The Planning Director shall prepare a written report for consideration by
the Planning Commission in accordance with 3-202 F.

IV. The Planning Commission shall review the Preliminary Submission application at a public meeting and recommend approval, denial or approval with conditions.

V. The Planning Commission may document its recommendation within a resolution recorded with the County Clerk and Recorder.

VI. The Board of County Commissioners shall review the Preliminary Subdivision application at a public hearing noticed pursuant to Section 3-9 and grant or deny approval of the application or continue the hearing (in accordance with Sections 3-703 and 3-1006), based upon consideration of the staff report, Planning Commission recommendation, citizen comments and applicable standards of the Land Use Code,

VII. The Board of County Commissioners action shall be documented within a resolution recorded with the County Clerk and Recorder.

3-702 C. Step Five - Board of County Commissioners Final Plat Plan and Planned Unit Development (PUD) Review

I. An applicant seeking a five-step review shall submit a final plat subdivision application containing the submission contents identified in Section 4-5 to the Planning Director pursuant to the procedures in Section 3-202.

II. The Board of County Commissioners shall consider the final plat subdivision application at a public meeting and grant or deny final approval of the application based upon consideration of the staff report, citizen comments and applicable standards of the Land Use Code.

3-703 Review and Continuance Process

All Subdivision and PUD reviews and amendments shall not be continued for more than forty days from the date of the public meeting/hearing without the written consent of the applicant. Any continuation of a public meeting/hearing shall be to a date certain.

An applicant may be requested, based on specific, objective criteria, by the reviewing body to redesign all or any portion of a plat or plan submitted for approval. If the applicant redesigns the plat or plan in accordance with the request, no further redesign shall be requested unless necessary to comply with a duly adopted county resolution, ordinance or regulation.

A meeting/hearing may be extended by the County to receive a recommendation from any agency
to which a plat or plan was referred, but such extension shall not exceed thirty days unless the agency has notified the County that it will require additional time to complete its recommendation.

A technical dispute between a licensed or registered professional of the applicant and the County may be referred, at the applicant's request, to a qualified employee in the appropriate state department for a recommendation to facilitate a resolution of the dispute.
### FIGURE 3-7

**LAND USE ACTIVITIES REQUIRING PUBLIC HEARING**

<table>
<thead>
<tr>
<th>Land Use Activity</th>
<th>Body Responsible for Public Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision Exemptions</td>
<td>Board of County Commissioners</td>
</tr>
<tr>
<td>Substantial Plat Amendments</td>
<td>Board of County Commissioners</td>
</tr>
<tr>
<td>Substantial Planned Unit Development (PUD) Amendments</td>
<td>Board of County Commissioners</td>
</tr>
<tr>
<td>Land Use Code Amendments</td>
<td>Board of County Commissioners</td>
</tr>
<tr>
<td>Rezonings</td>
<td>Board of County Commissioners</td>
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<tr>
<td>Subdivisions</td>
<td>Planning Commission for Sketch Plan Review and Board for Preliminary Review</td>
</tr>
<tr>
<td>Planned Unit Developments (PUD)</td>
<td>Planning Commission for Sketch Plan Review and Board for Preliminary Review</td>
</tr>
<tr>
<td>Floodplain Development Permit</td>
<td>Board of County Commissioners</td>
</tr>
<tr>
<td>Uses by Special Review</td>
<td>Board of County Commissioners</td>
</tr>
</tbody>
</table>
SECTION 3-8: CONSOLIDATION OF APPLICATIONS

In the case of applications seeking multiple land use approvals, the various review requests shall be consolidated so that different requests for approvals are considered comprehensively by the decision-making bodies.

SECTION 3-9: PUBLIC NOTICE

3-901 General

Prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall notify by First Class mail every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall post notice of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C.

In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code.

Prior to a public hearing on a development application, notice also shall be provided to the public pursuant to Section 3-903 D. Figure 3-7 identifies the various types of land use applications and steps in the review process at which time notice is to be given.

Pursuant to C.R.S. § 24-65.5-102(2)(a), a land use application that is subject to the requirements of public notice for neighboring property owners and the subsurface mineral estate underneath the subject property includes, but is not limited to, all public hearings and public meetings before either the County Planning Commission or the County Board of Commissioners, including preliminary or final plat for a subdivision, rezonings, any subdivision exemption creating more than one (1) new parcel, a planned unit development, and applications for special use permits where such applications are in anticipation of new surface development. In such case, the applicant shall provide notice, pursuant to C.R.S. §§ 30-28-133(10) and 24-65.5-103(1), to all owners and lessees of a mineral interest of record on the subject property. For purposes of identifying the mineral estate owner on the subject property, the applicant or his representative shall examine the records in the office of the San Miguel County Clerk and Recorder. Notice to the mineral estate owner shall be provided by first class mail to the last-known address of record of the mineral estate owner not less than thirty (30) days before the date scheduled for the initial public meeting by San Miguel County.

Pursuant to C.R.S. § 24-65.6-102(2)(a) Application for Development does not include: building permit applications, applications for a change of use for an existing structure, applications for
boundary adjustments, applications for platting of an additional single lot, applications for lot site plans, applications for a development permit, or applications with respect to electric lines, natural gas pipelines, steam pipelines, chilled or other water pipelines, or appurtenances to said lines or pipelines. An applicant’s failure/refusal to submit the required certification of notice required by C.R.S. §§ 24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

3-902 Content

3-902 A. Every notice shall include:

I. The name and address of the applicant;

II. The type of development application sought;

III. Date, time and place of the hearing;

IV. The address and legal description of the subject property, if applicable;

V. A summary of the Development Application under consideration; and

VI. Identification of the decision-making body conducting the hearing and such other information as may be required to apprise the public of the nature of the application.

3-903 Manner

3-903 A. General

I. Notice for all land use applications (as specified in Figure 3-7) shall be given pursuant to this section.

II. Notices shall contain the information described in Section 3-902.

III. The applicant shall use its best efforts to provide notice to the public, pursuant to Sections 3-7 and 3-903.

3-903 B. Posting

I. Posting of notice shall be made by the applicant by posting a sign in a conspicuous place on the property subject to the development application.

II. The applicant shall obtain a copy of the form of the sign from the Planning Office at least 20 days prior to the public meeting.

III. The sign shall be made of suitable, waterproof materials, shall be not less than 22 inches wide and 26 inches high, and shall be composed of letters not less than one inch in height.

3-903 C. Mailing
I. Written notice of an application for approval of a Development proposal shall be sent to the Owners of property located adjacent to the property subject to the application. Mailing of notice shall be made by the applicant, who shall obtain a copy of the notice from the Planning Director. The notice shall inform adjacent property Owners that they have 20 days from the time the notice is postmarked to notify the Planning Director in writing of any objection to the request for a Development Permit.

II. At least 20 days prior to the public meeting, notice shall be sent by first class, postage prepaid U.S. mail, to all Owners of property within 500 feet of the property subject to the Development application.

III. Except for notice to the subsurface mineral estate, which shall be determined by examination of the records of the San Miguel County Clerk and Recorder’s Office in accordance with C.R.S. §§24-65.5-103(2), and 104(2), the names and addresses shall be of those on the current tax records of San Miguel County as they appeared either in the records of the San Miguel County Assessor or under the San Miguel Geographic Information Systems (GIS) mapping program no more than 60 days prior to the date of the public meeting. GIS data may not accurately or completely reflect owners in multi-unit, multi-floor buildings in San Miguel County. In such instance, the applicant must examine the Assessor’s information in addition to the GIS data in order to provide the required public notice.

IV. Should a land use application be subject to the public noticing provisions of Section 3.9 and C.R.S. § 24-65.5-103(1), the applicant must submit, to the Planning Department, a certification of compliance with these public notice requirements in accordance with C.R.S. § 24-65.5-103(4) and 104(2), prior to the initial public meeting on a land use application in anticipation of new surface development. The form for a certification of compliance with these public notice requirements shall be available from the San Miguel County Planning Department. Failure to submit the required certification of notice will result in the public meeting or hearing being rescheduled to a later date.

3-903 D. Publication

The Planning Director shall cause notice of a hearing to be published one time in a newspaper of general circulation in the County at least 14 and no more than 45 days prior to the hearing.
SECTION 3-10: CONDUCT OF PUBLIC HEARINGS

3-1001 General
The general procedures in this section shall apply to all public hearings regarding the review of a development application by decision-making bodies.

3-1002 Oath or Affirmation
Upon request or direction of the Chairperson, testimony and evidence shall be given under oath or affirmation to the body conducting the hearing.

3-1003 Rights of all Persons
Any person or persons may appear at a public hearing and submit evidence either individually or as a representative of another person or organization. Each person who appears at a public hearing shall be identified and, if appearing on behalf of another person or organization, shall state the name and mailing address of the person or the organization.

3-1004 Due Order of Proceedings
The Chairman of the decision-making body conducting a hearing may, at his discretion, evoke any and/or all of the following rules of order. The decision-making body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. Any person may ask relevant questions of other persons appearing as witnesses, but shall do so only through the discretion of the Chairman. The order of proceedings shall be as follows:

3-1004 A. Nothing in this Section 3-1004 withstanding, if the applicant or the San Miguel County Planning Office fails to provide a notice pursuant to the provision of Sections 3-7 and 3-903, then such failure shall not constitute a procedural error that would result in voiding or in any way affecting the validity or enforceability of the action of the decision-making body at the public hearing. However, if the decision-making body finds that either the applicant or the San Miguel County Planning Office failed to use its best efforts in attempting to provide notice pursuant to the provision of Sections 3-7, 3-403 and/or 3-903, then the decision-making body may continue such hearing to a future date, at which time it will again address the issue of whether or not best efforts were used in attempting to provide notice pursuant to Sections 3-7, 3-403 and 3-903.

3-1004 B. The Planning Office staff shall present a narrative and graphic description of the development application.

3-1004 C. The Planning Office staff shall present a written and oral recommendation. This recommendation shall address each factor required to be considered by the Code and the San Miguel County Comprehensive Development Plan prior to development approval and shall be made available to the applicant submitting the development application at least one (1) working day prior to the hearing.
3-1004 D. The applicant shall present any information that it deems appropriate and shall demonstrate that public notice has been given, if required.

3-1004 E. Public testimony shall be heard, first in favor of the development application, then in opposition to it.

3-1004 F. The Planning Office staff may respond to any statement made by the decision-making body, by the applicant or by the public.

3-1004 G. The applicant may respond to any testimony or evidence presented by the Planning Office staff, the decision-making body or the public.

3-1005 Testimony

In the event any testimony or evidence is excluded as irrelevant or unduly repetitious, the person offering such testimony or evidence shall have an opportunity to introduce such testimony or evidence in written form into the official record. An offer of such testimony may be made at the hearing or in writing within five days after the close of the hearing.

3-1006 Continuance

The decision-making body conducting the hearing may, on its own motion or at the request of any person, continue the hearing to a fixed date, time and place. No notice shall be required if a hearing is continued. Continuances shall be granted at the discretion of the decision-making body conducting the hearing only upon good cause shown. (Refer to Section 3-703 for continuation of Subdivision or PUD applications.) All adjourned public hearings shall commence only upon the giving of all notices that were required for the initial call of the public hearings.

3-1007 Other Rules

Other matters pertaining to the public hearing shall be governed by other provisions of the San Miguel County Code and applicable State statutes, applicable to the decision-making body conducting the hearing and its adopted rules of procedure, so long as the rules are not in conflict with this Section. The County's decision-making bodies may adopt rules of procedure to limit the number of development applications that may be considered at a hearing.

3-1008 Record

3-1008 A. Recording

The County Clerk shall record the proceedings by any appropriate means. The proceedings may be transcribed at the request and expense of any person.

3-1008 B. Composition

The following documents and information shall constitute the official record of the hearing:

I. Record of oral proceedings including testimony and statements of personal opinions;
II. The minutes of the County Clerk or the Clerk's designee;

III. All applications, exhibits and papers submitted in any proceeding before the decision-making body;

IV. The report and recommendation of the Planning Office;

V. The decision and resolution of the decision making body;

VI. San Miguel County Land Use Code;

VII. San Miguel County Comprehensive Development Plan; and

VIII. Any documents contained in the County's records that are relevant to the proceedings.

3-1008 C. Public Records
All records of decision-making bodies shall be public, open for inspection at reasonable times and upon reasonable notice.

3-1008 D. Final Actions by Decision-making Bodies
Any final decision made by a decision-making body shall be documented in a resolution signed by the Chairperson of the body. No action shall be considered to be final without proper signature and recording of the resolution.

SECTION 3-11: ACTIONS BY DECISION-MAKING BODIES

3-1101 General

3-1101 A. The decision-making body shall approve or approve with conditions only those applications it finds to be in compliance with the standards, and, if applicable, conditions imposed during previous stages of the review process.

3-1101 B. The decision-making body may continue any meeting and remand an application to the applicant for modification or further study if it finds there is insufficient evidence to take other action.

3-1101 C. The decision-making body shall execute all required actions within reasonable time frames.
3-1102 Sketch Plan Subdivision Approvals

3-1102 A. General
Sketch plan subdivision approval by the Board of County Commissioners shall not constitute acceptance of any required subsequent submission(s).

3-1102 B. Time Limits
Approval of a sketch plan shall be valid for one year from the date of approval by the Board of County Commissioners. If, within that time period, the required subsequent submission has not been filed, the Board may grant a one-time extension of the approval, for a period not to exceed one year, if the applicant demonstrates to the Board that substantial action has been taken in reliance on the sketch plan approval.

3-1103 Preliminary Subdivision Approvals

3-1103 A. General
Preliminary subdivision approval by the Board of County Commissioners shall not constitute acceptance or approval of the final plat.

3-1103 B. Time Limits
Approval of a preliminary plan shall be valid for one year from the date of approval by the Board of County Commissioners. If, within that year and within each year thereafter, a final plat submission has not been filed for at least a portion the approved preliminary plan, the Board may grant extension(s) of the approval for good cause shown.

3-1104 Rezoning and Special Review Approvals

3-1104 A. Rezoning and approvals of special uses which are made in conjunction with Planned Unit Developments (PUDs) or Subdivisions shall not be effective until the final plat is signed by the Board of County Commissioners.

3-1104 B. Approval of rezoning and special review applications in conjunction with sketch plan subdivision and preliminary PUD approvals shall not require the Board to grant such approvals at the final stage of the subdivision and PUD review.

SECTION 3-12: IMPROVEMENT AGREEMENTS AND PERFORMANCE GUARANTEES

3-1201 Improvements Agreements
Prior to the issuance of a building permit and the recording of a final plat, an applicant shall submit for approval to the Board of County Commissioners an improvements agreement for construction of any required public improvements designated on the final plat.
3-1202 Performance Guarantee

3-1202 A. Prior to the issuance of any building permit, the Board of County Commissioners may require an applicant to file a financial guarantee in order to insure compliance with any or all requirements of the Board stipulated in the improvements agreement and the final plat.

3-1202 B. The financial guarantee, in the judgment of the Board of County Commissioners, shall be sufficient to make reasonable provision for completion of said improvements in accordance with design and time specifications.

3-1202 C. Ordinarily, a letter of credit to the Board of County Commissioners from a commercial bank, savings and loan institution, insurance company or other qualified lending institution(s) licensed or authorized to do business in the State of Colorado, or a letter from the Federal Housing Administration or Veterans Administration in a form satisfactory to the County Attorney shall be required.

3-1202 D. Nothing in Section 3-1202 C. shall preclude the Board of County Commissioners from approving other forms of financial security.

3-1203 Release of Collateral

3-1203 A. As public improvements are made, an applicant may apply to the County for release of part or all of the collateral deposited with the County.

3-1203 B. Upon inspection and approval, the County shall release collateral, provided that in the event a combination of forms of collateral has been accepted, the County shall release collateral on a priority basis it deems appropriate.

3-1203 C. If the County Engineer determines that any of the required improvements are not constructed in substantial compliance with specifications, it shall furnish the applicant a list of specifications and shall be entitled to withhold collateral sufficient to insure substantial compliance.

3-1203 D. If the County determines that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the County may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications.

3-1204 Form of Agreement

The form of the Improvements Agreement shall be as set forth in Section 4-508. B. and Exhibit F: Subdivision Improvements Agreement Form.
SECTION 3-13: AMENDMENTS TO DEVELOPMENT APPLICATIONS

3-1301 General

This section of the Code establishes the procedures for amendments to development applications.

3-1302 Development Permit Amendments

3-1302 A. Minor amendments

Minor amendments to all development applications may be permitted during the land use review process pursuant to the procedures in this section. The Board of County Commissioners shall determine whether or not the proposed amendment constitutes either a minor amendment or a major amendment to a development application pursuant to the standards in Section 5-10 and 5-15. Major amendments shall require a new sketch plan subdivision application and shall be reconsidered by the Planning Commission pursuant to Sections 3-5 or 3-6 whichever is applicable.

3-1302 B. After the Issuance of a Development Permit

I. Insubstantial Amendments

Minor amendments to an approved development application that has been issued a development permit may be allowed by administrative review pursuant to Section 3-4.

II. Substantial Amendments

Major Amendments to a development proposal that has been issued a development permit may be permitted by Two-step Review pursuant to Section 3-5.

SECTION 3-14: VESTED PROPERTY RIGHTS

3-1401 General

3-1401 A. Pursuant to the provisions of Article 68 of Title 24, C.R.S., a property right shall be deemed vested with respect to any property, following notice and public hearing, when required, upon the approval, or conditional approval, of a final plat, evidenced by the signing thereof by the Board of County Commissioners.

3-1401 B. A vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approval.
3-1401 C. The Board of County Commissioners, Planning Commission or Planning Director may approve a subdivision plat or grant other final approval upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such approval shall result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights upon a determination by the Board of County Commissioners, following and hearing.

3-1402 Vested Property Right Term
A property right that has been vested as provided in Section 3-1401 shall remain vested for a period of three years. However, the Board of County Commissioners may enter into development agreements with land owners specifying that property rights shall be vested for a period exceeding three years when warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, economic cycles and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum.

Issuance of a building permit or a development permit shall guarantee vested rights to use the property in compliance with the terms and conditions of final plat, although failure to comply with such terms and conditions shall result in forfeiture of vested property rights. Should no building permit or development permit be issued within said three years, the plan shall be terminated and the vested property right shall expire upon a determination by the Board of County Commissioners, following hearing and notice to interested parties.

3-1403 Extension of Vested Property Right Term
The affected landowner may request that the Board of County Commissioners grant an extension of the site-specific development plan for up to three years, provided that:

3-1403 A. A written request for an extension is submitted by the affected landowner within sixty (60) days of the date of termination of the vested property right;

3-1403 B. Such extension request shall be considered by the Board in a public hearing, notice of which shall be advertised not less than 30 days prior to such hearing in a newspaper of general circulation within the County;

3-1403 C. There is no conflict with the Land Use Code or that any conflict may be corrected by an amendment to the final plat, which shall be presented with the request for extension;

3-1403 D. The applicant has demonstrated that the final plat continues to be compatible with adjacent properties and the surrounding area, or that compatibility may be established by an amendment to the final plat, which shall be presented with the
request for extension;

3-1403 E. The applicant has demonstrated that the final plat is consistent with the Comprehensive Development Plan; and

3-1403 F. Such extension, if granted, shall be valid only for the period approved by the Board of County Commissioners.

3-1404 Further Reviews
Following approval or conditional approval of a subdivision plat or other final approval, nothing in this resolution shall exempt such a plan or plat from subsequent reviews and approvals, including, but not limited to, construction drawings, drainage plans, building permit and certificate of occupancy to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with said original approval.

3-1405 New Regulations
The establishment of a vested property right shall not preclude the application of land use regulations which are general in nature and are applicable to all property subject to land use regulation by the County, including, but not limited to, building, fire, plumbing, electrical, mechanical codes, and other public health, safety and welfare codes.

3-1406 Natural or Man-made Hazards
A vested property right shall automatically terminate upon the discovery on or in the immediate vicinity of the subject property of natural or man-made hazards which could not reasonably have been discovered at the time of site-specific development plan approval, and which, if uncorrected, would pose a serious threat to the public health, safety and welfare.

3-1407 Public Improvements
The vested property rights provided herein shall in no way diminish or alter the requirement for public improvements, or other requirements, as provided in County regulations.

3-1408 Effective Date of Final Plat Approval
A final plat shall be deemed approved upon the effective date of signing by the Board of County Commissioners, as set forth in Section 3-1401 A. In the event amendments to a final plat are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of signing of the original final plat, unless the Board of County Commissioners finds to the contrary and incorporates such finding in its approval of the amendment.
3-1409 Final Plat Language

Each final plat shall contain the following language: "approval of this plan may create a vested property right pursuant to article 68 of Title 24, C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved and the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than fourteen (14) days after approval of the final plat, in a newspaper of general circulation within the County.

3-1410 Fees

Fees for the processing of land use applications for proposed developments shall be set by resolution of the Board of County Commissioners commensurate with the level of service. Such fees may include all costs occasioned to the County, including publication of notices, public hearing and review costs, and engineering, and legal and other professional review costs.

3-1411 Other County Rules

Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions of the County's regulations pertaining to the development and use of property.
SECTION 4-1 : GENERAL

This Article establishes the submission contents for land development applications. Figure 4-1 serves as a guide to this Article of the Code by providing the essential information listed below:

4-101 Listing of Development Applications

A listing of development applications or groups of development applications which require similar submission contents; and

4-102 Code Section References

References to Code sections containing applicable submission contents, procedures and review standards.

SECTION 4-2 : MINIMUM SUBMISSION CONTENTS FOR ALL LAND USE APPLICATIONS

4-201 General

All applications for land use approvals shall include, at a minimum, the information and materials specified in this section of the Code. During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

4-202 Required Background Information

A letter signed by the property owner containing the property owner's name, the applicant's name, address and telephone number, and if applicable, the name, address and telephone number of the representative authorized to act on behalf of the property owner.
## FIGURE 4-1

**LAND USE APPLICATIONS: REVIEW PROCEDURES AND STANDARDS**

<table>
<thead>
<tr>
<th>Land Use Activity</th>
<th>LAND USE CODE SECTION Procedure</th>
<th>Standards*</th>
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<tr>
<td>Subdivision</td>
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<td><strong>Major Development Applications</strong></td>
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* Other standards may apply.
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* Other standards may apply.
4-203 Parcel Description

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County.

4-204 Disclosure and Proof of Ownership

A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all holders of subsurface mineral interests of record listed in the real estate records of the San Miguel County Clerk and Recorder, mortgages, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application. This shall normally require proof of complete ownership or written consent from all owners. The staff may also request the applicant to supply information regarding the subject property and contiguous property sufficient to indicate that the subject lot was legally created.

4-205 Legal Access

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

4-206 Standards Report

A written report demonstrating that the proposed development complies with the applicable substantive review standards.

4-207 Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference.

4-208 Site Plan

A site utilization map shall be submitted. Where applicable, a preliminary or final plat shall also be submitted. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

4-209 Copies of Application

During the pre-application conference the staff shall specify the number of copies of the
application to be submitted, including the number of copies of 24” by 36” maps or plats, if applicable. The Planning Office may authorize the submission of application materials, including maps and plats, in electronic format in lieu of paper copies.

4-210 Revegetation Plan

A plan for revegetation of all surfaces disturbed in conjunction with Development that employs predominantly native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

4-211 Weed Control Plan

A plan for control of noxious weeds, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development. Disturbed surfaces over one (1) cumulative acre in size will require bonding for revegetation and weed control.

4-212 Employee Housing Mitigation Plan

A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development in the R-1 School District, if applicable.

SECTION 4-3: SKETCH PLAN SUBDIVISION AND PLANNED UNIT DEVELOPMENT REVIEWS

4-301 General

A land development application for sketch plan subdivision review shall include:

4-301 A. The minimum submission contents for all land development applications listed in Section 4-2;
4-301 B. The maps identified in Section 4-302;
4-301 C. The written responses to the standards identified in Section 4-303 of the Code.

Refer to Section 3-7 for the five-step review procedure for subdivision applications.

4-302 Maps

This section lists the maps to be prepared and submitted by an applicant with sketch plan subdivision applications.

4-302 A. Location, Ownership, Zone Districts

A map showing:
I. Location of the proposed subdivision;

II. All adjacent lands in common ownership or lands under option to the applicant;

III. Commonly known landmarks; and

IV. Zone district in which the proposed subdivision and adjacent properties are located.

4-302 B. Lot and Street Layout

A map showing:

I. Legal Access to the property from a public road;

II. Conceptual lot and street layout;

III. Approximate layout of individual lots and access to the lots;

IV. All off-street parking spaces; and

V. School bus stops.

4-302 C. Natural Features

A map(s) showing:

I. Topography of the site;

II. Streams and lakes;

III. Natural drainage basins;

IV. Vegetation types;

V. Areas of State and Local Interest (1041 environmental hazards); and

VI. Soil types.

4-302 D. Existing Man-made features

A map including, but not limited to, the following existing features:

I. Buildings;
II. Irrigation ditches;
III. Utility lines;
IV. Bridges and culverts;
V. Drainage and sedimentation systems; and
VI. Mines and/or mine dumps.

4-302 E. Land Use Map

A map showing applicable proposed land use divisions, including:
I. Residential land uses;
II. Agricultural and wildlife areas;
III. Commercial and industrial land uses;
IV. Community facilities;
V. Open space, including public use or common areas;
VI. Trails, parks or access points to public lands to be dedicated to the public;
VII. Site data tabulation including listing of:
   a. Total number and size of free market and restricted affordable housing units lots;
   b. Total square feet of non-residential space;
   c. Acreage of land in the proposed subdivision;
   d. Number of bedrooms per dwelling unit;
   e. Ground coverage of the proposed structures and improvements including parking areas, streets, and sidewalks; and
   f. Acreage of agricultural land and open space to be preserved.

4-302 F. Utility Systems
A map showing the proposed type and layout of the water supply and sewage treatment systems, electrical service, gas lines, and any other utilities or service infrastructure.

4-302 G. Drainage Plan

A map showing the proposed drainage plan.

4-302 H. Landscape Plan

A map depicting the proposed landscaping plan.

4-303 Standards Report

An applicant shall submit a written report demonstrating that the proposed development complies with the standards set forth in Figure 4-1.

4-304 Environmental Report

An applicant shall submit a written report addressing potential impacts on the environmental features listed in this section.

4-304 A. Streams, lakes, topography, wetlands, wildlife habitats (refer to Section 5-407 A.) and vegetation;

4-304 B. Geologic characteristics of the area, along with a determination of the impact of such characteristics on the proposed subdivision;

4-304 C. Potential radiation hazard; and

4-304 D. Suitability of types of soil in the proposed subdivision, in accordance with the national cooperative soil survey.

4-305 Cultural Resource Report

An applicant shall submit a written report identifying and addressing potential impacts on cultural resources located on and adjacent to the property. Cultural resources shall include but are not limited to historic, archaeological and paleontological resources.
SECTION 4-4: PRELIMINARY SUBDIVISION AND PLANNED UNIT DEVELOPMENT REVIEWS

4-401 General

A land development application for preliminary subdivision review shall include the minimum submission contents for all land development applications listed in Section 4-2 in addition to the other submission contents specified in this part of the Code. Refer to Section 3-7 for the procedure for a preliminary subdivision review.

4-402 Maps

This section lists the maps to be prepared by a qualified cartographer and submitted with a preliminary subdivision application.

4-402 A. Approved Sketch Plan Subdivision Maps

Copies of the maps identified in Sections 4-302 A. B. E. and F. as were approved by the Board of County Commissioners during sketch plan subdivision review.

4-402 B. Location, Ownership, Zone Districts

A map showing the information specified in Section 4-302 A.

4-402 C. Lot, Street Layout and Grading

I. Title

The tract name different from any other subdivision name in the County, date, north point, scale and sufficient boundaries to define the proposed tract.

II. Names and Addresses

Name, address, and telephone number of record owner, subdivider, engineer and/or surveyor.

III. Adjacent Streets

Location, names, present width and grades of adjacent, or abutting roads, streets, highways and ways.

IV. Streets

The location, names, widths and approximate grades of all roads, streets, highways, and ways and rights-of-way in the proposed subdivision, designated as public or private or to be offered for dedication.
V. Preliminary Conceptual Grading Plans

The existing and proposed grades, the extent of cut and fill, and the slope angles of all banks. Preliminary grading plans may be based on a photogrammetric survey to a scale not less than on inch equals one hundred feet (1" = 100'). Contour lines of existing grades shall have the following maximum intervals:

a. Ten-foot (10’) contour interval for ground slope over fifteen (15) percent.

b. Five-foot (5’) contour interval for ground slope below fifteen (15) percent.

VI. Inundated Areas and Floodplains

a. Approximate location of all areas subject to inundation or combined storm water overflow, and the location, width, and direction of flow of all watercourses.

b. A map, with computation addenda, showing the lateral limits of a one hundred year flood flow, and, if such flood plain shall be altered by the development, proposed drainage and/or flood control measures.

VII. Easements

The location and width of all apparent easements and existing recorded easements, and the approximate width and location of all proposed easements for drainage, water, sewage, public utilities, ingress/egress, and other purposes. The reception numbers for all recorded easements shall be noted on the sketch plan or plat.

VIII. Lots

The approximate area and dimension of all lots, and radii of all curves.

IX. Structures

The location of all existing structures with indications of whether they are to remain on the property or to be removed. Dimensions of structures and setbacks to existing and proposed property lines shall be shown to demonstrate compliance with development standards.

X. Cross Sections
Typical cross sections and proposed grades of all streets, highways, and alleys, and details of curbs, gutters, sidewalks and other improvements shall accompany the preliminary plan and shall be of such scale as to show clearly all details thereof. In lieu of such cross sections, references may be made to the table of standards contained in this article.

4-402 D. Preliminary Landscaping Plan

The preliminary landscaping plan shall show the information in this section:

I. All existing trees spaced more than thirty (30) feet apart by common name and spread. Trees to be removed shall be indicated.

II. In densely wooded areas or in tree clusters, only outlines need be shown. However, individual, outstanding trees within the clusters must be shown if they are to be removed.

III. A conceptual plan for proposed trees and other plant material.

IV. Any other recognizable feature of importance to the subdivision design such as rock outcroppings.

4-403 Standards Report

An applicant shall submit a written report demonstrating compliance with any condition of the Board of County Commissioner's sketch plan subdivision approval and resolution of any technical problems.

4-404 Environmental Report

An applicant shall submit a written report addressing the potential impacts on the environmental features listed in this section.

4-404 A. Streams, lakes, wetlands, wildlife habitat, topography, and vegetation;

4-404 B. Geologic characteristics of the area, along with and a determination of the impact of such characteristics on the proposed subdivision;

4-404 C. Potential radiation hazard;

4-404 D. Suitability of types of soil in the proposed subdivision, in accordance with the national cooperative soil survey.

4-405 Preliminary Drainage Plan

The drainage plan shall show drainage and/or flood control measures. Applicant shall submit maps
and plans for facilities to prevent storm waters caused by the proposed subdivision and in excess of historic runoff from entering, damaging, or being carried by conduits, water supply ditches and appurtenant structures, and other storm drainage facilities.

4-406 Water Supply Plan

An applicant shall submit detailed information on the proposed water supply indicating whether the provisions of Section 5-605 can be complied with. Such information shall demonstrate a water supply that is sufficient in terms of quality, quantity and dependability to insure an adequate supply of water for the type of subdivision proposed. The application shall include, but not be limited to evidence of: ownership of right to use, historic use, and estimated yield of claimed water rights, amenability of existing rights to a change in use if needed, water amount, and feasibility thereof, and evidence of potability of the proposed supply. The submitted information shall include the following:

4-406 A. Total number of proposed dwellings;
4-406 B. Total number of square feet of proposed non-residential floor space;
4-406 C. Estimated total number of gallons per day of water system requirements where a distribution system is proposed;
4-406 D. Evidence that public or private water providers or owners can and will supply water to the proposed subdivision, stating the amount of water available for use within the subdivision and feasibility of extending service to that area; and
4-406 E. Estimated construction cost and proposed method of financing public improvements.

4-407 Sewage Disposal

An applicant shall submit detailed information on proposed sewage disposal facilities, demonstrating compliance with the standards of Section 5-607.

4-407 A. The estimated total number of gallons per day of sewage to be treated shall be provided.
4-407 B. Evidence that the property can and will be served by a public sewage treatment facility or by an Onsite Wastewater Treatment System (OWTS) shall be provided.
4-407 C. Engineered Sewage Disposal Systems

Whenever an engineered sewage disposal system is required by the County OWTS administrator, a State of Colorado Registered Engineer shall submit two (2) sets of stamped plans and calculations for County approval, one (1) set to be retained by the OWTS administrator. The OWTS administrator may also request that plans and calculations be submitted electronically.
4-408 Public Utilities

An applicant shall submit information describing how the development will be served with public utilities including power and protection systems.

4-409 Mineral Resources

If the Board of County Commissioners or Planning Commission believes that the subdivision may be located in a mineral resource area, the Board or Commission may request that the subdivider submit a report compiling all available existing data on mineral resources in the subject property. The applicant shall submit a record of ownership of mineral estates including mineral lessees, if any.

4-410 Site Data Tabulation

The applicant shall submit a site data tabulation including the information in this section:

4-410 A. The percentage of the site, to the nearest five (5) percent of the total area proposed to be devoted to streets and each other type of use;

4-410 B. Total number and size of free market dwelling units and deed-restricted affordable housing units/ lots;

4-410 C. Total square feet of non-residential floor space;

4-410 D. Acreage of land in the proposed subdivision;

4-410 E. Number of bedrooms per dwelling unit;

4-410 F. Ground coverage of the proposed structures and improvements including parking areas, streets, and sidewalk; and

4-410 G. Total number of proposed off-street parking spaces.

4-411 Scenic Quality Report

An applicant for development within the Telluride R-1 School District shall submit a report showing how design and construction standards will minimize the visual impact of a development on natural terrain, streams, vegetation, other characteristics and features of the landscape and neighboring developments and public use areas, in accordance with the standards established in Section 5-21 of this Land Use Code.

4-412 Cultural Resource Report

An applicant shall submit a written report addressing potential impacts on cultural resources located on or adjacent to the property. Cultural resources shall include but are not limited to
4-413 Planned Unit Development Agreement

An applicant seeking Preliminary Approval for a Planned Unit Development (PUD) shall submit a proposed Development Plan Approval document, commonly known as a PUD Agreement. The PUD Agreement shall present all findings and conditions upon which potential Board of County Commissioners approval may be based, shall propose all provisions necessary to protect citizens purchasing property or otherwise investing in such PUD and shall contain all use, density, area and bulk, height, setback and other relevant specifications governing development within the PUD, including any that may vary from those stipulated in the Land Use Code, in accordance with Section 5-1404 and CRS 24-68-101 et. seq. Approval of a PUD Agreement by the Board of Commissioners shall in no way vest any rights to the zoning proposed, in accordance with Section 3-14. The Board of Commissioners may approve a proposed PUD Agreement only if the document meets all relevant requirements of Colorado law, including the Planned Unit Development Act of 1972 (CRS 24-67-101 et. seq.), and a PUD Agreement may in no way vary the subdivision requirements set forth in CRS 30-28-101 et. seq.

4-414 State Stormwater Discharge Permit

An applicant seeking preliminary approval for a subdivision that would disturb more than five acres must demonstrate that an application for a stormwater discharge permit from the Colorado Department of Health, Water Quality Control Division has been submitted for that proposed subdivision. Approval of such a permit, if required, shall be a prerequisite to any final plat approval.

4-415 Law Enforcement Authority

An applicant seeking preliminary subdivision approval for a development with a population density of one hundred (100) or more persons must submit a plan pursuant to CRS 30-11-401 et seq. for creating a Law Enforcement Authority, or for joining an existing Law Enforcement Authority, that would generate funds sufficient to cover all costs associated with provision of law enforcement in excess of those services that would be normally provided by the County Sheriff for the proposed development.

4-416 Construction Costs

An applicant shall submit estimated construction costs and the proposed method of financing public improvements, streets, and related facilities, water distribution systems, sewage collection systems, storm drainage facilities, and other such utilities and infrastructure as may be required of the developer by the County. A draft Subdivision Improvements Agreement shall be submitted, (See Appendix F for the form of the Agreement)

4-417 Covenants

An applicant shall submit proposed covenants, if any.
SECTION 4-5: FINAL PLAT SUBDIVISION REVIEWS

4-501 General

A land development application for final plat subdivision review shall include the minimum submission contents for all land development applications listed in Section 4-2 in addition to the other submission contents specified in this part of the Code. Refer to Section 3-7 for the procedures for a final plat subdivision review and Section 3-12 for the procedures for Improvements Agreements.

4-502 Requirements for Final Plats

4-502.A. Material

The final plat shall be drawn with permanent non-fading waterproof black ink on double-matte Mylar having a minimum thickness of three (3) mils. Signatures and seals shall be permanent non-fading, waterproof black ink. Crimp-type seals shall not be used. No “sticky back” adhesive paper shall be placed on the final plat.

4-502 B. Size

Sheet size shall be twenty four (24) inches by thirty six (36) inches with one-inch (1”) margins all around the sheet. Leave a three-inch (3”) wide by five-inch (5”) tall blank area inside the margins on Sheet 1, on the edge of the drawing area, for the County Clerk to attach a card with the filing information.

4-502 C. Legibility

The final plat shall be clearly and legibly drawn so that when filed, good legible scans and subsequent prints can be made. Spelling of all signatures and key words shall be correct. Text size shall be no smaller than 0.07 times the drawing scale.

4-502 D. Scale

The scale of the final plat shall be sufficiently large to clearly show the details of the plan. The plat shall be drawn to an even multiple of standard Engineering scales (e.g. one inch equals 100 feet, etc.), or a scale approved in advance by the County Surveyor.

4-502 E. Title

The title of the final plat shall be approved in advance by the Planning Director and shall not be the same as the name of any existing city, town, tract, or subdivision of land into lots in this County, or so nearly the same as to mislead the public or cause confusion as to the identity thereof. Include the filing number, if applicable. If any of the land being subdivided has been previously shown on a recorded plat, a sub-
title referring to said recorded plat must be given. A subtitle shall appear below the title, substantially worded as follows: “located within Section __, T. ___ N. ___ R. ___ W. __, N.M.P.M., in the County of San Miguel, Colorado.” Patented mining claims shall also indicate the claim name and mineral survey number in the subtitle. Reference to lots, tracts, streets and subdivisions in the description must be worded identically with original records, and reference to book and page or reception number of record must be included. The title shall utilize a text size that is large enough to be prominent on the sheet. The title shall also appear in the Owner’s Certificate (see Section 4-503 A).

4-502 F. Plat Key

When the final plat consists of more than two plat sheet, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the final plat shall bear the title, scale, north arrow, sheet number, and the number of sheets comprising the plat.

4-502 G. Vicinity Map

A map that shows the relationship of the final plat to the surrounding area shall be clearly labeled with major streets and sufficient landmarks to identify the general location of the final plat. The vicinity map shall be placed on the first page of the final plat and shall be of sufficient scale to be legible when prints are made.

4-502 H. Legend

A legend describing all symbols, abbreviations, line types or other information shall be placed on each sheet of the final plat that needs such information.

4-502 I. Adjoiners

Adjoining parcels and roads shall be identified on the final plat. Adjoining parcels that are a part of a recorded subdivision plat shall be identified by lot number and subdivision name with plat book and page number. Adjoining parcels that are unplatted shall be referenced by owner’s name and deed recording information. Adjoining patented mining claims shall be referenced by claim name, mineral survey number and owner’s name. Adjoining Federal or State lands shall be referenced by the name of the agency of the government that administers such land.

4-502 J. Tract Border

The perimeter boundary lines of the final plat shall be designated by a heavy solid line. Such lines shall not interfere with the legibility of figures or other data.
4-502 K. Land Survey Plat

A complete land survey and monumentation of the final plat boundary is required. Final plats, at a minimum, shall include all information necessary to comply with the requirements of C.R.S. 38-51-106. Pursuant to C.R.S. 38-51-106 (II) (k), conflicting boundary evidence shall be shown and dimensioned on the final plat. San Miguel County may require reasonable resolution of any boundary conflicts that affect interests within the area of the final plat.

4-502 L. Legal Description

A legal description of the land to be finally platted, with the total acreage of the land to be finally platted indicated to the nearest hundredth of an acre, shall be indicated in the Owner’s Certificate (see Section 4-503 A.). The description may utilize generally accepted methods to describe the land being finally platted such as aliquot, proportional, metes and bounds, or lot, block and subdivision formats. The description shall correctly reflect the boundary as surveyed. If a metes and bounds description is used, label the boundary of the plat in the same direction as the legal description. The legal description and boundary dimensions must agree.

4-502 M. Lot Numbering

I. All lots and tracts shall be identified and numbered. All lots and tracts shall be numbered consecutively in a logical fashion with no omissions or duplications throughout the entire subdivision. Block numbers shall not be used unless approved in advance by the Planning Director. Circles or other geometric figures shall not be drawn around lot or tract numbers. Each lot or tract must be shown entirely on one sheet.

II. An excepted parcel located within the interior of the final plat shall be marked “not included in this plat” and the boundary described accurately by dimensions.

4-502 N. Streets

I. All new streets being created on the final plat shall be named on the final plat, shall comply with the current Land Use Code Appendix B: Street Naming and Addressing, as administered by the Addressing Official, and shall not be the same as the name of any existing street in the County or so nearly the same as to mislead the public or to cause confusion as to the identity thereof. The final plat shall show the side lines, total width, dimensions and acreage of all streets being created on the final plat. If a street or any portion thereof is being dedicated, show the full dimensions, width and acreage of the area to be dedicated.

II. All County Roads that are within the area being finally platted shall be
dedicated to San Miguel County on the final plat. All public roads within the area being finally platted shall be dedicated as easements for public road right-of-way.

4-502 O. Monument Data

I. The accurate location and description of all monuments shall be shown on the final plat.

II. Monuments shall comply with the requirements pursuant to C.R.S. 38-51-104 and 38-51-105 and to State Board of Registration for Professional Engineers and Professional Land Surveyors Rules and conform to the standards of Section 5-706 of the Land Use Code.

4-502 P. Lot Dimensions

I. Sufficient data must be shown to readily determine the dimension of every lot and tract line, street line and perimeter boundary line. Each lot, tract and street must be fully dimensioned around the perimeter of each, not as a calculated value from other dimensions. Dimensions of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions.

II. Dimensions of lines shall be shown in feet and hundredths of a foot. All bearings and central angles shall be shown to the nearest second. The dimensions shown around the perimeter of all lots, tracts and streets must close within a tolerance of two hundredths of one foot (0.02 feet). Computer printout sheets must be submitted to the County Surveyor showing boundary closure and area.

III. All lots, tracts and streets being created on the final plat shall show acreage of each to the nearest hundredth of an acre. In situations where lots, tracts and streets being created on the final plat have an area less than two-tenths (0.20) acres, the acreage shown of each shall be expressed to the nearest one-thousandth (0.001) of an acre or may be shown in square feet expressed to the nearest foot.

IV. Perimeter boundaries must show ties to any controlling monuments used in the boundary survey.

V. Sufficient data for all curves shall be shown to enable establishment of curves on the ground. Such data shall include radius, central angle and arc length for each tangential circular curve. In addition, non-tangential circular curves shall be indicated as such and shall also include the long chord bearing and chord length. Inclusion of a curve data chart is optional.
4-502 Q. Easements

I. The final plat shall show the location, width and dimensions of all recorded easements to which lots, tracts or streets are subject. Apparent easements, not of record, shall be noted on the plat.

II. Easements that are recorded must be clearly labeled with a reference to the document of record.

III. If an easement is being created by the final plat, proper language for the creation of such easement including the beneficiaries and purposes for said easement shall be set out in the Owner’s Certificate.

IV. Easements shall be indicated with dashed or other broken line types, not as a solid line type similar to lot or boundary lines.

V. Dimension and tie all easements that are of record or are being created by the final plat. Sufficient ties are required to definitely locate the easements with respect to each lot, tract or right-of-way on the final plat. Easement ties along the sidelines of lots must be shown in a manner that will not cause confusion with lot dimensions.

4-502 R. Outlots

I. The purpose, use, and ownership of lots identified as Outlots on the Final Plat shall be stated in the notes on the final plat.

4-503 Certificates and Acknowledgements

The certificates and acknowledgements listed in this section shall be required on the final plat, if applicable, and shall be placed on the first page of the final plat, and shall be worded substantially as follows:

4-503 A. Owner’s Certificate

I. A certificate signed and acknowledged by all parties having any record fee title ownership interest in the land described in the legal description per Section 4-502 L., consenting to the preparation and recordation of said plat. For most Subdivision final plats, the Owner’s Certificate shall be worded substantially as follows:

Know all persons by these presents:
That (name of owner(s) of record), being the owner(s) of the land described at Reception No. _____ in the office of the Clerk and Recorder, further described as follows: (insert legal description per Section 4-502 L.), under the name of (Title of final plat per Section 4-502 E., in capital letters), has
laid out, platted and subdivided same as shown on this plat.

II. In the case of complex Subdivision applications, the applicant’s attorney may want to prepare a unique Owner’s Certificate subject to approval by the County Planning Director and County Attorney. The applicant shall request a Waiver of Requirements per Section 4-505.

III. The owners of record shall sign below the Owner’s Certificate and have their signatures properly acknowledged.

IV. If the Owner’s Certificate is being signed by persons acting in a representative official capacity, or as attorney-in-fact, then insert the name and said capacity of said persons and reference the document establishing such capacity; if by corporation, trust, partnership, limited liability company or other entity, then insert the name of the person authorized to sign and their title, naming the corporation, trust, partnership, limited liability company or other entity.

V. The signatures of parties owning the following types of interests may be omitted from the Owner’s Certificate:

1. Rights-of-way, easements, mineral interests or other interests, none of which can ripen into a fee;

2. Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and whose signatures it is impossible or impractical to obtain. In this case a reasonable statement of the circumstances preventing the procurement of the signatures shall be endorsed on the plat.

3. Any portion of the legal description including territory originally patented by the United States or the State of Colorado, under the patent reserving interest to either or both of these entities, may be recorded under the provision of this title without the consent of the United States or the State of Colorado thereto or to dedications made thereon.

4-503 B. Dedication

If certain parcels of land, rights-of-way, easements or other described interests in real property are to be dedicated for public use, then a dedication statement, worded substantially as follows, shall be added to the Ownership Certificate:

The [owner(s)] hereby dedicate(s) to San Miguel County, Colorado for the perpetual use of the public the streets, roads, alleys, and other public areas as shown
hereon and hereby dedicate(s) those portions of land labeled as utility easements for the installation and maintenance of public utilities as shown hereon.

4-503 C. Licensed Surveyor

A certificate by the Colorado licensed surveyor responsible for the survey and final plat, to which shall be affixed the surveyor's official seal:

Land Surveyor’s Certificate

I, (printed name of Land Surveyor, indicating firm affiliation, if any) being a Colorado Licensed Surveyor, do hereby certify that this plat and survey of (Title of final plat per Section 4-502 E., in capital letters) was made by me or under my responsible charge in compliance with the applicable provisions of the San Miguel County Land Use Code and Title 38, Article 51, C.R.S., and that both are true and accurate to the best of my knowledge and belief. I further certify that all monuments were set in the ground as required by San Miguel County Land Use Code Sections 4-502 O and 5-706 and Article 51 of Title 38, C.R.S. (this sentence may be omitted when the monuments are to be set as part of an Improvement Agreement per Sections 3-12 and 5-9).

(signed) ________________________________
P.L.S. No. ___ Date

4-503 D. County Clerk and Recorder

A certificate for execution by the County Clerk and Recorder:

Clerk and Recorder’s Certificate

This plat was filed in the office of the Clerk and Recorder of San Miguel County, Colorado on this ___day of _________, 20__ A.D. in Reception No. _________

Time ________________

(signed) ________________________________
San Miguel County Clerk

4-503 E. Planning Commission

If applicable, a certificate demonstrating approval by the Planning Commission:

Planning Commission Approval

This plat has been approved by the San Miguel County Planning Commission on this ___ day of _________, 20__.
4-503 F.  County Treasurer

A certificate for execution by the County Treasurer:

County Treasurer’s Certificate

According to the records of the San Miguel County Treasurer there are no liens against the subject property that is being finally platted or any part thereof for unpaid state, County, municipal or local taxes or special assessments due and payable, in accordance with Land Use Code Section 3-101.

(signature)___________________________________
San Miguel County Treasurer    Date

4-503 G.  Board of County Commissioners

A certificate for execution by the chair of the Board of County Commissioners and attested by the clerk of that board approving the final plat as submitted and accepting or not accepting the areas dedicated for public use:

County Commissioner’s Approval

This plat has been accepted for filing by the San Miguel County Board of County Commissioners, in accordance with Board Resolution No. ____, recorded at Reception No. ____.

County acceptance of any dedication for public use of streets, roads, alleys, or other public areas depicted upon the plat, shall not constitute acceptance of such dedication for County maintenance purposes. Compliance with the provisions of section 5-504 of the San Miguel County Land Use Code is required for County acceptance of dedications for maintenance purposes.

(signature)_______________________________
Chair

Dated this ____ day of __________, 20___.

Attest:

(signature)_______________________________
Clerk
4-503 H. Security Interest Holder's Consent (if applicable):

This certificate's inclusion on a final plat is mandatory should there be any Deeds of Trust, Mortgages, Instruments creating security interests, or liens, filed of record in the San Miguel County Clerk and Recorder's Office concerning the subject property. Such certificate shall be acknowledged and be in substantially the following form:

The undersigned (insert printed name of person or entity), as a beneficiary of a deed of trust (or identify other mortgage instrument or agreement creating a security interest in the subject property) which constitutes a lien upon the owner’s property, recorded at Reception Number __________, in the San Miguel County Clerk and Recorder's real property records, hereby consents to the (subdivision, lot line adjustment, or other final plat process) of the real property as depicted on this Plat. (If applicable, add this statement to the last sentence: “and to the dedication of land as streets, alleys, roads and other public areas, as designated on this Plat, and hereby releases said dedicated lands from the lien created by said instrument.”)

(signature) __________________________________________
(printed name and title)  Date

4-503 I. Certificate of Title

A certificate by a title insurance or abstract company licensed to practice in the State of Colorado, or a title opinion by an attorney licensed to practice in the State of Colorado, certifying that the names of all persons having any right, title or interest in the lands to be final platted and whose consent is necessary to convey clear title to the said land is shown in the Owner’s Certificate of the final plat, and that the title to such lands is free and clear of all liens and taxes, except as noted:

Title Insurance Company Certificate

(name of title insurance company) does hereby certify that we have examined the title to all lands herein shown on this plat and that the title to such lands is in the names of those persons indicated in the Owner’s Certificate of said plat, and is free and clear of all liens and taxes, except as follows:

(List same or indicate NONE)

(signature) __________________________________________
Title Insurance Company Representative

4-503 J. Vested Property Right

Each final plat may contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as
amended." Failure to contain this statement shall invalidate the creation of the vested property right (see Section 3-14).

4-503 K. Notes of Clarification

There shall be a set of notes placed on the final plat to help clarify the changes to real property:

1. The following lots, tracts and rights-of-way have been created by this plat:
   (list or NONE)
2. The following lots, tracts and rights-of-way have been deleted by this plat:
   (list or NONE)
3. The following lots, tracts and rights-of-way have been modified by this plat:
   (list or NONE)

4-503 L. Covenants

If applicable, any existing protective covenants or restrictions shall be noted on the plat, with the recording information. Any new protective covenants or restrictions shall be noted on the final plat with recording information. New protective covenants or restrictions may be recorded at the same time as the final plat if a property owner’s representative accompanies the County Planning Department representative when the final plat is presented to the County Clerk and Recorder for recordation.

4-503 M. Additional Certificates

Any additional plat certificates and/or acknowledgments shall be subject to County approval.

4-504 Required Data for the County Geographic Information System

4.504 A. The land surveyor who prepares the final plat shall provide accurate Latitude and Longitude values for at least two data points on the external boundary of the final plat. These data points shall be submitted to the County Surveyor by e-mail by completing a Geographic Information System – Survey Control Data Sheet, which is available on the County Surveyor website. If the land surveyor who prepares the final plat does not have GPS surveying equipment and is not able to determine accurate Latitude and Longitude values, or the project area is unsuitable for use of GPS equipment, a waiver of this requirement can be obtained from the County Surveyor.

4.504 B. An electronic drawing file of the final plat, in a format and version acceptable to the County GIS Department, shall be submitted by e-mail to the County GIS Department. If the land surveyor who prepares the final plat does not have drafting software capable of producing an acceptable electronic drawing file, a waiver of
this requirement can be obtained from the Planning Director or County Surveyor.

4-505 Waiver of Requirements

If unusual circumstances warrant, a waiver of any of the requirements of Section 4-502 can be obtained if approved by the County Surveyor. If unusual circumstances warrant, a waiver of any of the requirements of Section 4-503 can be obtained if approved by the County Planning Director. The applicant’s attorney may prepare a unique Owner’s Certificate per Section 4-503 A. II, provided a waiver of the requirement for the wording of the Owner’s Certificate per Section 4-503 A. I is approved by the County Planning Director and County Attorney.

4-506 High Water and Inundated Areas

If the subdivision is within areas subject to periodic inundation by flood, the final plat shall show the high water line of the 100-year floodplain.

4-507 Reversion to Acreage

Plats filed for the purpose of reverting subdivided land to acreage shall be conspicuously designated with the title, "Reversion to Acreage Plat."

4-508 Improvement Agreements and Performance Guarantees

4-508 A. Plat Note

An applicant shall submit an Improvement Agreement subject to the procedures and conditions of Sections 3-12 and 5-9. The following statement shall appear on the final plat:

The approval of this final plat is subject to all terms, conditions, obligations and restrictions set forth in the (insert name of subdivision improvements agreement) recorded in the office of the San Miguel County Clerk and Recorder at Reception No. _________________.

4-508 B. Form of Agreement

All Improvement Agreements shall be in a form approved by the Board of County Commissioners. The recommended form is contained in Appendix F of this Code.

4-509 Certification of Water and Sewer Facilities and Fire Protection

4-509 A. Sewer

An applicant shall submit a letter from the County Onsite Wastewater Treatment System (OWTS) administrator or appropriate sanitary district or sanitation district having jurisdiction certifying that satisfactory arrangements have been made with them for adequate provisions for sewage disposal for each lot within the
subdivision.

4-509 B. Water

An applicant shall submit a letter from the engineer for the State Division of Water Resources or appropriate public water supply district certifying that satisfactory arrangements have been made with them for the installation of an adequate and safe water supply to each lot within the subdivision.

4-509 C. Fire Protection

An applicant shall submit a letter from the appropriate Fire Protection District certifying that satisfactory arrangements have been made for the provision of adequate fire protection services, including access for emergency service vehicles.

4-510 Report to County Assessor

An applicant shall submit a report to the San Miguel County Assessor along with the final plat. The report form may be obtained from the County Planning Department. The information provided in the report will be used in the assessor's office only and will not be open to public scrutiny.

4-511 Report Addressing Preliminary Approval Conditions

An applicant shall submit a written report demonstrating compliance with all conditions imposed by the Board of County Commissioners during the preliminary subdivision review.

4-512 Additional Information

An applicant shall submit any other evidence and material that is or may be hereafter required by law or by the conditions of approval of the preliminary plan.

4-513 Law Enforcement Authority

An applicant seeking final plat subdivision approval for a development with a population density of one hundred (100) or more persons must comply with the provisions of C.R.S. 30-11-401 et seq. regarding creation of a Law Enforcement Authority, or join an existing Law Enforcement Authority, that will generate funds sufficient to cover all costs associated with provision of law enforcement in excess of those services that would be normally provided by the County Sheriff for the proposed development prior to final plat approval.
SECTION 4-6: MAJOR DEVELOPMENT APPLICATIONS

4-601 General

This part of the Code establishes the required submission contents for Group I development applications. Figure 4-1 of this Article 4 identifies the various land development applications in Group I, Code sections that contain the review procedures and the review standards applicable to each type of land development application.

4-602 Application Contents

Development applications for activities categorized as Major Development Applications (Group I) shall include the minimum submission contents for all land development applications listed in Section 4-2 and a written report demonstrating that an application complies with the applicable review standards identified in Figure 4-1 and with any other relevant Land Use Code standards.

4-603 Existing Official Plat or Planned Unit Development (PUD) Plan

An applicant shall submit copies of the approved plat or PUD plan.

4-604 Proposed Plat, Plan or Map

An applicant shall submit printed copies of the proposed plat or plan, map of the roads proposed to be accepted by the County, or area proposed for rezoning in the size and format directed by the Planning Department. Applicants for development in an Area of State and Local Interest (1041 environmental hazard review) need not submit this plat or map.

4-605 Special Submission Contents for Acceptance of Subdivision Roads

4-605 A. Revenue projection consisting of:

I. Current and past years assessed value of all property within the subject subdivision and Road and Bridge mill levy;

II. Highway Users Tax Fund per mile - the County average per mile for each of the last two years for San Miguel County;

III. Other revenue if applicable from any of the following:

a. Homeowners Association;

b. Improvement District;

c. Metropolitan District; and

IV. Estimates of expenditures for snowplowing, and grading based on:
a. Frequency of plowing snow and estimated total hours per month with respect to the road(s) in question;

b. Frequency of grading and estimated total hours per month;

c. Previous year's cost of average man-hour plus proportional benefit;

d. Estimated fuel cost per month;

e. Estimated cost of equipment based on the stated rental rate for required equipment and total work hours; and

V. Consent form supplied by the County executed by applicant(s):

a. Holding San Miguel County harmless from and indemnifying the County with respect to acceptance and maintenance of roads;

b. Outlining service that will be provided and service that will not be provided; and

c. Acknowledging that San Miguel County may drop maintenance, pursuant to State statute, if revenue fails to equal or exceed expenses for maintenance.

4-606 Special Submission Contents for All Applications for Development in an Area of Local and State Interest/ C.R.S. 1041 Environmental Hazard Review

Applications for any type of development in an Area of Local and State Interest shall also submit a neat, legible ink drawing on a 24" x 36" sheet of indelible Mylar depicting the information in this Section. The purpose of a site plan for development in an Area of Local and State Interest (1041 Environmental Hazard Review) is to record the boundaries of an approved building envelope and development conditions.

4-606 A. Title identifying type of review;

4-606 B. Boundaries of the parcel(s);

4-606 C. Vicinity map showing relationship of parcel to proximate public roads;

4-606 D. List of all conditions relating to site development;

4-606 E. Existing watercourses, if any;

4-606 F. North directional arrow;
4-606 G. Date;

4-606 H. Scale;

4-606 I. Legal Description of parcel

4-606 J. Location and dimensions of building envelope setbacks from property lines;

4-606 K. Waiver stating: "Applicant acknowledges that he/she has been informed by San Miguel County of the existence of 1041 environmental hazard areas that might affect the property, any improvements, and the use and occupancy thereof;"

4-606 L. Planning Director signature block for minor review or Planning and Zoning Commission Chairperson signature block for major review; and

4-606 M. In the case of major reviews, the Planning and Zoning Commission Resolution number.

SECTION 4-7: OTHER DEVELOPMENT APPLICATIONS

4-701 General

This part of the Code establishes the required submission contents for Group II development applications. Figure 4-1 of this Article 4 identifies the various land development applications in Group II, Code sections that contain the review procedures and the review standards applicable to each type of land development application.

4-702 Application Contents

Development applications for activities categorized in Group II shall include the minimum submission contents for all land development applications listed in Section 4-2 and a written report demonstrating compliance with the review standards listed in Figure 4-1.

4-703 Public Utilities Structures and Underground and Above-ground Electricity Transmission and Distribution Lines

Applications for public utilities structures and underground and above ground electricity transmission and distribution lines shall contain the submission contents in this section in addition to the submission contents in Sections 4-701 K. and 4-701 L.

4-703 A. Summary of the effects of the proposed site selection and construction upon the natural and socio-economic environment for the impact area as applicable to submission requirements. Included should be an analysis of impacts upon agricultural productivity and agricultural resources.

4-703 B. Summary of major natural and socio-economic environmental constraints as they
affect the site selection and construction of the facility as proposed.

4-703 C. Analysis of the long-term effects of the proposed site selection and construction upon the physical and socio-economic development of the impact area.

4-703 D. Justification of the proposed site selection and construction against present and alternative uses of the resources in the impact area.

4-703 E. Description of a program to minimize and mitigate adverse impacts and to maximize the positive impacts of the proposed site selection and construction. Bonding may be required to insure that environmental impacts are mitigated.

4-703 F. Analysis of non-structural alternatives as applicable.

4-703 G. Analysis of air and water pollution control alternatives.

4-703 H. Other information as required by the San Miguel County Planning Commission.

SECTION 4-8: SCENIC FOREGROUND REVIEWS

4-801 General

A land development application for the review of developments located partially or completely within the Scenic Foreground Overlay Zone District shall include the minimum submission contents for all land development applications in Section 4-2 and a written report explaining how an application complies with the applicable review standards in Section 5-316, Section 5-505 and Section 5-21. Refer to Section 3-4 or 3-5 for the review procedure. The additional information and/or materials in Section 4-802 shall be submitted.

4-802 Site Plan

An applicant shall submit a site plan of the subject site and proposed development on a topographic map with a scale not less than one inch equals four hundred feet (1" = 400').

SECTION 4-9: PLANNED UNIT DEVELOPMENT

4-901 General

A land development application for a PUD (Planned Unit Development) shall include the minimum submission contents for all land development applications in Section 4-2 and a written report explaining how the application complies with the applicable review standards in Section 5-14. Refer to Section 3-7 for the review procedure. The additional information and/or materials specified in this part of the Code shall be submitted.
4-902 Phasing Schedule

A sketch plan subdivision review shall include a phasing schedule that describes:

4-902 A. A phased submission of preliminary subdivision applications;

4-902 B. The parcels to be constructed upon in each phase and the submission date for each phase;

4-902 C. The number of dwelling units, tourist accommodation units or commercial square footage to be constructed within each phase;

4-902 D. A proposed schedule for the construction of other improvements or dedications to San Miguel County or public districts.

4-903 Architectural and Landscaping Plans

A preliminary subdivision review or, in the case of five-step reviews, the final plat subdivision review shall include:

4-903 A. An architectural site plan depicting elevation drawings of the proposed development from perspectives as specified by the Board of County Commissioners during the Sketch Plan review.

4-903 B. A landscaping plan depicting treatment of exterior spaces including the species of vegetation, their size and siting.

4-904 Listing of Proposed Land Uses

The application shall include a listing of proposed land uses and an explanation of the interrelationship of the land uses.
SAN MIGUEL COUNTY LAND USE CODE

ARTICLE 5

STANDARDS

SECTION 5-1: GENERAL

This Article of the Code establishes land use standards applicable to land development in San Miguel County. Refer to Article 3 for procedures and Article 4 for submission contents.

SECTION 5-2: ESTABLISHMENT OF ZONE DISTRICTS AND OFFICIAL ZONING MAP

5-201 General

Land within San Miguel County is divided into the zone districts specified in this Section.

A. High Density (HD) (Section 5-302)
B. Medium Density (MD) (Section 5-303)
C. Low Density (LD) (Section 5-304)
D. Affordable Housing Planned Unit Development (AH) (PUD) (Section 5-305)
E. Single-family Residential (R) (Section 5-306)
F. Forestry, Agriculture, and Open (F) (Section 5-307)
G. Heavy Commercial (HC) (Section 5-308)
H. Low Intensity Industrial (I) (Section 5-309)
I. Placerville Residential (PR) (Section 5-310)
J. Placerville Commercial (PC) (Section 5-311)
K. Mobile Home (MH) (Section 5-312)
L. Park (P) (Section 5-313)
M. Open Space (OS) (Section 5-314)
N. Public (PUB) (Section 5-315)
O. Scenic Foreground Overlay (SFO), Scenic View Plane (SVP) (Section 5-316)
P. Planned Unit Development Reserve (PUDR) (Section 5-317)

Q. Rangeland Grazing (RG) (Section 5-318)

R. Wright’s Mesa (WM) (Section 5-319)

S. West End (WE) (Section 5-320)

T. High Country Area (HCA) (Section 5-321)

U. Low Density Residential (LDR) (Section 5-322)

V. Mixed Use Development (MXD) (Section 5-323)

W. Community Housing (CH) (Section 5-324)

5-202 Zoning Map and Boundaries

The location of the zoning districts hereby established are shown on the map entitled "Official Zoning Map of San Miguel County" (hereinafter referred to as "Zoning Map"), as may be amended pursuant to the procedures in this Code. Such map, including explanatory notes, is hereby made a part of this Code and is on file in the office of the County Clerk and Recorder. The zoning map, may, for convenience, be divided into units and each unit may, for purposes of more readily identifying areas within such zoning map, be subdivided into sub-units and each such unit may be separately employed for purposes of amending the Zoning Map or for any official reference to the Zoning Map.

Unless otherwise specified on the Zoning Map, district boundary lines are lot lines; the center lines of streets, alleys, highways, or such lines extended; corporate lines of incorporated areas; natural boundary lines such as streams; section lines or topographic lines.

5-203 Rezoning or Establishment of New Zone Districts

If amendments are made to the boundaries of the Zoning Map pursuant to the procedures in the Code, such amendments shall be entered on the Zoning Map promptly after amendment. However, regardless of whether such amendments have been so mapped, they shall be valid upon final approval by the Board of County Commissioners.

SECTION 5-3 ZONE DISTRICT STANDARDS

5-301 A. General

This section of the Code establishes standards for the use of land within zone districts. Uses not specifically listed in the various County Zone Districts that reasonably can be expected to produce impacts greater than the potential impacts of uses allowed by right are prohibited. Temporary uses with minimal adverse short-term impacts and reasonably necessary to achieve a valid public purpose or an approved project may be allowed for up to 45 days by administrative
review.

5-301 B. Oil and Gas Development

Minor Oil and Gas Development in all Zone Districts shall be subject to Administrative Review in accordance with Section 5-26.
5-302 High Density (HD)

5-302 A. Purpose

I. The purpose of the High Density (HD) Zone District is to provide areas suitable for high density, clustered, mixed-use development in accordance with the Telluride Regional Area Master Plan. The Master Plan includes an analysis of the Telluride Region's physical characteristics and the capability of the community to provide essential public services. The HD Zone District also provides a high density and mixed use development alternative to low density development as an incentive for the preservation of substantially more open space than could reasonably be required as part of a lower density development. Clustering of residential uses will be required to preserve environmentally sensitive lands and the scenic foreground as open space.

II. Minimum requirements for approval of the residential densities and the nonresidential land uses allowed in the Zone District shall include appropriate guarantees for the protection of public health, safety and welfare, which shall include, but are not limited to, the provision of alternate transportation, recreational amenities and affordable housing, as described in the Telluride Regional Area Master Plan and in this Code (see Sections 5-13 and 5-20). In the absence of such guarantees and in the absence of the fulfillment of the other requirements set forth in the PUD process, non-environmentally sensitive lands will remain zoned either LD or PUDR and therefore will be subject to the standards of the applicable district, and environmentally sensitive lands will remain zoned either OS or PUDR and therefore will be subject to the standards of the applicable district.

5-302 B. Planned Unit Development (PUD) Procedure

All development proposed within the HD Zone District, except for proposed development of uses allowed by right, shall be reviewed pursuant to the Planned Unit Development (PUD) procedure to establish permitted uses and to allow variation from area and bulk requirements. Refer to Section 3-7 for PUD procedure and Section 5-14 for PUD standards.

5-302 C. Uses Allowed by Right

I. Single-family dwellings with less than 12,000 sq. ft. of Floor Area.
   For Single-family dwellings with greater than 5,000 sq. ft. Floor Area of but less than 12,000 sq. ft. of Floor Area: if the proposed residence is located within a subdivision or PUD with an established Home Owner’s Association (HOA) that is responsible for administering an applicable design review board general declaration covenant requirement, the
applicant shall provide a written approval of the proposed building plan from the HOA as part of their Development Permit application;

II. Customary residential accessory buildings and uses;

III. Day care homes; and

IV. Home occupations.

5-302 D Uses Allowed Subject to Administrative Review

I. Accessory Dwelling Units. The Floor Area of the Accessory Dwelling Unit shall be included in the Calculation for employee housing Impact Fee mitigation as defined in, and is subject to, Section 5-13 of this Code unless such unit is voluntarily deed restricted pursuant to LUC Section 5-1303 G. XIX; and

II. Day care centers - allowed only on lots of at least one-half acre.

5-302 E Uses Allowed Subject to Board of County Commissioner Approval Pursuant to Planned Unit Development (PUD) Procedure

I. Duplex residences;

II. Multi-family residences;

III. Tourist accommodations;

IV. Commercial uses and personal services including the following and similar types of uses: clothing, hardware, drug, liquor, record, sporting goods, electronic and computer stores; barber or beauty shops, restaurant, cocktail lounge, movie theater, health club, grocery store of less than 12,000 square feet, dry cleaning and laundry pick-up station, laundromat, delicatessen, post office branch, television sales and service shop, shoe repair shop, camera and video rental and sale shop and gasoline service station without repair facilities; nothing to the contrary withstanding, no use shall be allowed that is incompatible with the nature of the applicable development;

V. Conference facilities;

VI. Offices and financial institutions;

VII. Transportation terminals;

VIII. Churches; and
IX. Fire stations, schools and hospitals.

5-302 F. Area and Bulk Requirements Permitted by Right

I. Density - one dwelling unit per lot Minimum Lot Area - 35 acres

II. Setbacks

a) Front yard - 30 feet

b) Rear yard - 30 feet

c) Side yard - 30 feet

III. Maximum Building Height - 35 feet

5-302 G. Density, Area and Bulk Requirements Permitted Subject to Board of County Commissioner Approval Pursuant to the Planned Unit Development (PUD) Procedure

I. Density for Residential and Tourist Accommodation Units

   Maximum Density - 80 persons per acre

   Minimum Density - 40 persons per acre

   The density of residential and tourist accommodation development may not be greater than 40 people per acre. Density is based upon the cumulative number of people to be housed as determined by the "population level" standards (see definition in Article 6).

II. Density for Commercial Development

   Minimum lot area - Determined pursuant to Section 5-14

III. Setbacks - Determined pursuant to Section 5-14

IV Maximum Building Height - Determined pursuant to Section 5-14

V. Maximum Floor Area Ratio (FAR) - Determined pursuant to Section 5-14

5-302 H. Minimum Common Open Space - 30 percent

5-302 I. Minimum Off-street Parking

   Off-street parking shall be provided for each use as required in Section 5-702.
5-302 J. Review Standards for Land Uses and Area and Bulk Requirements Requiring Board of County Commissioner Approval pursuant to the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Section 5-302 E. or approval to utilize the area and bulk requirements in Section 5-302 G. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section:

I. The use is consistent with the Land Use Policies (Article 2);

II. Adequate public services such as roads, water, wastewater, public safety and fire protection are available to serve the proposed use and to insure the protection of the public health, safety and welfare in the Telluride Region;

III. Adequate mitigation by the applicant of the incremental impacts on the community's existing public services;

IV. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable site;

V. Any proposed structures are located outside the Scenic Foreground Overlay Zone District or are designed consistently with the Scenic Foreground Overlay standards;

VI. The use is consistent with the relevant goals and objectives of the San Miguel County Comprehensive Development Plan;

VII. In the Telluride Region, acceptable guarantees that fulfill the criteria set forth in the Telluride Regional Area Master Plan have been made for the provision of:

a. Adequate alternate transportation to serve the development (see Sec. 5-2001);

b. A sufficient quantity and quality of affordable housing to house the employees attributable to the proposed land use (see Section 5-1304);

c. A sufficient quantity and quality of recreational amenities to serve the residents of the development without overburdening existing off-site recreational facilities (see Section 5-803); and

VIII. Any neighborhood commercial services are designed and planned to be compatible with the surrounding neighborhood (see Section 5-1403 B.) to reduce traffic generation, mitigate traffic circulation and parking problems.
and serve the daily or frequent trade or service needs of the neighborhood.

5-302 K. Uses Allowed Subject to Two-step Special Use Permit Review

Single-family Dwellings greater than twelve thousand (12,000) sq. ft. require Planning Commission and Board of Commissioner Special Use Permit review pursuant to Section 5-307 L.

I. Such dwellings must include one Accessory Dwelling Unit, as provided in Section 5-1302 B. II. g. subject to County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant, of at least seven hundred (700) sq. ft. but no greater than eight hundred (800) sq. ft.
5-303 Medium Density (MD)

5-303 A. Purpose

I. The purpose of the Medium Density (MD) Zone District is to provide areas suitable for clustered medium density residential development in accordance with the San Miguel County Comprehensive Development Plan. The Telluride Regional Area Master Plan includes an analysis of the Telluride Region's physical characteristics and the capability of the community to provide essential public services. Due to consideration of such factors as neighborhood compatibility, availability of community services and road capacities, lands zoned MD are capable of accommodating higher density development than can lands zoned LD. Clustering of residential uses will be required to preserve environmentally sensitive lands and the scenic foreground as open space.

II. Within the Telluride Region, minimum requirements for approval of the residential densities proposed for the MD Zone District shall include appropriate guarantees for the protection of public health, safety and welfare, which shall include, but are not limited to, provision of alternate transportation, recreational amenities and affordable housing, as described in the Telluride Regional Area Master Plan and in this Code (see Sections 5-13 and 5-20). In the absence of such guarantees and in the absence of the fulfillment of the other requirements set forth in the PUD process, non-environmentally sensitive lands will remain zoned either LD or PUDR and therefore will be subject to the standards of the applicable district, and environmentally sensitive lands will remain zoned either OS or PUDR and therefore will be subject to the standards of the applicable district.

5-303 B. Planned Unit Development (PUD) Procedure

All development proposed within the MD Zone District, except for proposed development of uses allowed by right, shall be reviewed pursuant to the Planned Unit Development (PUD) procedure to establish permitted uses and to allow variation from the area and bulk requirements established in this section. Refer to Section 3-7 for PUD procedure and Section 5-14 for PUD Standards.

5-303 C. Uses Allowed by Right

I. Single-family dwellings with less than 12,000 sq. ft. of Floor Area.
   For Single-family dwellings with greater than 5,000 sq. ft. Floor Area of but less than 12,000 sq. ft. of Floor Area: if the proposed residence is located within a subdivision or PUD with an established Home Owner’s Association (HOA) that is responsible for administering an applicable design review board general declaration covenant requirement, the applicant shall provide a written approval of the proposed building plan from the HOA as part of their Development Permit application;
II. Customary residential accessory buildings and uses;

III. Day care homes; and

IV. Home occupations.

5-303 D  Uses Allowed Subject to Administrative Review

I. Accessory Dwelling Units. The Floor Area of the Accessory Dwelling Unit shall be included in the Calculation for employee housing Impact Fee mitigation as defined in, and is subject to, Section 5-13 of this Code unless such unit is voluntarily deed restricted pursuant to LUC Section 5-1303 G. XIX; and

II. Day care centers - allowed only on lots of at least one-half acre.

5-303 E. Uses Allowed Subject to Board of County Commissioner Approval Pursuant to the Planned Unit Development (PUD) Procedure

I. Duplex residences;

II. Multi-family residences;

III. Tourist accommodations;

IV. Commercial uses including the following and similar: drug, liquor and sporting goods stores, barber and beauty shops, restaurants, cocktail lounges, clothing, electronic, camera and video rental stores, dry cleaning and laundry pick-up stations, gasoline service stations, and grocery store less than 3,000 square feet; nothing to the contrary withstanding, no use shall be allowed that is incompatible with the nature of the applicable development;

V. Transportation terminals;

VI. Fire stations;

VII. Elementary, junior and senior high schools;

VIII. Hospitals; and

IX. Churches.
5-303 F. Area and Bulk Requirements Permitted by Right

I. Density - one dwelling unit per lot

Minimum Lot Area - 35 acres

II. Setbacks

a. Front yard - 30 feet

b. Rear yard - 20 feet

c. Side yard - 20 feet

III. Maximum Building Height - 35 feet

5-303 G. Density, Area and Bulk Requirements Permitted Subject to Board of County Commissioners Approval Pursuant to the Planned Unit Development (PUD) Procedure.

Maximum density will be determined pursuant to the standards established in Section 5-1403 F.

I. Density for Uses Permitted by PUD

Maximum overall residential density - 1 unit per 3 acres

II. Minimum Lot Area for lots final platted or replatted following the adoption of this Land Use Code:


b. Duplex dwellings - 20,000 sq. ft.

c. Multi-family dwellings - 20,000 sq. ft.

d. Tourist Accommodations - 20,000 sq. ft.

e. Commercial buildings - 10,000 sq. ft.

f. Public buildings - 20,000 sq. ft.

III. Setbacks for all buildings located on lots final platted or replatted prior to the adoption of this Land Use Code:

a. Front yard - 25 feet
b. Rear yard - 20 feet

c. Side yard - 12.5 feet

IV. Maximum Building Height - 35 feet

V. Maximum Floor Area Ratio (FAR) - Determined pursuant to Section 5-14

5-303 H. Minimum Common Open Space - 60 percent

5-303 I. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702.

5-303 J. Review Standards for Land Uses and Area and Bulk Requirements Requiring Board of County Commissioner Approval pursuant to the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Section 5-303 E. or approval to utilize the area and bulk requirements in Section 5-303 G. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section:

I. The use is consistent with the Land Use Policies (Article 2);

II. Adequate public services such as roads, water, wastewater, public safety and fire protection are available to serve the proposed use and an applicant adequately mitigates the incremental impacts on the community's existing public services;

III. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable site;

IV. Any proposed structures are located outside the Scenic Foreground Overlay Zone District or are designed consistently with the Scenic Foreground Overlay standards;

V. The use is consistent with the relevant goals and objectives of the San Miguel County Comprehensive Development Plan;

VI. In the Telluride Region, acceptable guarantees (as described in the Telluride Regional Area Master Plan) have been made for the provision of:
   a. Adequate alternate transportation to serve the development (see Section 5-2001);
b. A sufficient quantity and quality of affordable housing to house the employees attributable to the proposed land use (see Section 5-1304); and

c. A sufficient quantity and quality of recreational amenities to serve the residents of the development without overburdening existing off-site recreational facilities (see Section 5-803); and

VII. Any neighborhood commercial services are designed and planned to be compatible with the surrounding neighborhood (see Section 5-1403 B.) to reduce traffic generation, mitigate traffic circulation and parking problems and serve the daily or frequent trade or service needs of the neighborhood.

5-303 K. Uses Allowed Subject to Two-step Special Use Permit Review

Single-family Dwellings greater than twelve thousand (12,000) sq. ft. require Planning Commission and Board of Commissioner Special Use Permit review pursuant to Section 5-307 L.

I. Such dwellings must include one Accessory Dwelling Unit, as provided in Section 5-1302 B. II. g. subject to County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant, of at least seven hundred (700) sq. ft. but no greater than eight hundred (800) sq. ft.
5-304 Low Density (LD)

5-304 A. Purpose

I. The purpose of the Low Density (LD) Zone District is to provide areas suitable for clustered, low-density residential development in accordance with the San Miguel County Comprehensive Development Plan. The LD Zone District applies to areas so zoned already; it shall not provide a mechanism for rezoning areas not currently so zoned. The Telluride Regional Area Master Plan includes an analysis of the Telluride Region's physical characteristics and the capability of the community to provide essential public services. If land is developed under the LD Zone District, the rural characteristics of the land shall be preserved to the maximum extent possible by careful site planning and, if necessary, the clustering of development. Clustering of residential uses will be required to preserve environmentally sensitive lands and the scenic foreground as open space.

II. Within the Telluride Region, minimum requirements for approval of the residential densities proposed for the LD Zone District shall include appropriate guarantees for the protection of public health, safety and welfare, which shall include, but are not limited to, provision of transportation (capital, facilities and equipment) necessary to serve the development, long-term operation and maintenance of the regional transportation system, recreational amenities and affordable housing, as described in the Telluride Regional Area Master Plan and in this Code (see Sections 5-13 and 5-20). In the absence of such guarantees and in the absence of the fulfillment of the other requirements set forth in the PUD process, all lands will be subject to the standards for uses and area and bulk requirements allowed by right.

5-304 B. Planned Unit Development (PUD) Procedure

All development proposed within the LD Zone District, except for proposed development of uses allowed by right, shall be reviewed pursuant to the Planned Unit Development (PUD) procedure to establish permitted uses and to allow variation from the area and bulk requirements established in this section. Refer to Section 3-7 for PUD procedure and Section 5-14 for PUD Standards.

5-304 C. Uses Allowed by Right

I. Single-family dwellings with less than 12,000 sq. ft. of Floor Area.
For Single-family dwellings with greater than 5,000 sq. ft. Floor Area of but less than 12,000 sq. ft. of Floor Area: if the proposed residence is located within a subdivision or PUD with an established Home Owner’s Association (HOA) that is responsible for administering an applicable design review board general declaration covenant requirement, the applicant shall provide a written approval of the proposed building plan from the HOA as part of their Development Permit application;
II. Customary residential accessory buildings and uses;
III. Day care homes; and
IV. Home occupations.

5-304 D. Uses Allowed Subject to Administrative Review

I. Accessory Dwelling Units. The Floor Area of the Accessory Dwelling Unit shall be included in the Calculation for employee housing Impact Fee mitigation as defined in, and is subject to, Section 5-13 of this Code unless such unit is voluntarily deed restricted pursuant to LUC Section 5-1303 G. XIX; and

II. Day care centers - allowed only on lots of at least one acre.

5-304 E. Uses Allowed Subject to One-step Planning Commission Review

I. Equestrian Centers (see Section 5-24).

5-304 F. Uses Allowed Subject to Board of County Commissioners Approval Pursuant to the Planned Unit Development (PUD) Procedure

I. Fire stations;
II. Duplex dwellings;
III. Churches; and
IV. Neighborhood Commercial Uses that offer goods and services needed by residents of the PUD on a daily or frequent basis, including convenience store, drug store, liquor store, self-service laundry and postal service substation.

5-304 G. Area and Bulk Requirements Permitted by Right

I. Density - one dwelling unit per lot
   Minimum Lot Area - 35 acres

II. Setbacks
   a. Front yard - 50 feet
   b. Rear yard - 50 feet
c. Side yard - 50 feet

III. Maximum Building Height - 35 feet

5-304 H. Area and Bulk Requirements Permitted Subject to Board of County Commissioners Approval Pursuant to the Planned Unit Development (PUD) Procedure

I. Maximum Density - one unit per 7 acres

II. Setbacks

a. Front yard - Determined pursuant to PUD procedure

b. Rear yard - Determined pursuant to PUD procedure

c. Side yard - Determined pursuant to PUD procedure

III. Maximum Building Height - 35 feet

5-304 I. Review Standards for Land Uses and Area and Bulk Requirements Requiring Board of County Commissioner Approval pursuant to the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Sections 5-304 F. or approval to utilize the area and bulk requirements in Section 5-304 G. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section.

I. The use is consistent with the Land Use Policies (Article 2);

II. Adequate public services such as roads, water, wastewater, public safety and fire protection are available to serve the proposed use and an applicant adequately mitigates the incremental impacts on the community's existing public services;

III. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable site;

IV. Any proposed structures are located outside the Scenic Foreground Overlay Zone District or are designed consistently with the Scenic Foreground Overlay standards;

V. The use is consistent with the relevant goals and objectives of the San Miguel County Comprehensive Development Plan;
VI. In the Telluride Region, acceptable guarantees (as described in the Telluride Regional Area Master Plan) have been made for the provision of:

a. Adequate transportation to serve the development (see Section 5-2001);

b. A sufficient quantity and quality of affordable housing to house the employees attributable to the proposed land use (see Section 5-1304); and

c. A sufficient quantity and quality of recreational amenities to serve the residents of the development without overburdening existing off-site recreational facilities (see Section 5-803); and

VII. Any neighborhood commercial services are designed and planned to be compatible with the surrounding neighborhood (see Section 5-1403 B.) to reduce traffic generation, mitigate traffic circulation and parking problems and serve the daily or frequent trade or service needs of the neighborhood.

5-304 J. Minimum Common Open Space - 60 percent

5-304 K. Minimum Off-street Parking

Off-street parking shall be provided for each use as required in Section 5-702.

5-304 L. Uses Allowed Subject to Two-step Special Use Permit Review

Single-family Dwellings greater than twelve thousand 12,000 sq. ft. require Planning Commission and Board of Commissioner Special Use Permit review pursuant to Section 5-307 L.

I. Such dwellings must include one Accessory Dwelling Unit, as provided in Section 5-1302 B. II. g. subject to County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant, of at least seven hundred (700) sq. ft. but no greater than eight hundred (800) sq. ft.
5-305 Affordable Housing Planned Unit Development (AH) (PUD)

5-305 A. Purpose
The purpose of the Affordable Housing Planned Unit Development (AH) (PUD) is to provide areas suitable for clustered affordable housing for persons (and their families) who live and earn their living primarily in the R-1 School District. The AH PUD Zone District may be applied as an overlay where other zoning currently exists to encourage a socioeconomic mix of residents in a development; however, neither the underlying zoning nor the affordable housing requirement associated with that zoning by Section 5-1303 may be affected by the overlay, and 100 percent of the increase associated with the AH PUD overlay must be subject to the County's R-1 Housing Deed Restriction (see Section 5-1304). The AH PUD Zone District is intended for lands currently serving this purpose and may be applied to any land in the Telluride Region.

5-305 B. Planned Unit Development (PUD) Procedure
All development proposed within the AH PUD Zone District, except for proposed development of uses allowed by right, shall be reviewed pursuant to the Planned Unit Development (PUD) procedure to establish permitted uses and area and bulk requirements. Refer to Section 3-7 for PUD procedure and Section 5-14 for PUD procedure.

5-305 C. Uses Allowed by Right

I. Single-family residences;

II. Day care homes; and

III. Home Occupations.

5-305 D. Area and Bulk Requirements Permitted by Right

I. Minimum Lot Area - 35 acres

II. Setbacks

a. Front yard - 50 feet

b. Rear yard - 50 feet

c. Side yard - 50 feet

III. Maximum Building Height - 35 feet

5-305 E. Uses Allowed Subject to Board of County Commissioners Approval Pursuant to the Planned Unit Development (PUD) Procedure

I. Duplex dwellings;
II. Single-family dwellings;

III. Multi-family dwellings;

IV. Fire stations, hospitals, schools and churches;

V. Day care centers - allowed only on lots of at least one-half acre;

VI. Neighborhood Commercial Uses that offer goods and services needed by residents of the PUD on a daily or frequent basis, including convenience store, drug store, liquor store, self-service laundry and postal service substation; and

VII. Rooming Houses

5-305 F. Area and Bulk Requirements Permitted Subject to Board of County Commissioner Approval Pursuant to the Planned Unit Development (PUD) Procedure

I. Maximum Density - 15 units per acre

II. Minimum lot size - 6,000 square feet

Minimum lot area per dwelling unit (sq. ft.)

a. Single-family dwellings - 6,000

b. Duplex dwellings - 3,000

c. Multi-family dwellings - 2,900

III. Minimum Setbacks

a. Front yard - 10 feet

b. Side yard - 5 feet

c. Rear yard - 10 feet

IV. Minimum Open Space - 50 percent

V. Maximum Building Height - 35 feet

VI. Maximum Floor Area for all uses except duplex and multi-family residences
<table>
<thead>
<tr>
<th>Lot Size sq. ft.</th>
<th>Allowable sq. ft. of Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,000-9,000</td>
<td>1,800 sq. ft. of floor area, plus 24 square feet of floor area for each additional 100 sq. ft. in lot area up to a maximum of 3,240 sq. ft. of floor area.</td>
</tr>
<tr>
<td>9,000-15,000</td>
<td>3,240 sq. ft. of floor area plus 5 sq. ft. of floor area for each additional 100 sq. ft. in lot area up to a maximum of 3,540 sq. ft.</td>
</tr>
<tr>
<td>15,000-50,000</td>
<td>3,540 sq. ft. of floor area plus 4 sq. ft. of floor area for each additional 100 sq. ft. in lot area up to a maximum of 4,940 sq. ft. of floor area.</td>
</tr>
<tr>
<td>50,000 +</td>
<td>4,940 sq. ft. of floor area plus 1 sq. ft. of floor area for each additional 100 sq. ft. in lot area.</td>
</tr>
</tbody>
</table>

VII. Maximum Floor Area for duplex residences

<table>
<thead>
<tr>
<th>Lot Size sq. ft.</th>
<th>Allowable sq. ft. of Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,000-9,000</td>
<td>2,100 sq. ft. of floor area, plus 20 square feet of floor area for each additional 100 sq. ft. in lot area up to a maximum of 3,300 sq. ft. of floor area.</td>
</tr>
<tr>
<td>9,000-20,000</td>
<td>3,300 sq. ft. of floor area plus 6 sq. ft. of floor area for each additional 100 sq. ft. in lot area up to a maximum of 3,960 sq. ft.</td>
</tr>
<tr>
<td>20,000-50,000</td>
<td>3,960 sq. ft. of floor area plus 4 sq. ft. of floor area for each additional 100 sq. ft. in lot area up to a maximum of 5,160 sq. ft. of floor area.</td>
</tr>
<tr>
<td>50,000 +</td>
<td>5,160 sq. ft. of floor area plus 1 sq. ft. of floor area for each additional 100 sq. ft. in lot area.</td>
</tr>
</tbody>
</table>

VIII. Maximum Floor Area Ratio (FAR) for Multi-family buildings - 1:1

5-305 G. Review Standards for Land Uses and Area and Bulk Requirements Requiring Board of County Commissioner Approval pursuant to the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Section 5-305 E. or approval to utilize the area and bulk requirements in Section 5-305 F. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section.
I. The use is consistent with the Land Use Policies (Article 2);

II. Adequate public services such as roads, water, wastewater, public safety and fire protection are available to serve the proposed use and an applicant adequately mitigates the incremental impacts on the community's existing public services;

III. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable site;

IV. Any proposed structures are located outside the Scenic Foreground Overlay Zone District or are designed consistently with the Scenic Foreground Overlay standards;

V. The use is consistent with the relevant goals and objectives of the San Miguel County Comprehensive Development Plan;

VI. The use is compatible with and similar to the predominant land use in the immediately adjacent neighborhood (e.g., multi-family uses would be considered compatible only if the predominant land use in the immediately adjacent neighborhood were multi-family);

VII. Any neighborhood commercial services are designed and planned to be compatible with the surrounding neighborhood (see Section 5-1403 B.) to reduce traffic generation, mitigate traffic circulation and parking problems and serve the daily or frequent trade or service needs of the neighborhood; and

VIII. All residential dwelling units developed within the Zone District are affordable housing deed-restricted pursuant to the "R-1 Housing Deed Restriction" concerning use and occupancy (refer to Section 5-1304 for the R-1 Housing Deed restriction).

5-305 H. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702.
5-306 Single-family Residential (R)

5-306 A. Purpose
The Single-family Residential (R) Zone District applies to areas so zoned already; it is not intended to provide a mechanism for rezoning areas not currently so zoned. The purpose of the R Zone District is to provide areas suitable for single-family residential use in the San Miguel Canyon and adjacent to the Town of Norwood and the communities of Slick Rock and Egnar. Variable densities of such residential use (not to exceed one unit per 9,375 sq. ft.) may be allowed depending upon the availability of approved water and sewer facilities.

5-306 B. Uses Allowed by Right
I. Single-family dwellings;
II. Day care homes; and
III. Accessory buildings and uses.

5-306 C. Uses Allowed Subject to One-step Planning Commission Review
I. Parks, playgrounds, playing fields, golf courses, tennis courts, outdoor ice-skating rinks and swimming pools;
II. Churches and community meeting halls, libraries or other civic facilities;
III. Medical and dental offices and clinics; and
IV. Day care centers - allowed only on lots of at least one acre.

5-306 D. Uses Allowed Subject to Two-step Special Use Permit Review
I. Fire stations;
II. Boarding and rooming houses and rest homes;
III. Public utility structures subject to the special standards in Section 5-709 and the standards for all Two-step Special Use Permits.

5-306 E. Area and Bulk Requirements allowed by Right
I. Density

Minimum Lot Area - 35 acres
II.  Setbacks

a.  Front yard - 30 feet
b.  Rear yard - 20 feet
c.  Side yard - 10 feet

III. Maximum Building Height - 35 feet

5-306 F. Area and Bulk Requirements allowed by PUD

I. Minimum Lot Area For Each Principal Use

a.  On land not served by approved water and approved sewage facilities - 2 acres
b.  On land served by either approved water or approved sewage facilities - 1/2 acre
c.  On land served by both approved water and approved sewage facilities - 9,375 sq. ft.

II. Minimum Lot Width For Each Principal Use

a.  On land not served by approved water and approved sewage facilities 200 ft.
b.  On land and served by either approved water or approved sewage facilities 100 ft.
c.  On land served by both approved water and approved sewage facilities 75 ft.

III. Minimum Setbacks

a.  Front Yard - 30 feet
b.  Side Yard - 10 feet
c.  Rear Yard - 20 feet

IV. Maximum Height of Buildings - 35 feet
5-306 G. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702.
5-307 Forestry, Agriculture and Open (F)

5-307 A. Purpose

The Forestry, Agriculture and Open (F) Zone District is intended to preserve large, relatively remote areas of the County for resource, agricultural, open space and recreational proposes. These areas currently have minimum public facilities and services and are considered inappropriate for substantial development. Development activities in these areas should be limited to the minimal list of activities that are allowed under State and Federal laws. All permitted development should fully mitigate the effects of such development upon the environment and on the County's budget. Development and/or special uses are encouraged to be located outside environmentally sensitive land.

5-307 B. Uses Allowed by Right

I. Single-family dwellings with less than 12,000 sq. ft. of floor area, mobile homes and accessory uses and accessory buildings with footprints less than 3,000 sq. ft. (if such buildings and uses are not part of normal and customary agriculture and ranching activities);

II. Day care homes;

III. Logging operations resulting in hauling of up to 5,000 board feet in any 12-month period beginning with commencement of hauling;

IV. Normal and customary agriculture and ranching activities; and

V. Home Occupations.

5-307 C. Uses Allowed Subject to Administrative Review

I. Caretaker unit - a second residential unit may be allowed on all parcels, 35 acres or larger; and on parcels 5 to 35 acres in the Telluride R-1 School District, except no caretaker units shall be allowed in the San Miguel Canyon Area. Such unit shall be attached to or located within three hundred (300) feet of the primary residence (as measured between the closest exterior walls). Such unit shall contain no more than two thousand (2,000) sq. ft. of floor area, and shall contain full kitchen and bathroom facilities. The Floor Area of the caretaker unit shall be included in the calculation for employee housing Impact Fee mitigation as defined in Section 5-13 of this Code unless such unit is voluntarily deed restricted pursuant to LUC Section 5-1303 G. XIX. No lease or rental of a caretaker unit shall be for a term less than six (6) months. Caretaker units shall not be conveyed or sold separately from the remainder of the parcel and shall remain under the same ownership as the primary residence;

II. Day care centers - allowed only on parcels of at least two acres;
III. Ski area trails and slopes. The Planning Director shall require the developer to demonstrate that off-site impacts are mitigated in accordance with the standards in Section 5-10. If the impact mitigation plan does not meet these standards, the development shall be subject to One-step Planning Commission Review pursuant to Section 5-10;

IV. Logging operations resulting in hauling of between 5,000 and 300,000 board feet in any 12-month period beginning with commencement of hauling; and

V. Minor Oil and Gas exploration, drilling and pipelines, including wells, and geophysical operations (refer to Section 5-26).

5-307 D. Uses Allowed Subject to One-step Planning Commission Review

I. Parks, playgrounds, playing fields, tennis courts, outdoor ice-skating rinks and swimming pools;

II. Churches and community meeting halls, libraries or other civic facilities;

III. Lumber mills;

IV. Horseback riding and sleigh ride operations, and outdoor recreation areas and camping areas (subject to compliance with Standards in Section 5-307 J.);

V. Cemeteries subject to Section 5-307 K. and wind turbines for residential use over 35 feet in height;

VI. Junkyard, including garbage dump and sanitary fill, subject to C.R.S. 43-1-501, et seq.;

VII. Hunting Lodges;

VIII. Bed and Breakfasts, subject to Section 5-307 I;

IX. Construction/Contractor Office and Staging Area;

X. Private Schools;

XI. Accessory Structure with a footprint greater than 3,000 sq. ft. (if such structure is not part of normal and customary agriculture and ranching activities); and

XII. Social and Scenic Uses, such as a location for weddings, meetings, retreats, reunions, video and film photo shoots and commercials, on parcels containing thirty-five (35) acres or more, and with attendance of two hundred (200) or fewer guests.
5-307 E. Uses Allowed Subject to One-step Board of County Commissioner Review

I. Open Land Protection, subject to the standards in Section 5-1207.

II. Logging operations resulting in hauling of more than 300,000 board feet in any 12-month period beginning with commencement of hauling, in accordance with all provisions of Sections 5-10 and 5-17.

5-307 F. Uses Allowed Subject to Two-step Special Use Permit Review

I. Water treatment plants;

II. Airports, sanitary landfill operations and sewage disposal areas, subject to Section 5-307 K.;

III. Kennels and veterinary hospitals;

IV. New ski area base facilities (also subject to the provisions of Section 5-1303 D.I.), ski lifts and related buildings, parking and incidental facilities (also subject to the provisions of Section 5-1303 D.II.);

V. Public utility structures, including dams and reservoirs (refer to Section 5-709);

VI. Music or other festivals with anticipated attendance of more than 200 people;

VII. Hotels, subject to Section 5-307 I.;

VIII. Aircraft Landing Areas;

IX. Commencement and/or expansion of mining and mineral processing operations, including sand and gravel operations, in accordance with all provisions of Sections 5-10 and 5-16;

X. Wind Turbines for commercial uses;

XI. Golf Courses subject to a conceptual joint work session with the Planning Commission and Board of Commissioners prior to the applicant submitting engineering documents and survey drawings (subject to compliance with Standards in Section 5-1004);

XII. Single-family Dwellings greater than 12,000 sq. ft. of Floor Area on a minimum of 35 acres shall comply with the standards in Section 5-307 L. (LUC Section 5-10 does not apply).

XIII. Major Oil and Gas Facilities, including compressor stations, gas treatment facilities and pipelines (refer to Section 5-26).
XIV. Conditional Uses on Federal Lands – Mineral Exploration and Mining and Logging, subject to applicable State and Federal statutes and regulations.

XV. Social and Scenic Uses, such as a location for weddings, meetings, retreats, reunions, video and film photo shoots and commercials, on parcels containing thirty-five (35) acres or more, and with attendance of more than two hundred (200) guests.

5-307 G. Area and Bulk Requirements

I. a. The minimum lot size for each principal use is 35 acres except for single-family residential dwellings approved pursuant to the subdivision exemption standards for Open Land Protection (see Section 5-1207).

b. Any legally created parcel less than 35 acres in the F Zone District may qualify for a building permit for one single-family dwelling unit, provided the parcel meets the criteria set forth in Section 5-1908.

II. Minimum Setbacks

a. Front Yard - 30 feet

b. Side Yard - 20 feet

c. Rear Yard - 20 feet

III. Maximum Height of Buildings - 35 feet

5-307 H. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702.

5-307 I. Hotel, Guest Ranch, and Bed and Breakfast Standards for the F Zone District. In addition to complying with the standards for special uses in Section 5-10, hotels shall comply with the standards in this section:

I. Neither activity nor traffic associated with a hotel may materially and/or substantially adversely affect ranching or farming operations, residences or scenic quality of land surrounding State or County roads;

II. All hotel buildings must comply with the setbacks and height restrictions;

III. Minimum Lot Size - 40 acres;
IV. Maximum occupancy may be limited depending upon impacts on surrounding property;

V. Accessory facilities within the hotel complex may include restrooms and showers;

VI. Full meals must be provided for overnight guests and may be provided for others;

VII. All exterior lighting shall comply with the standards of Section 5-710;

VIII. Affordable housing for hotel employees may be allowed as an accessory use;

IX. Any other conditions necessary to preserve the character of the F Zone District and protect wildlife habitat may be applied to hotels in the F Zone District;

X. Population density allowed, including for all Affordable Housing required and/or requested, shall not exceed the density allowed for the acreage of the subject parcel at one single-family residential unit per 35 acres (except south of Wright’s Mesa and Beaver Canyon);

XI. Sole access to the hotel parcel may not be achieved by aircraft, and all access roads must meet all applicable County road standards (except south of Wright’s Mesa and Beaver Canyon); and

XII. The hotel parcel shall be deed restricted against any future subdivision (except south of Wright’s Mesa and Beaver Canyon).

XIII. An existing hotel or guest ranch that is nonconforming solely because it includes density beyond that allowed pursuant to this Section 5-307 I. is eligible to become a permitted use under this Section, provided that the population density, including Affordable Housing for employees, is not increased.

5-307 J. Camping and Outdoor Recreation Areas and Incidental Facilities Standards
In addition to complying with the standards for special uses in Section 5-10, camping and outdoor recreation areas and incidental facilities shall comply with the standards in this section.

I. Such areas may be occupied only by persons using travel trailers, truck campers and tents for overnight and short duration camping (4-month maximum);

II. Each space for travel trailers, truck campers and tents shall be at least 1500 sq. ft. in area;
III. Each space shall be at least 30 ft. in width;

IV. Each camping area shall provide a central water supply and shall have one sewage system;

V. The source, quality, quantity, distribution system, volume and method of storage of water, and the method of collection and treatment of sewage and wastewater shall be approved by the Colorado State Department of Public Health;

VI. No dependent travel trailer, truck camper or tent shall be located more than 200 ft. from a service building; and

VII. Provisions shall be made for adequate all-weather walkways to each space.

5-307 K. Airports, Cemeteries, Sanitary Land Fill Operations and Sewage Disposal Areas Standards

In addition to complying with the standards for special uses in Section 5-10, airports, cemeteries, sanitary land fill operations and sewage disposal areas facilities shall comply with the standards in this section.

I. Such uses shall serve an obvious public need;

II. Sufficient distance shall separate such uses from incompatible abutting properties; and

III. Satisfactory proof shall be given that such areas will be properly maintained.

5-307 L. Single-family Dwellings over twelve thousand (12,000) sq. ft. of Floor Area on a minimum of thirty-five (35) acres

I. Such dwellings must include one Caretaker or Accessory Dwelling Unit (depending upon Zone District), as provided in Section 5-1302 B. II. g. subject to County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant, of at least eight hundred (800) sq. ft. but no greater than two thousand (2,000) sq. ft. for a Caretaker Unit and of at least seven hundred (700) sq. ft. but no greater than eight hundred (800) sq. ft. for an Accessory Dwelling Unit.

II. Submission Requirements:

a. A Site plan shall be provided including:
i. building plan, including location and dimensions of structures;

ii. typical elevations/heights of buildings;

iii. topography;

iv. existing landscaping and proposed landscaping plan;

v. lighting plan; all exterior lighting shall comply with the standards of Section 5-710; and

vi. existing structure and uses on adjacent parcels.

b. Applicant shall address Land Use Code Section 5-21 Scenic Quality Standards. Each developer shall describe in detail how the visual impact of the proposed development on neighboring developments and public use areas shall be mitigated.

III. Review Standards:

a. Demonstration of compliance with the Prescriptive Energy Code and Green Building Standards as adopted by Board of County Commissioner Resolution 2005-44;

b. Provisions to provide renewable energy sources such as, but not limited to, passive solar design, wind, geothermal, photovoltaic, hydrogen fuel cells, etc.;

c. Parcel size and preservation of Open Space;

d. The use shall be consistent with and compatible with the Character of the neighborhood of the parcel proposed for development and surrounding land uses;

e. Compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed seed dispersal, as well as, the control and Minimization of adverse Impacts including Noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, Impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions; and

f. Demonstration of Compliance with Scenic Quality standards in Section 5-2101.
5-308 Heavy Commercial (HC)

5-308 A. Purpose

The Heavy Commercial (HC) Zone District is intended to protect existing commercial areas and consolidate the location for new commercial activities. Examples of potential development under this zone, as suggested in the Master Plan, could be an out-of-town parking complex for Telluride (with related commercial facilities), or a small industrial park outside of Norwood. Although some light industrial uses could be appropriate for this Zone District, heavy industrial activity would not be, and would be better accommodated through the special permit process in the Agriculture, Forestry and Open (F) Zone District. It is intended that the HC Zone District be located so that the heavy commercial activity and its accompanying noise and/or smell is compatible with neighboring land uses.

5-308 B. Uses Allowed Subject to One-step Planning Commission Approval

I. Warehouses, lumberyards, and building supply sales;
II. Manufacturing and processing businesses;
III. Light industrial, research and development facilities;
IV. Public facilities (excluding those allowed in the F Zone District);
V. Feed and seed stores;
VI. Auto sales;
VII. Auction houses;
VIII. Construction contractors;
IX. Commercial laundries, dry cleaning plants and self-service laundries;
X. Affordable housing for persons employed on-site;
XI. Day care centers - allowed only on lots of at least one acre; and
XII. Gasoline service stations and auto repair shops, which shall comply with the standards for special uses in Section 5-10 and the following standards:
   a. Conditions of soil, groundwater level, drainage and topography shall not create hazards to life or limb;
   b. There shall be one contiguous roof covering all operations;
c. All gas storage tanks shall be subject to all relevant state, federal and/or National Fire Protection Association Code standards;

d. All outdoor storage areas shall be enclosed with opaque fences or closely planted landscape material sufficient in height to conceal such facilities from adjacent property;

e. Exposed ground surfaces in all parts of a service station or auto repair shop shall be paved or covered with stone screening or other solid material, or protected with a vegetative growth capable of preventing soil erosion and eliminating objectionable dust;

f. An adequate drainage system shall be designed and installed to ensure that corrosive materials, petroleum wastes, etc., do not contaminate the natural drainage system;

g. Adequate and safe water supply and sewage system shall be provided;

h. All refuse shall be stored in fly-tight, watertight, rodent-proof, dog-proof containers;

i. Vehicles shall not be stored in the public right-of-way before, during or after servicing;

j. All automotive equipment on the premises must carry a current registration and show a work order with a reasonable completion date, not to exceed 30 days. Automotive equipment for which the shop or service station operator has no valid registration and work order shall be classified as salvage and junk and may not be kept, stored or worked on in an auto repair shop or service station;

k. Access roads and parking areas shall be designed so that no traffic hazards are created. The location and design of all access road which abut a State Highway shall be reviewed and approved by the Colorado State Department of Highways to ensure safety and conformance to its adopted action plan for the area; and

l. No unusual amounts of dust, noxious odors or noise shall be normally disseminated beyond the boundaries of the property on which the shop or service station is located.

XIII. Waste Transfer Station/Recycling Center
5-308 C. Area and Bulk Requirements

I. For single uses:
   a. 1/2 acre minimum lot size
   b. 100 ft. width
   c. 25 ft. setbacks
   d. 35 ft. height limit

II. For multiple uses:
   a. 2 acre minimum lot size
   b. 200 ft. minimum lot width
   c. 50 ft. setbacks all sides
   d. 35 ft. height limit

5-308 D. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702.
5-309  Low Intensity Industrial (I)

5-309 A.  Purpose

The Low Intensity Industrial (I) Zone District is intended to provide for the establishment of non-polluting manufacturing, warehouse, research and repair facilities. The I Zone District also is intended to accommodate retail uses accessory to primary non-retail uses.

5-309 B.  Uses Allowed by Right

   I.  Single-family dwellings; and
   
   II. Day care homes.

5-309 C.  Area and Bulk Requirements Permitted by Right

   I.  Minimum Lot Area - 35 acres
   
   II. Setbacks
   
      a.  Front yard - 50 feet
      
      b.  Rear yard - 30 feet
      
      c.  Side yard - 20 feet
   
   III. Maximum Building Height - 35 feet

5-309 D.  Uses Allowed Subject to Board of County Commissioners Approval Pursuant to the Planned Unit Development (PUD) Procedure

Uses allowed include, but are not limited to the following and similar types of uses:

   I.  All uses allowed in the HC Zone District;
   
   II. Appliance and equipment rental, storage and repair;
   
   III. Automobile washing facilities;
   
   IV. Electrical and plumbing service shops;
   
   V.  Commercial bakeries;
   
   VI. Computer product sales and service;
VII. Printing and publishing plants;

VIII. Telecommunications supply;

IX. Utility service facilities;

X. Day care centers - allowed only lots of at least one acre;

XI. Affordable Housing, accessory to a principal use, for persons employed within the PUD, and Live-work Housing (as defined in Section 5-1305 B. X.); and

XII. Business and Professional Offices.

5-309 E. Height, Area and Bulk Requirements allowed by PUD

I. For single uses:
   a. Minimum lot size - 6,000 square feet;
   b. Minimum lot width - 50 feet;
   c. Minimum side and rear yard setback - 10 feet;
   d. Minimum front yard setback - 30 feet;
   e. Maximum height - 35 feet; and
   f. Maximum Floor Area Ratio (FAR) - 0.50:1.

II. For multiple uses:
   a. Minimum lot size - 21,500 square feet;
   b. Minimum lot width - 75 feet;
   c. Minimum side and rear yard setback - 10 feet;
   d. Minimum front yard setback - 30 feet;
   e. Maximum height - 35 feet;
   f. Maximum Floor Area Ratio (FAR) - 0.50:1.
5-309 F. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702.
5-310 Placerville Residential (PR)

5-310 A. Purpose

The purpose of the Placerville Residential (PR) Zone District is to provide areas and design standards for single-family residences surrounding the Placerville Commercial (PC) Zone District.

5-310 B. Uses Allowed by Right

I. Single family dwellings;

II. Accessory buildings and uses;

III. Day care homes; and

IV. Day care centers - allowed only on lots of at least one-half acre.

5-310 C. Uses Allowed Subject to One-step Planning Commission Review

I. Parks, playgrounds, playing fields, golf courses, tennis courts, outdoor ice-skating rinks and swimming pools.

5-310 D. Uses Allowed Subject to Two-step Special Use Permit Review

I. Fire station; and

II. Boarding and rooming houses and rest homes.

5-310 E. Area and Bulk Requirements

I. Minimum Lot Area for each Principal Use:

18,750 sq. ft. or 5 platted lots.

II. Minimum Setbacks

a. Front Yard - 30 feet, or an average of the front yard setbacks on adjoining properties

b. Side Yard - 10 feet

c. Minimum Rear Yard - 20 feet

III. Maximum Height of Buildings - 35 feet
5-310 F. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702.
5-311 Placerville Commercial (PC)

5-311 A. Purpose

The purpose of the Placerville Commercial (PC) Zone District is to provide standards for commercial establishments located on Front Street in Placerville and at the southwest corner of the intersection of State Highways 62 and 145 west of Placerville. The size of the PC Zone District shall not be increased.

5-311 B. Standards for All Development

All development in the PC Zone District shall comply with the following standards.

I. Conditions of soil, groundwater level, drainage and topography shall not create hazards to persons or the natural environment.

II. All outdoor storage areas shall be enclosed with non-reflective opaque fences or closely planted landscape material sufficient in height to conceal such facilities from adjacent property.

III. All Scenic Quality standards of Section 5-2101, and all Sign standards of Section 5-704.

5-311 C. Uses Allowed by Right

I. Any use permitted by right in the Placerville Residential Zone District (refer to Section 5-310 B.), subject to all requirements specified in the PR Zone District;

II. Business and Professional Offices and Neighborhood Commercial Uses offering goods and/or services needed by local and/or regional residents on a daily or frequent basis, including but not limited to the following and similar uses: Grocery Store up to 3,000 sq. ft., Drug store, Bookstore, Barber Shop, Hardware Store, Dry Goods Store, Auto Parts Store; and

III. Art Studios, Galleries and Craft Shops.

5-311 D. Uses Allowed Subject to One-step Planning Commission Review

I. Woodworking Shops and Small Manufacturing Operations;

II. Repair Shops other than for Automobiles;

III. Trades Businesses, such as Plumbing, Heating, Electrical, etc.;
IV. Restaurants, eating and drinking facilities;

V. Liquor stores;

VI. Bed and breakfast, Gallery;

VII. Bakery; and

VIII. Accessory Rental Dwelling Units for Persons Employed in the PC Zone District; such units may be owned only by the owner of a primary non-residential use and may not be condominiumized.

5-311 E. Uses Allowed Subject to Two-step Special Use Permit Review

I. Fire station;

II. School;

III. Museum;

IV. Park, playground, playing field, tennis court;

V. Public utility service and repair facilities (subject to Section 5-709 standards);

VI. Auto Repair Garages and Gasoline Service Stations and accessory retail uses, subject to the provisions of Section 5-308 B.XII.;

VII. Grocery Store more than 3,000 sq. ft.; and

VIII. Any building on Front Street larger than 6,500 square feet, subject to a determination that the building will not be in conflict with the historic character of Front Street.

5-311 F. Area and Bulk Requirements

I. Minimum Lot Area for each Principal Use:

a. Without Central Sewer Service - At least 7,500 sq. ft. (2 platted town site lots) per building, in accordance with Colorado State Guidelines on Individual Sewage Disposal Systems (adopted pursuant to CRS 10-25).

b. With Central Sewer Service - At least 3,750 sq. ft. (1 platted town site lot) per building.
II. Minimum Setbacks:
   a. Front Yard - 5 ft.
   b. Side Yard - 3 ft., with 0 ft. setback allowed with firewall meeting requirements of the Uniform Building Code and the appropriate fire protection district.
   c. Rear Yard - 20 ft.

III. Maximum Height of Buildings - 28 ft.

IV. Maximum Building Size - 6,500 sq. ft., or pursuant to Section 5-311 E.VIII.

5-311 G. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702.

5-311 H. Customer Access

Customer access shall be obtained primarily from Front Street.
5-312 Mobile Home (MH)

5-312 A. Purpose

The purpose of the Mobile Home (MH) Zone District is to regulate parcels so zoned already. Future mobile home parks shall be developed under the Planned Unit Development (PUD) procedure.

5-312 B. Planned Unit Development (PUD) Procedure

All development proposed within the MH Zone District shall be reviewed pursuant to the Planned Unit Development (PUD) procedure to establish permitted uses and to allow variation from the area and bulk requirements established in this section. Refer to Section 3-7 for PUD procedure and Section 5-14 for PUD Standards.

5-312 C. Uses Allowed by Right

I. Single family dwellings; and

II. Accessory buildings and uses.

III. Individual mobile homes;

IV. Mobile home parks, subject to the provisions of Section 5-312 E.; and

V. Day care center (must be licensed by the State and must receive County approval of water and sewage systems).

5-312 D. Area and Bulk Requirements

I. Minimum Lot Area for Allowed Uses and Individual Mobile Homes:

   a. On unsubdivided land - 2 acres;

   b. On subdivided land not served by approved water and sewer facilities - 2 acres;

   c. On subdivided land served by either approved water or sewer facilities - 1/2 acre;

   d. On subdivided land served by both approved water and sewer facilities - 7500 sq. ft.
II. Minimum Lot Width For all Allowed Uses and Individual Mobile Homes:
   a. On unsubdivided land - 200 ft.;
   b. On subdivided land not served by approved water and sewer facilities - 200 ft.;
   c. On subdivided land served by either approved water or sewer facilities - 60 ft.;
   d. On subdivided land served by both approved water and sewer facilities - 60 ft.

III. Minimum Setbacks:
   a. Front Yard - 20 feet
   b. Side Yard - 7 feet
   c. Rear Yard - 10 feet

IV. Maximum Height of Buildings - 35 feet

5-312 E. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702.

5-312 F. Mobile Home Park Standards

I. Plans and specifications shall be prepared describing in reasonable detail the proposed improvements;

II. Conditions of soil, groundwater level, drainage and topography shall not create hazards to life or limb;

III. The site shall not be exposed to objectionable smoke, noise, or odors;

IV. Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust;

V. Mobile homes shall be separated from each other and from other buildings and structures by at least 15 feet;
VI. All mobile homes shall be located at least 25 ft. from any park property boundary lines;

VII. All streets shall be paved with a smooth, hard and dense surface that shall be at least 20 ft. in width;

VIII. All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use;

IX. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park;

X. An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of all sewage. Such systems shall be designed, constructed and maintained in accordance with regulations of the Colorado Department of Public Health;

XI. All refuse shall be stored in fly-tight, water-tight, rodent-proof, dog-proof containers, which shall be located no more than 150 ft. from each mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse;

XII. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation; and

XIII. Any natural gas piping systems, liquefied petroleum gas systems, and electrical wiring systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
5-313 Park (P)

5-313 A. Purpose

The Park (P) zone is intended to preserve existing public and private parks and allow for the development of future parks. The P Zone District is intended to ensure that non-federal land intended for recreation use is developed so as to serve its intended use while not exerting a disruptive influence on surrounding land uses. All federally owned land shall remain zoned Forestry, Agriculture and Open (F). The P Zone District is differentiated from the Open Space (OS) Zone District in that active recreational uses are allowed in the P Zone District while they are specifically prohibited in the OS Zone District.

5-313 B. Uses Allowed By Right

I. Park;
II. Playfield, playground;
III. Passive and active open-air recreation facilities;
IV. Botanical gardens, nursery;
V. Open-air riding arena;
VI. Golf course; and
VII. Tennis courts.

5-313 C. Uses Allowed Subject to One-step Planning Commission Approval

I. Recreation building;
II. Park maintenance building;
III. Amphitheater;
IV. Covered or enclosed picnic facilities;
V. Sport shop;
VI. Restaurant;
VII. Campgrounds;
VIII. Activity centers; and
IX. Ski trails, slopes, lifts and related buildings and incidental facilities.

X. Accessory Affordable Housing for employees employed on-site or for First Responders or Essential Personnel.

5-313 D. Area and Bulk Requirements

Structures developed within the P Zone District must be built in accordance with the development plan adopted by the Planning Commission pursuant to the One-step Review Procedure. Such plan will establish the appropriate height, setback, lot size and width, floor area ratio and parking requirements as are appropriate and necessary to insure uses are kept within the purpose of the P Zone District.
5-314 Open Space (OS)

5-314 A. Purpose

The Open Space (OS) Zone District is intended to preserve land within view corridors, floodplains, wetlands, riparian areas and big game habitats in its natural character for public or private use or enjoyment. The OS Zone District requires the preservation of natural features, view corridors and environmentally sensitive areas. The OS Zone District shall be applicable to land dedicated to and/or owned by a public or quasi-public entity, but may also include portions of large, privately owned parcels.

The OS Zone District includes some lands previously zoned Forestry, Agriculture and Open (F). For private ownership parcels with split zoning (a parcel with more than one zone district) the development should be located on the portion of the property not zoned OS. In all cases where the OS Zone District has been applied to private lands previously zoned F, the allowed density under the F Zone District (1 unit/35 acres) may be clustered on adjoining acreage (under the same ownership) not zoned Open Space, Park or High Country.

The Open Space Zone District is a transition area between the Town of Telluride, the Telluride Regional Airport, areas of clustered low-density residential development and the surrounding hillsides and mountainous areas some of which are in the High Country Area Zone District. The areas in the Telluride Region zoned OS include lands owned by the Telluride Regional Airport Authority that are intended to prevent development of uses and structures that are incompatible with airport operations, reclaimed mine tailing piles and lands in the vicinity of the Pandora Mill site in the east end of the Telluride Valley, lands owned by San Miguel County that are subject to a Conservation Easement, and privately owned lands adjacent to the Town of Telluride. Many of these OS zoned properties are on steep hillsides and are subject to Geologic Hazards that include but are not limited to avalanche areas, potentially unstable slopes, debris flow, rockfall areas, and slopes greater than 30 percent. In addition to these natural hazards these hillside areas can be seen from many places in the Town of Telluride, public use areas and the surrounding mountainsides, therefore any development, particularly the development of residences, has the potential for significant environmental and visual impact on the overall character of the Telluride Region. Any development of structures in the OS Zone District should undergo an Administrative Review to ensure that these natural hazards will be avoided or will be properly mitigated, the proposed development will be safe, and to the greatest extent possible the structure(s) should appear to blend in with the hillside and/or immediate surrounding topography so the natural landscape is preserved and the residence will have minimal visibility from State Highway 145, Colorado Avenue, CR K69, the Town of Telluride and public use areas. Development of residences on property within the OS zone district should be sited, designed and built to maximize the perception of Open Space.
5-314 B. Uses Allowed by Right

I. Uses as defined in Article 6 Definitions for Passive Open Space.

A Development Permit may be required for these uses.

5-314 C. Use Allowed by Administrative Review:

The purpose of the County Planning Department Administrative Review is to provide staff an opportunity to work with an owner or developer to minimize the impacts of development on the environment, to ensure that the proposed development adequately avoids or mitigates natural and geologic hazards, to reduce the visual impacts associated with access roads, driveways, cut and fill areas, site and building lighting, and to ensure that the site improvements and the mass, scale and form of a residential structure is consistent with the Purpose of the OS Zone District. Visually overpowering building forms, where the mass and scale of the proposed structures are significantly larger and incompatible with the surrounding area, should be avoided.

I. Single-family residences, including customary residential uses and underground utility service.

a. Buildings are to be placed in locations that minimize visibility. Avoid placing buildings at high points on the site or in other highly visible areas. In no case shall residential development occur above the 9050 foot elevation line in the OS Zone District.

b. To the greatest extent possible, cutting and filling of sloping areas should be avoided but where it must occur, the visual impacts should be minimized. Use natural materials to minimize visual impacts. Buildings that cut into slopes are encouraged where they can help minimize the perceived mass and scale. Roof slopes that repeat the slope of the hillside are encouraged.

c. Large picture windows of glass that reflect toward the Town of Telluride, State highway 145, Colorado Avenue, County Road K69, and public use areas are to be avoided.

d. All exterior lighting shall minimize visual impact of light sources as seen from the Town of Telluride, public use areas, and from other surrounding areas. All exterior lighting shall comply with the standards of Section 5-710/

e. Site plans. The following siting and design guidelines will be considered during the Administrative Review for a Development Permit or Building Permit by the Planning Department, which may
be approved with or without conditions. The submitted plans should:

1. Consider ways to minimize disturbances of natural topography and retain natural vegetation of substantial size, including trees, shrubs and other natural landscape features in place, or relocate them within the site. Include a landscaping plan. Use of natural plantings rather than non-native ornamental materials is encouraged.
2. Minimize the height of walls and retaining devices and use natural materials to minimize visual impacts.
3. Minimize the visual impact of a structure from the Town of Telluride, State Highway 145, Colorado Ave, County Road K69, and public use areas.
4. Consider shared driveways and clustered parking areas to minimize disturbance to natural landscape.
5. Include a lighting restriction plan. Position lighting to minimize visual impacts as seen from lower viewpoints that may affect the night character of the community.
6. Visually overpowering building forms should be avoided. Low profile buildings are encouraged.
7. Buildings that cut into slopes are encouraged where they can help minimize the perceived mass and scale.
8. Step buildings down at hillside edges, to minimize visual impacts and reduce the apparent height.
9. Roof forms that protect views of significant features and existing view corridors are encouraged.
10. Designs that blend with the character of the natural hillside in material, muted colors and texture are encouraged.

II. Wildlife friendly fences for the protection of certain natural features, as prescribed in Land Use Code Section 5-407 A. and or as recommended by the Colorado Parks and Wildlife.

5-314 D. Uses Allowed Subject to One-step Board of County Commissioner Approval

I. Specific Uses allowed in accordance with Article 6 Definition of Active Open Space.
II. Vehicular and pedestrian bridges and roads open to the public;
III. Necessary access for public and private utilities not associated with an allowed Single-family Residence;
III. Minor flood control activities limited to proper control measures using natural vegetation, provided aesthetics are considered;
V. Land to be rehabilitated back to its natural state.
VI. Alternative energy, such as solar panels, to serve the Single-family Dwelling.
5-314 E. Area and Bulk Requirements

I. Minimum Lot Area

a. The minimum lot size for a single-family dwelling unit use is 35 acres. Any legally created parcel less than 35 acres in the OS Zone District may qualify for a development permit for one single-family dwelling.

II. Minimum Setbacks

a. Front Yard – 30 feet
b. Side Yard – 20 feet
c. Rear Yard – 20 feet

The Planning Director may consider a reduction to a setback if it allows the structure to be less visible from the valley floor or surrounding mountain side areas through an Administrative Review. Such setback shall not be less than 10-feet.

III. Maximum Height of Building – 25 feet

The maximum height of buildings in the OS shall be measured according to the following provision and method which is intentionally different than the definition of Height contained in Article 6 of the LUC: The maximum height of 25 feet shall be measured from preconstruction grade. Height shall be measured as the length of any line which is plumb from a plane located at the highest building point, which plane is above and parallel to the original, pre-construction grade of the building site coverage area. The following diagram illustrates this principle:

![Diagram of maximum building height](image)

IV. Maximum Single-family Residence Square Footage Allowed – 3,500 of Floor Area

a. An additional 500 square feet of Floor Area may be allowed for an attached garage within or as a part of the single-family residential dwelling.
b. Below grade floor area which qualifies as a basement as defined by the current adopted County Building Code, does not count toward the maximum allowed Floor Area.
c. Maximum footprint 3,500 square feet.
d. Accessory structures are prohibited.

5-314 E. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702. All parking shall be onsite.

5-314 F. Residential Fences

Privacy fencing for gardens, decks and patios shall be located within 20-feet of the Single-family Residence and no higher than 30 inches. Perimeter fencing of a lot or lots is prohibited.

5-314 G. Water and Sewage Disposal

It is preferred that water and wastewater disposal be provided from municipal or community systems, if available, to minimize site disturbance. If municipal or community utility services are not available individual wells and/or individual sewage disposal systems shall be sited and designed to minimize site disturbance to the maximum extent possible. Applicants are encouraged to meet with the County Environmental Health Director to identify the types of sewage disposal system that may be best suited for the site and that minimizes site disturbance.
5-315 Public (PUB)

5-315 A. Purpose

The purpose of the Public (PUB) Zone District is to provide for the development of public uses, facilities and services for governmental, civic, educational, humanitarian health care and other public purposes consistent with County land use plans and policies and to provide for related uses which are customarily incidental or accessory to public uses, facilities and services. Development activity in the zone shall be based upon the adoption of a master plan.

5-315 B. Uses Allowed Subject to One-step Planning Commission Approval

I. Hospitals;
II. Libraries;
III. Schools;
IV. Cemeteries;
V. Fire Stations;
VI. Police Stations;
VII. Public Museums;
VIII. Water and Sewage Treatment Plants;
IX. Public Airports;
X. Accessory Affordable Housing for employees employed on-site or for First Responders or Essential Personnel;
XI. Road Maintenance Facilities; and
XII. Animal Shelter.

5-315 C. Criteria for Uses Allowed Subject to One-step Planning Commission Approval

To grant approval for the uses listed in Section 5-315 B., the Planning Commission must find that, in addition to meeting the criteria for special uses subject to One-step Planning Commission Approval (See Section 5-1002), the use:
I. Provides basic or fundamental services on which the community is dependent for support;

II. Is available to serve the general public and serves principally the local community;

III. Meets an essential public purpose that is not adequately provided by the private sector;

IV. Fulfills the functions and obligations of a publicly elected body or is mandated by legislation, ordinance or statute; and

V. Is, or is a subsidiary of, a not-for-profit-venture.

5-315 D. Area and Bulk Requirements

I. Minimum lot size - Established by Planning Commission.

II. Minimum lot width - Established by Planning Commission.

III. Minimum Setbacks
   a. Side and rear yard - 10 feet
   b. Front yard - 30 feet

IV. Height limit - 35 feet

V. Maximum Floor Area Ratio (FAR) - 0.50:1

5-315 E. Minimum Off-street Parking

The number of off-street parking spaces shall be established by One-step Planning Commission Approval pursuant to the standards in Section 5-702.
5-316 Scenic Foreground Overlay (SFO) and Scenic View Plane (SVP)

5-316 A. Purpose

The Scenic Foreground Overlay (SFO) and Scenic View Plane (SVP) Zone District is intended to establish a scenic resource area including those lands proximate to and most visible from State Highway 145 which substantially contribute to the unique visual character of the Telluride Regional Area and/or the entrance to Telluride. The purposes of establishing the SFO and SVP are to steer development away from the most highly visible sites and to insure that developments are designed to complement the natural features within transportation corridors so as to maintain an aesthetically pleasing, rural approach to Telluride. Land development previously allocated to areas within the SFO and SVP Zone District may be clustered elsewhere on a site, as may be appropriate.

5-316 B. Applicability

Development on any parcel of land that falls within or is crossed by the boundary of the SFO or SVP Zone District as designated on the officially adopted San Miguel County Zoning Map is subject to review to determine the conformance with the standards in Section 5-316 C.

5-316 C. Development Standards - Subject to Planning Commission Review

Development within the SFO and SVP Zone District shall generally comply with the standards in this Section and shall be subject to review by the Planning Commission. Compliance with every standard is not required, but developments shall comply with the cumulative intent of these standards:

I. Utilize existing topography such as dry ridges and hills to screen buildings to the maximum extent possible from the State or County road system.

II. Design developments to complement the natural topography of the land, whenever possible and appropriate.

III. Utilize innovative architectural techniques such as earth sheltered design and clustering of structures in the least visible portion of the site.

IV. Design structure height and bulk to avoid to the maximum extent possible visibility from the State and County road systems.
V. Avoid locating uses on the highest ground or most visible sites from the State and County road systems.

VI. Locate development outside of the SFO and/or SVP Zone District, or on a suitable site with the least possible visual impact on the State and County road systems.

VII. Avoid development within wetland and wildlife habitat areas.

VIII. All exterior lighting shall comply with the standards of Section 5-710;

IX. Utilize landforms and earth moving to complement and enhance development rather than as primary devices for screening development from the State and County road systems.

X. Cluster development outside the SFO and/or SVP Zone District to minimize visual impacts.
5-317 Planned Unit Development Reserve (PUDR)

5-317 A. Purpose

The Planned Unit Development Reserve (PUDR) Zone District is intended to define maximum long-term development potential of specific, large parcels of land under contiguous ownership in the Telluride Region (See Section 5-1403 F.). PUD Reserve status for a contiguous parcel provides a transition between designation under the San Miguel County Comprehensive Development Plan and final zoning. No development shall occur under the PUDR Zone District. An applicant desiring to develop a PUD Reserve must obtain PUD approval for the entire parcel. However, portions of a Reserve may be given different rezoning designations as necessary to implement the Telluride Regional Area Master Plan. PUDR applies only to existing parcels so zoned already; PUDR shall not be applied to any additional parcels.

5-317 B. Development Potential

The development potential assigned to a given parcel through the PUDR Zone District is based on classifying the Reserve land into one of three categories:

I. High Density - as shown on the specific PUD Reserve Map (see Section 5-317 F.)

II. Environmentally Sensitive - includes all land:

a. within wetlands (designated by the Army Corps of Engineers and/or the Environmental Protection Agency) or the 100-year floodplain,

b. within 50 feet of the centerline of any perennial stream,

c. with slopes of 35 percent or greater encompassing at least one acre, and

   d. with known geologic hazard areas, wildlife migration corridors and/or critical wildlife habitats.

III. Residential - all lands not classified as High Density, Environmentally Sensitive, or Mixed Use.

IV. Mixed Use – as described in Section N of the Telluride Regional Area Master Plan and established as part of the Combined PUD/Subdivision Plan Review process.
5-317 C. Calculating Development Potential

For the purpose of calculating development potential, densities are assigned to each land type as follows:

I. High Density - 40 units per acre
II. Environmentally Sensitive – None
III. Residential - 1 unit per 3 acres
IV. Mixed Use – notwithstanding the foregoing density calculations, density for a mixed-use project shall be established as part of the Combined PUD/Subdivision Plan Review process.

5-317 D. Density of Residential Development

The density of residential development in the PUDR Zone District is based upon the cumulative number of people to be housed in various types of housing, as follows (as per the Telluride Regional Area Master Plan, Section III. A.):

I. Hotel or lodge unit .................. 1.5 people
II. Accessory unit (caretaker type) .... 1.5 people
III. Hotel efficiency unit ............... 2.0 people
IV. One-bedroom condominium unit . . 2.5 people
V. Minor duplex or secondary unit .... 2.5 people
VI. Two-bedroom or larger condo unit .. 3.0 people
VII. Single family house or residence . . 4.0 people
VIII. Major duplex unit or primary unit . . 4.0 people

5-317 E. Sub-districts and Designated Uses

Assigning sub-districts within parcels zoned PUDR can help define development potential by indicating specific locations for and sizes of various types of development.

I. High Density Accommodations
   a. Purpose - The purpose of this sub-district designation
b. Uses Allowed by Right - All Uses Allowed by Right in the Forestry, Agriculture and Open (F) Zone District - see Section 5-307.

c. Maximum Density - 40 units per acre.

II. Residential

a. Purpose - The purpose of this sub-district designation within a PUD Reserve Zone District is to promote the placement of large-lot, single-family dwelling units in appropriate locations.

b. Uses Allowed By Right - All uses permitted in the Forestry, Agriculture and Open (F) Zone District - see Section 5-307, and in the Low Density (LD) Zone District - see Section 5-304.

c. Maximum Density - 1 unit per 3 acres.

III. Light Industry/Public Utility

a. Purpose - The purpose of this sub-district designation within a PUD Reserve Zone District is to allow for light industry and public utility uses in appropriate locations.

b. Uses Allowed By Right - All uses permitted in the Low Intensity Industrial (I) Zone District - see Section 5-309, and in the Forestry, Agriculture and Open (F) Zone District (see Section 5-307).

IV. Planned Open Space

a. Purpose - The purpose of this sub-district designation within a PUD Reserve Zone District is to preserve open space and to indicate lands intended for general open space, agricultural, park and cultural and/or educational use that would not compromise the preservation of open space.

b. Uses Allowed By Right - Normal and customary ranching and agriculture-related activities and all uses allowed by right in the Park (P) Zone District - see Section 5-313, and
in the Open Space (OS) Zone District - see Section 5-314.

V. Mixed Use

a. The purpose of this sub-district designation within a PUD Reserve Zone District is to provide areas suitable for the development of a balanced mix of land uses, including office, retail, flex space, medical, lodging, and housing, which are compatible with the Telluride Region.

b. Uses Allowed By Right - All Uses Allowed by Right in the Forestry, Agriculture and Open (F) Zone District - see Section 5-307.

c. All other Allowable Uses shall be established as part of the Combined PUD/Subdivision Plan Review process.

VI. Special Use Permit

Uses allowed with a special use permit in all sub-districts within the PUDR Zone District shall be those uses allowed through special use permit in the Forestry, Agriculture and Open (F) Zone District - see Section 5-307 F., as long as such uses are compatible with the overall PUDR zoning.

5-317 F. PUD Reserve Map

Maps for each of the existing PUD Reserves are retained by the County and the owner of the Reserve parcel. Each PUD Reserve Map, at a scale of 400 feet =1 inch or larger, shows the boundaries of the Reserve and its sub-districts. The maps also show maximum unit counts and densities.

5-317 G. Development and PUD Approval Procedure

At such time as a parcel owner is ready to proceed with any development within a PUD Reserve, the developer shall apply for PUD approval of the entire parcel. Sub-districts may receive different final zoning designations as necessary to implement the Telluride Regional Area Master Plan. All development plans shall be processed via the PUD Procedure (see Section 5-14).
5-318 Rangeland Grazing (RG)

5-318 A. Purpose

The Rangeland Grazing (RG) Zone District is intended for the grazing of livestock, and for other uses related to and attendant to and compatible therewith. The RG Zone District shall apply only to lands within the Official East Wilson Mesa Zoning District established by a plat approved by the Board of County Commissioners on Aug. 20, 1979 and recorded at Book 1, Page 169, in the Office of the Clerk and Recorder of San Miguel County.

5-318 B. Uses Allowed by Right

I. Single-family residence on at least 35 acres;

II. Grazing Operations - A grazing operation shall consist of one or more grazing units (a grazing unit shall consist of a tract of 40 or more contiguous acres, or an entire quarter-quarter section), and shall be permitted one-single family residence together with outbuildings and corrals commensurate with the grazing operation; and;

III. Accessory buildings and uses.

5-318 C. Uses Allowed by Special Use Permit Subject to Two-Step Planning Commission and Board of County Commissioner Review.

I. Commencement and/or expansion of mining and mineral processing operations, including sand and gravel operations, in accordance with all provisions of Sections 5-10 and 5-16.

5-318 D. Uses Allowed by Special Use Permit Subject to Two-Step Planning Commission and Board of Commissioner Review on Parcels 320 Acres or Larger and where the property is subject to a permanent Conservation Easement, or a similar legally binding preservation instrument, that is intended to protect, preserve and maintain the ongoing private ranching, agriculture and historic use of the property in perpetuity.

I. Sporting Uses: including but not limited to hunting, guiding, and outfitting, cross-country skiing, horse-drawn sleigh/wagon rides, and horseback riding consistent with the historic use and frequency of use of the property and the terms of the permanent Conservation Easement or applicable preservation instrument.

II. Social and Scenic Uses: such as a location for weddings, meetings, retreats, reunions, video and film photo shoots and
commercials consistent with the historic use and frequency of use of the property and the terms of the Conservation Easement or applicable preservation instrument.

5-318 E. Review Standards for All RG Special Uses listed or authorized in 5-318 C. and 5-318 D. shall:

I. Be consistent with the Purpose of the RG Zone District (5-318 A.).

II. Be consistent with the terms and conditions of the applicable Conservation Easement or preservation instrument.

III. Be found to comply with submittal requirements and review Standards for Special Uses contained in Section 5-10.

IV. Be granted specifically to the applicant and/or the owner and do not run with the land and are not transferable to another owner.

5-318 F. Uses Expressly Prohibited

I. Industrial uses including but not limited to industrial parks, sawmills and feed lots;

II. General commercial uses including but not limited to hotels, motels, restaurants, mobile home parks and convention and retreat centers;

III. Mobile homes and manufactured housing as residences; and

IV. Recreational commercial uses including but not limited to dude ranches, hunting and guide services and riding stables except where the Board of County Commissioners has approved a Special Use Permit for a specific recreational commercial use in accordance with Sections 5-318 D. and 5-318 E.
5-319 Wright's Mesa (WM)

5-319 A. Purpose

The Wright's Mesa Zone District is identified by the map adopted in the Wright's Mesa Master Plan. The Zone District is intended to preserve the rural and agricultural character of Wright's Mesa while encouraging compatible, diverse economic opportunities that fit in with the rural landscape. Wright's Mesa has a history of co-existing agriculture and ranching, residential and small business uses that comprise its rural character.

The WM District discourages the large-lot pattern of sprawl typically created through 35-acre development by offering alternatives and incentives to cluster buildings, retain open lands and keep large parcels whole. The tradeoff for flexibility in uses and densities on Wright's Mesa is that development cannot adversely affect neighbors and detract from the rural character.

Each WM parcel is allowed a single-family dwelling, home occupation and/or normal and customary agriculture and ranching activities, plus either a second Principal Use (whether by Right or Special Review), or a Secondary Unit (pursuant to Section 5-319 D.), or a Subdivision Exemption for Wright's Mesa (pursuant to Section 5-1210). Section 5-319 K. establishes review standards for all special uses in the WM Zone District.

Development Permits (other than those associated with Building Permits, Sign Permits, or Oil and Gas Exploration and Development) are not required in the WM Zone District.

5-319 B. Uses Allowed by Right on Parcels Less than 150 Acres

I. Normal and customary agriculture and ranching activities;

II. Single-family dwellings (including mobile homes) and accessory buildings;

III. Day care homes;

IV. Logging operations resulting in hauling of up to 15,000 board feet in any 12-month period beginning with commencement of hauling;

V. Home occupations;

VI. Equestrian activities and private riding stables with structures up to 3,000 sq. feet; and

VII. Bed and Breakfasts with five or fewer rooms for rent.
5-319 C. Uses Allowed by Right on Parcels 150 Acres and Larger

I. All uses allowed in Section 5-319 B.;

II. Additional Uses allowed with 100' setbacks on all sides:

a. Logging operations resulting in hauling of up to 50,000 board feet in any 12-month period beginning with commencement of hauling;

b. Equestrian activities and private riding stables with structures up to 6,000 sq. feet;

c. Hunting Lodges (including Hunting Camps) and Guest Ranches accommodating up to 20 overnight guests;

d. Animal breeding and/or boarding operations and animal kennels; and

e. Fruit and vegetable stands.

5-319 D. Uses Allowed Subject to Administrative Review

I. Secondary Dwelling Unit - a second dwelling unit shall be allowed on parcels 5 acres or larger, provided that:

a. no uses other than a single-family dwelling, home occupation and/or normal and customary agriculture and ranching activities exist on the property, and

b. no Subdivision Exemption for Wright's Mesa has been granted for the parcel, and

c. the parcel was not created through a Subdivision Exemption for Wright's Mesa.

Such unit may be attached to or located within 300 feet of the primary residence (as measured between the closest exterior walls). Such unit shall contain no more than 2,000 sq. ft. of floor area, and shall contain full kitchen and bathroom facilities. Second Dwelling Units shall not be conveyed or sold separately from the remainder of the parcel and shall remain under the same ownership as the primary residence;

II. Logging operations resulting in hauling of up to 300,000 board feet in any 12-month period beginning with commencement of hauling
in accordance with all provisions of Sections 5-319 K. and 5-17;

III. Open Land Protection Subdivision Exemption for four or fewer lots (see Section 5-1207); and

IV. Minor Oil and Gas exploration, drilling and pipelines, including wells, and geophysical operations (refer to Section 5-26).

5-319 E. Uses Allowed Subject to One-step Planning Commission Special Use Permit Review (see Section 5-319 K.)

I. Parks, playgrounds, playing fields, tennis courts, ice-skating rinks and swimming pools;

II. Churches, community meeting halls, private schools, day care centers, libraries, and civic activities;

III. Private riding stables and equestrian centers with structures larger than allowed by right;

IV. Cemeteries (subject to Section 5-319 J.);

V. Bed and Breakfasts with more than five rooms to rent, and Hunting Lodges and Guest Ranches on parcels less than 150 acres and/or accommodating more than 20 overnight guests;

VI. Construction/Contractor Office and Staging Area;

VII. Animal breeding and boarding kennels on less than 150 acres, and veterinary hospitals;

VIII. Manufacturing and processing businesses up to 2,000 sq. ft.;

IX. Light industrial, research and development facilities up to 2,000 sq. ft.;

X. Feed and seed stores up to 2,000 sq. ft.;

XI. Repair service shops up to 2,000 sq. ft.;

XII. Art studios, galleries and craft shops up to 2,000 sq. ft.;

XIII. Business and professional offices up to 1,000 sq. ft.;

XIV. Trade businesses, such as plumbing, heating, electrical and carpentry up to 2,000 sq. ft.;
XV. Auto repair with no more than 5 cars stored or parked overnight outside the building;

XVI. Printing and publishing offices up to 2,000 sq. ft.;

XVII. Fruit and vegetable stands on parcels less than 150 acres;

XVIII. Lumber mills; and

XIX. Secondary Dwelling Units more than 300 feet from the primary residence.

5-319 F. Uses Allowed Subject to One-Step Board of County Commissioner Review

I. Open Land Protection Subdivision Exemption for five or more lots (see Section 5-1207);

II. Logging Operations resulting in hauling of more than 300,000 board feet in any 12-month period beginning with commencement of hauling, in accordance with all provisions of Section 5-319 K. and 5-17; and

III. Wright's Mesa Subdivision Exemption (for parcels one hundred fifty (150) acres or greater in size) to create a new parcel between two (2) and five (5) acres (see Section 5-1210).

5-319 G. Uses Allowed Subject to Two-Step Planning Commission and Board of Commissioners Special Use Permit Review (see Section 5-319 K.)

I. Manufacturing and processing businesses greater than 2,000 sq. ft.;

II. Light industrial, research and development facilities greater than 2,000 sq. ft.;

III. Repair service shops greater than 2,000 sq. ft.;

IV. Business and professional offices greater than 1,000 sq. ft.;

V. Trade businesses, such as plumbing, heating, electrical and carpentry greater than 2,000 sq. ft.;

VI. Printing and publishing offices greater than 2,000 sq. ft.;

VII. Commencement and/or expansion of non-chemical mining and mineral processing operations, subject to Section 5-16;
VIII. Golf Courses, subject to an additional conceptual joint work session with the Planning Commission and Board of Commissioners to discuss how and if the applicant can meet the purpose and standards of the golf course regulations (subject to compliance with Standards in Section 5-1004).

IX. Public utility structures, including dams and reservoirs.

X. Major Oil and Gas Facilities, including compressor stations, gas treatment facilities and pipelines (refer to Section 5-26).

XI. Conditional uses on federal lands - mineral exploration, mining and logging, subject to applicable state and federal statutes and regulations;

XII. Wright’s Mesa Subdivision Exemption (for parcels thirty seven (37) acres or larger but less than one hundred fifty (150) acres) to create a new parcel between two (2) and five (5) acres (see Section 5-1210).

5-319 H. Area and Bulk Requirements

I. Minimum Parcel Size

The minimum Parcel size for each principal use is 35 acres, except for single-family dwellings approved pursuant to the standards for Open Lands Protection Subdivision Exemption (Section 5-1207) and except for Parcels approved pursuant to the standards for Essential Community Facilities Subdivision Exemption (Section 5-1204), pursuant to any required Special Use review, and which satisfy the following criteria (to be determined through the review under Section 5-1204):

a. Such Parcel shall have legal Access to a dedicated public right of way that safely, and adequately serves the intended Use for such Parcel;

b. Such Parcel shall comply with the minimum Setbacks for the WM Zone District and shall provide an additional Setback buffer, if necessary, considering the function, nature and extent of the Use and the dimensions of any Structures; and

c. Such Parcel safely accommodates the intended Use and does not endanger the public health, safety and welfare as demonstrated by a detailed survey, accurate Site
Development plan for the planned Structures, Buildings and/or infrastructure to be erected thereon.

d. Any legally created Parcel less than 35 acres in the WM Zone District may qualify for a Building Permit for one single-family dwelling unit, provided the Parcel meets the criteria set forth in Section 5-1908.

II. Minimum Setbacks

a. Front Yard - 30 feet
b. Side Yard - 20 feet
c. Rear Yard - 20 feet

III. Maximum Height of Buildings - 35 feet

5-319 I. Minimum Off-street Parking

Off-street parking shall be provided for each approved use as required in Section 5-702.

5-319 J. Cemetery Standards

In addition to complying with the standards for special uses in Sections 5-319 K. and 5-10, cemeteries shall comply with the standards in this section.

I. Such uses shall serve an obvious public need;

II. Sufficient distance shall separate such uses from incompatible uses on adjacent properties; and

III. Satisfactory proof shall be obtained that such areas will be properly maintained.

5-319 K. Review Standards for all WM Zone District Special Uses

All special uses shall:

I. Be consistent with the County Master Plan, the County Land Use Policies in Article 2 and the purpose of the WM Zone District;

II. Be consistent with and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses, and/or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the
parcel proposed for development;

III. Be designed, located and proposed to be operated so that the public health, safety and welfare will be protected;

IV. Be located, designed and operated to minimize adverse effects, including impacts on scenic quality, pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibration and odor on surrounding properties. (The allowed number of employees or occupants may be limited depending upon potential impacts on surrounding properties);

V. Provide adequate public facilities and services to serve the special use, including but not limited to roads, adequate water supply in terms of both quality and quantity, sewer, solid waste and fire protection;

VI. Not substantially adversely affect agriculture or ranching operations, residences or scenic quality of land surrounding State or County roads (including through addition of traffic);

VII. Comply with setback and height restrictions; however, the County may require greater setbacks to mitigate impacts on neighbors or scenic quality;

VIII. All exterior lighting shall comply with the standards of Section 5-710;

XI. Be located to preserve scenic views and blend in with and utilize the natural topography;

X. Use native or similar horticultural materials for revegetation and reforestation, and provide guarantees that any needed revegetation or reforestation will be completed during the first planting season after construction;

XI. Only include roads, utilities and associated structures that bear logical relationships to existing topography and minimize cuts and fills;

XII. Comply with the applicable sign standards in Land Use Code Section 5-704; and

XIII. Be consistent with the historic rural and agricultural character of Wright's Mesa. The following standards, along with input from neighbors, shall be considered by the County in determining
consistency:

Siting of Buildings
- Locate buildings away from open meadows, visible ridges, and wildlife habitat areas.
- Cluster structures with surrounding open space ("ranch compound" concept).
- Locate buildings to maximize solar access.

Roads/Driveways
- Minimize cuts and fills, which should not exceed 2:1 slopes.
- Stabilize cut and fill slopes with erosion-resistant vegetation or material contoured to blend with natural, undisturbed terrain.
- Maintain the natural drainage on the property to the greatest extent possible.
- Encourage shared driveways between buildings.
- Avoid cutting through open meadows.
- Surface driveways with gravel, or employ dust-control.

Parking
- Locate parking areas behind or to the side of buildings.
- Consider parking-surface alternatives, such as gravel and reinforced sod.
- Separate parking areas from buildings with pedestrian ways and planting zones.
- Landscape at least 15 percent of parking areas, and provide one shade tree for each 300 square feet of parking.

Building Materials
- Utilize predominantly natural building materials, such as wood siding and native stone. (Corrugated metal buildings are discouraged, and at minimum should be sited to minimize visibility from roads.)
- Encourage natural earth tones and muted colors to blend with surroundings.
- Paint or anodize exposed metal flashing or trim to reduce reflectivity.
- Encourage composition shingle, metal, slate or other earth toned non-reflective roofing.

Architectural Elements
- Encourage front and side porches.
- Encourage roof slopes that change pitch and peaked roofs with gentle slopes.
- Encourage horizontal building forms (this does not preclude two stories).
- Encourage pitched roofs, and discourage flat, mansard, curved and domed roofs.
- Match roof colors with the darkest colors in the adjacent landscape.
- Encourage reuse, renovation, and/or modification of existing buildings.

Accessory Structures
- Screen mechanical appurtenances, service and storage areas and trash receptacles from public view.
- Utilize the same or similar building materials (forms, colors and textures) for main and accessory structures.
- Mitigate visibility of accessory structures with fences, walls and/or landscaping.
XIV. Review of Approved Special Uses

I. All approved Special Uses subject to either one-step Planning Commission or Board of County Commissioner review or two-step Special Permit Review shall commence within three (3) years of the date of approval. If the owner has not obtained a Development Permit for the approved Special Use and/or commenced the approved use or activity, in accordance with the terms and conditions of the approval, within this three (3) year time period, the Special Use shall be subject to review at a duly noticed Public Hearing by the entity that approved the Special Use. The purpose of this review is to determine if there has been a change in circumstances since the Special Use Permit was granted and to determine if the Special Use meets or complies with the review standards for Special Uses set forth in Land Use Code Section 5-319 K. Review Standards for all WM Zone District Special Uses

Upon or prior to the expiration of the three (3) year period, the owner/applicant may provide a written statement withdrawing the Special Use application and requesting the Special Use approval be terminated. If upon expiration of the three (3) year period the owner/applicant does not provide a written statement withdrawing the application the matter shall be noticed and scheduled for Public Hearing by the County. The applicant is encouraged to provide a written statement, prior to the Public Hearing, indicating why the approved Special Use has not been permitted and/or commenced, identifying any changes that may have occurred in the surrounding land uses and explaining how the proposed Special Use meets the review standards in Land Use Code Section 5-319 K.

Review of an approved Special Use shall be conducted in accordance with the applicable provisions of Article 3 Procedures for one-step reviews and shall include posting and sending written notice of the Public Hearing for review of the Special Use to adjacent property owners. Development Permits for an approved Special Use shall not be issued following the expiration of the three (3) year period, prior to the required Public Hearing.

The Planning Commission and/or Board of County Commissioners in reviewing the Special Use Permit, at a duly noticed Public Hearing, may extend the Special Use Permit approval, extend the approval subject to modifications or additional conditions, or they may rescind and terminate the approval if a finding is made that the Special Use no longer meets the review standards for Special Uses pursuant to Section 5-319 K. Review Standards for all WM Zone District Special Uses.
II. If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be subject to review initiated by the County. The procedures and standards for review of discontinued or abandoned Special Uses are the same as those for Review and Approval of Special Uses set forth in Land Use Code Section 5-319 K. If a Special Use is discontinued or abandoned for twelve (12) consecutive months, and the Special Use is re-established or resumed by the owner, the use shall be subject to review in accordance with the provisions of this section and subject to review by either the Planning Commission and/or Board of County Commissioners, at a duly noticed Public Hearing, where the permitting entity may rescind or terminate, recognize and extend the original approval, or extend subject to additional conditions or modifications. The procedures and standards for review of discontinued Special Uses are the same as those for Review of Approved Special Uses set forth in 5-319 K. Review Standards for all WM Zone District Special Uses.
WRIGHT’S MESA ZONE DISTRICTS

The current Land Use Code Section 5-319 Wright’s Mesa Zone District (WM) and related texts will remain in full force and effect as to parcels of real property included within the Wright’s Mesa Master Plan Area until and unless the Board of County Commissioners approves the rezoning of any such specific parcel of real property to one of the new Wright’s Mesa Zone District classifications as follows:

NEW LANGUAGE adopted March 2010

Land Use Code Section 5-201 General

R. Wright’s Mesa (WM) (Section 5-319 I, II, III, IV)

I. Wright’s Mesa Town Residential (WMTR)
II. Wright’s Mesa Light Industrial (WMLI)
III. Wright’s Mesa Rural Agriculture (WMRA)
VI. Wright’s Mesa Rural Residential (WMRR)

The following pages WM-1 through WM 57 contain the new language adopted March 2010.
# SECTION 5-319 WRIGHT’S MESA ZONE DISTRICTS

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<td>21</td>
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<td>III. Public and Institutional</td>
<td>23</td>
</tr>
<tr>
<td>IV. Commercial</td>
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<tr>
<td>V. Industrial</td>
<td>30</td>
</tr>
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<td>VI. Accessory Uses and Structures</td>
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<td>FIGURE WM-1</td>
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<td>AREA AND BULK REQUIREMENTS</td>
<td>17</td>
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</tbody>
</table>
5-319 Wright’s Mesa Zone Districts

5-319 A. General Provisions

I. General Purpose and Intent

This Section is generally intended to:

a. Implement the Wright’s Mesa Master Plan;
b. Allow for and encourage town-level residential and light industrial uses within the Norwood Master Plan Boundary; and
c. Allow for and encourage on-going and future agricultural operations and compatible uses outside the Norwood Master Plan Boundary, while protecting the character and quality of Wright’s Mesa.

II. Applicability

This Section 5-319 applies to all land located within the boundaries of the Wright’s Mesa Master Plan. The use of land, buildings, or structures, and all development as defined by this Code, shall conform to the regulations applicable to the zone district in which the lot or site is located, unless a variance, adjustment, or exemption is provided by or pursuant to the terms of this Section. This Section 5-319 does not apply to pre-existing, non-conforming uses, which shall instead be governed by Section 5-19 of this Land Use Code.

5-319 B. Establishment of Wright’s Mesa Zone Districts

Table 1 lists the Wright’s Mesa Zone Districts.

| TABLE 5-319-1: WRIGHT’S MESA ZONE DISTRICTS AND ABBREVIATIONS |
|------------------|-------------------------|
| ABBREVIATION     | ZONE DISTRICT           |
| WMRA             | Wright’s Mesa Rural Agricultural |
| WMRR             | Wright’s Mesa Rural Residential |
| WMLI             | Wright’s Mesa Light Industrial |
| WMTR             | Wright’s Mesa Town Residential |

5-319 C. District Boundaries

Boundaries of the Wright’s Mesa Zone Districts are to be shown on the adopted County Zoning Map as specific properties are rezoned to these new Districts. The Districts are within the Wright’s Mesa Master Plan boundary, which is shown on the Following Figures WM1 (Wright’s Mesa Master Plan Boundary and Future Land Use Plan) and WM2 (Wright’s Mesa Future Land Use – Norwood Master Plan Area).
Figure WM-1

**MASTER PLAN BOUNDARY AND FUTURE LAND USE PLAN**

**LEGEND**
- Wright's Mesa Boundary
- County Boundary
- Norwood Master Plan Boundary
- Township & Range
- Section
- Local Road
- County Road
- Highway
- River or Stream
- Lake or Reservoir
- Wright's Mesa Rural Agricultural (WMRA)
- Elk Winter Range Habitat
- Gunnison Sage-grouse Habitat
- Wright's Mesa Source Water Protection Area Overlay

Source: San Miguel County GIS, Clokie Associates

December 2020

Figure WM1
5-319 D. District Purposes

I. Wright’s Mesa Rural Agricultural (WMRA)
The Wright’s Mesa Rural Agricultural district is intended to implement the Wright’s Mesa Master Plan by protecting the rural and agricultural character of Wright’s Mesa and allow for and encourage ongoing and future agricultural operations outside of the Norwood Master Plan Boundary, while encouraging compatible, diverse economic opportunities that enhance the economic viability of agricultural lands and fit within the rural landscape. The district discourages the type of large-lot sprawl development patterns that are typically created through 35-acre development, by offering alternatives and incentives to cluster buildings, retain open lands, and keep large parcels whole. The PUD process is not applicable in this district. This Section 5-319 includes criteria to guide the siting of and performance of general industrial services and heavy manufacturing within the WMRA district. Industry that would have significant adverse impacts to neighbors or that would detract from the rural character may not be appropriate on Wright’s Mesa. These types of uses may be more appropriately considered in the West End (WE) zone district (defined in Section 5-320) in proximity to existing resource extraction, mining and mineral processing, and major oil and gas facilities.

II. Wright’s Mesa Rural Residential (WMRR)
Existing rural subdivisions located on Wright’s Mesa outside of the Norwood Master Plan Boundary that are in the Residential (R), Mobile Home (MH), and Planned Unit Development (PUD) zone districts, or parcels created through other means, are eligible to rezone to Wright’s Mesa Rural Residential (WMRR). The WMRR zone district is intended to allow existing lots that are smaller than 35 acres to comply with reasonable area and bulk requirements and make them conforming. This district is not intended to expand rural residential subdivisions into other parts of Wright’s Mesa. The PUD process is not applicable in this district.

III. Wright’s Mesa Light Industrial (WMLI)
The Wright’s Mesa Light Industrial (WMLI) district is established to implement the “Town Light Industrial” land use classification in the Wright’s Mesa Master Plan. The district is intended to apply to county parcels that have been identified as appropriate for light industrial development currently outside town limits but within the Town of Norwood Master Plan Boundary. The district is intended to allow for the development of small-scale and relatively low-impact manufacturing and processing uses, offices, business services, live-work units, civic uses, and other uses compatible with the small-town character of Norwood, in locations where uses and activities can be efficiently served by the Town of Norwood, Norwood Sanitation District, and Norwood Water Commission. This district is near the downtown commercial area and at the edge of town residential areas, where town-level residential and
commercial should occur. Therefore, commercial and residential uses in this district require greater review process than light industrial uses. Developers seeking higher density or variation in permitted uses or area and bulk requirements shall use the Planned Unit Development (PUD) process and must demonstrate legal and physically adequate water and sewer services. The district’s location allows for the expansion of Norwood in a compact and orderly fashion. It is also intended to ensure general consistency with the Town of Norwood’s Major Streets and Future Land Use Plan. Prior to rezoning parcels to the WMLI district, the county will encourage landowners to seek annexation into the Town or enter into a pre-annexation agreement with the Town of Norwood.

IV. Wright’s Mesa Town Residential (WMTR)
The Wright’s Mesa Town Residential (WMTR) district is established to implement the “Town Residential” land use classification in the Wright’s Mesa Master Plan. The district is intended to apply to county parcels that have been identified as appropriate for town-level residential development within the Town of Norwood Master Plan Boundary. “Town-level residential development” is consistent with Town of Norwood residential development densities and all other standards, including paving standards for streets and sidewalks. Developers seeking higher density or variation in permitted uses or area and bulk requirements shall use the Planned Unit Development (PUD) process and must demonstrate legal and physically adequate water and sewer services. The WMTR zone district is determined to be necessary and suitable for future town uses and can be efficiently served by the Town of Norwood, Norwood Sanitation District, and Norwood Water Commission. It is also consistent with the Town of Norwood’s Major Streets and Future Land Use Plan. Prior to rezoning parcels to the WMTR district, the county will encourage landowners to seek annexation into the Town or enter into a pre-annexation agreement with the Town of Norwood.

5-319 E. Allowed Uses
Table 5-319-3 lists the uses allowed within the four zone districts. Development or use of property for any other use not specifically allowed in Table 5-319-3 and authorized under the applicable procedure is prohibited. All the use categories and use types listed in the Table of Allowed Uses are defined in Section 5-319 K.
I. Explanation of Table Abbreviations

Table 5-319-2 lists the review procedures and abbreviations used in the Table of Allowed Uses (Table 5-319-3).

<table>
<thead>
<tr>
<th>ABBREVIATION</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>“P” indicates that the use is permitted by right, subject to compliance with any additional regulations set forth in the final column of the table. Notwithstanding the designations in Table 5-319-3, any use proposing access onto a county road or state highway is subject to issuance of a development permit.</td>
</tr>
<tr>
<td>P-D</td>
<td>“P-D” indicates that the use is permitted by right, subject to compliance with any additional regulations set forth in the final column of the table, and subject to issuance of a development permit.</td>
</tr>
<tr>
<td>S-1</td>
<td>“S-1” indicates that the use is allowed subject to approval of a Special Use Permit, following the one-step Board of County Commissioner review and decision procedure set forth in Section 5-319 F. II. a.</td>
</tr>
<tr>
<td>S-2</td>
<td>“S-2” indicates that the use is allowed subject to approval of a Special Use Permit, following the two-step Planning Commission/Board of County Commissioner review and decision procedure set forth in Section 3-6.</td>
</tr>
<tr>
<td>A</td>
<td>“A” indicates that the use is allowed as accessory to a principal use of the property, subject to compliance with any additional regulations set forth in the final column of the table.</td>
</tr>
<tr>
<td>A-D</td>
<td>“A-D” indicates that the use is allowed as accessory to a principal use of the property, subject to issuance of a development permit and subject to compliance with any additional regulations set forth in the final column of the table.</td>
</tr>
<tr>
<td>T-D</td>
<td>“T-D” indicates that the use is allowed as a temporary use, subject to issuance of a development permit and subject to compliance with any additional regulations set forth in the final column of the table.</td>
</tr>
</tbody>
</table>

II. Table Organization

In Table 5-319-3, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. Both use categories and use types are defined in Section 5-319 K.
III. **Use-specific Standards**
Regardless of whether a use is allowed by right or permitted as a special use, additional standards may be applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of the table.

IV. **Multiple Principal Uses Allowed**

a. **WMRA District**
   In the WMRA district, each parcel is allowed one single-family dwelling and any number of home occupations, agricultural uses, and/or agricultural support uses provided such uses meet all standards of this code. In addition, one other principal use may be allowed, provided that such use complies with all applicable standards of this code.

b. **WMRR District**
   In the WMRR district, each parcel is allowed one single-family dwelling and any number of home occupations, and agricultural uses provided such uses meet all standards of this code.

c. **WMTR and WMLI Districts**
   Multiple principal uses may be allowed on a single parcel in the WMTR and WMLI districts, provided that each such use complies with all applicable standards of this code.

V. **Classification of New and Unlisted Uses**
The county recognizes that new types of land use will develop and forms of land use not anticipated in this Land Use Code may seek to locate in the Wright’s Mesa zone districts. When application is made for a use category or use type that is not specifically listed in Table 5-319-3, the Planning Director shall make a determination as to the appropriate classification of any new or unlisted form of land use in the following manner:

a. The Planning Director shall provide an interpretation as to the use category, if any, into which such use should be placed. In making such interpretation, the Planning Director shall consider the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage, and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer. The Planning Director shall make a finding that the newer, unlisted use has similar or lesser impacts than the similar listed use; if not the use shall not be allowed.

b. Standards for new and unlisted uses may be interpreted as those of a
similar use. A similar review procedure shall apply for the new and unlisted use.

c. Appeal of the Planning Director’s decision shall be made to the Board of County Commissioners under Sections 1-1903 A.

VI. Table of Allowed Uses
Allowed uses are identified in Table 5-319-3. All uses shall be consistent with the Wright’s Mesa Master Plan. All uses shall comply with all applicable provisions of county, state and federal regulations and permitting.

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>USE TYPE</th>
<th>WMRA</th>
<th>WMRR</th>
<th>WMLI</th>
<th>WMTR</th>
<th>USE-SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>General standards in 5-319 I. apply to all uses. Additional use-specific standards in 5-319 H. may apply as noted.</td>
</tr>
<tr>
<td>AGRICULTURAL USES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.Ia.</td>
</tr>
<tr>
<td>Agriculture</td>
<td>Agriculture (use of land for the production of food, including crops, pasture, raising of livestock, greenhouses)</td>
<td>P</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Support Uses</td>
<td>Agricultural Processing Facility related to on-site production</td>
<td>P-D</td>
<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.Ib.</td>
</tr>
<tr>
<td>Farm and Ranch-Based Tourism</td>
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<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.Ic.</td>
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</tr>
<tr>
<td>Farm Machinery Repair and Sales</td>
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<td></td>
<td>Section 5-319 H.Id.</td>
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<td>Feedlot, Commercial</td>
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<td></td>
<td>Section 5-319 H.Ie.</td>
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<td>Lumber Mill</td>
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<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.If.</td>
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<tr>
<td>Small-Scale Business</td>
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<td></td>
<td></td>
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<td></td>
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<td>Household Living</td>
<td>Dwelling, Single-family (manufactured and mobile homes on permanent foundations)</td>
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<td>P-D</td>
<td>P-D</td>
<td>P-D</td>
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<td></td>
<td>Dwelling, Cottage Housing</td>
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<td>Dwelling, Live/work</td>
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<td>Dwelling, Multi-family</td>
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<td></td>
<td>Secondary Dwelling u/Unit</td>
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<td>P-D</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Accessory shed or outbuilding (200 sf or less in residential district)</td>
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<td>Group Living</td>
<td>Boarding or Rooming House</td>
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<td></td>
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<td>Nursing Home</td>
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# TABLE 5-319-3: TABLE OF ALLOWED USES

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<th>WMTR</th>
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<td>Community and Cultural Facilities</td>
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<td>S-1</td>
<td>S-1</td>
<td>S-1</td>
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</tr>
<tr>
<td></td>
<td>Community/Recreation Center</td>
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<td>S-1</td>
<td>Section 5-319 H.III.a.</td>
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<tr>
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<td>Government Administration and Civic Building</td>
<td>S-2</td>
<td>P-D</td>
<td>S-1</td>
<td>Section 5-319 H.III.b.</td>
</tr>
<tr>
<td></td>
<td>Social, Fraternal Lodge</td>
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<td></td>
<td></td>
<td>P-D</td>
</tr>
<tr>
<td>Day Care Facilities</td>
<td>Day Care Center</td>
<td>S-2</td>
<td>P-D</td>
<td>S-1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Day Care Home</td>
<td>P-D</td>
<td>P-D</td>
<td>P-D</td>
<td>P-D</td>
</tr>
<tr>
<td>Educational Facilities</td>
<td>School (elementary or secondary)</td>
<td>S-2</td>
<td>P-D</td>
<td>P-D</td>
<td>Section 5-319 H.III.c.</td>
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<tr>
<td></td>
<td>Trade or Vocational School</td>
<td>S-1</td>
<td>S-1</td>
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<tr>
<td>Health Care Facilities</td>
<td>Clinic</td>
<td>S-1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hospital</td>
<td>S-2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park and Open Space</td>
<td>Athletic Fields and Courts</td>
<td>S-1</td>
<td>P-D</td>
<td>S-1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community Garden</td>
<td>P</td>
<td>P-D</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Open Space</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Park</td>
<td>S-1</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Public Safety Facility</td>
<td>Fire and/or Rescue Station or Substation</td>
<td>S-2</td>
<td>P-D</td>
<td>S-1</td>
<td>Section 5-319 H.III.d.</td>
</tr>
<tr>
<td></td>
<td>Police or Sheriff Station or Substation</td>
<td>S-2</td>
<td>P-D</td>
<td>S-1</td>
<td>Section 5-319 H.III.d.</td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>All uses</td>
<td>S-1</td>
<td>P-D</td>
<td>P-D</td>
<td>Section 5-319 H.III.e.</td>
</tr>
<tr>
<td>Telecommunications Facility</td>
<td>Tower/Antenna</td>
<td>S-1</td>
<td>P-D</td>
<td>P-D</td>
<td>Section 5-27</td>
</tr>
<tr>
<td>Transportation Facility</td>
<td>Bus or Intercept Lot</td>
<td>S-1</td>
<td>P-D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility/Energy Production</td>
<td>Public Utility Service Center and Storage Yard</td>
<td>S-1</td>
<td>P-D</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Renewable energy facility (solar, wind)</td>
<td>S-2</td>
<td>S-1</td>
<td></td>
<td>Section 5-319 H.III.g.</td>
</tr>
<tr>
<td></td>
<td>Utility, Major</td>
<td>S-2</td>
<td>S-2</td>
<td></td>
<td>Section 5-709</td>
</tr>
<tr>
<td></td>
<td>Utility, Minor</td>
<td>S-1</td>
<td>S-1</td>
<td></td>
<td>Section 5-709</td>
</tr>
</tbody>
</table>
### TABLE 5-319-3: TABLE OF ALLOWED USES

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>USE TYPE</th>
<th>WMRA</th>
<th>WMRR</th>
<th>WMLI</th>
<th>WMTR</th>
<th>USE-SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMMERCIAL USES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>General standards in 5-319 I apply to all uses. Additional use-specific standards in</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5-319 H may apply as noted.</td>
</tr>
<tr>
<td>Conference and Training Centers</td>
<td>Conference and Training Center</td>
<td>S-1</td>
<td>S-1</td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.a.</td>
</tr>
<tr>
<td>Rural Resort or Retreat</td>
<td></td>
<td>S-1</td>
<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.a.</td>
</tr>
<tr>
<td>Food and Beverage Service</td>
<td>Restaurant or Bakery</td>
<td>S-1</td>
<td></td>
<td>P-D</td>
<td></td>
<td>Section 5-319 H.IV.b.</td>
</tr>
<tr>
<td>Office and Business Professional</td>
<td>Bank/Financial Institution</td>
<td></td>
<td>S-1</td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td></td>
<td>Office</td>
<td>S-1</td>
<td></td>
<td>P-D</td>
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<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td></td>
<td>Personal Services</td>
<td>S-1</td>
<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td>Recreation and Entertainment (Indoor)</td>
<td>Movie Theater</td>
<td></td>
<td></td>
<td>S-2</td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td>Recreation and Entertainment (Outdoor)</td>
<td>General Outdoor Recreation, Commercial</td>
<td></td>
<td>S-2</td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td>Golf Course or Driving Range</td>
<td></td>
<td>S-2</td>
<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td>Rural Recreational Establishment (outdoor)</td>
<td></td>
<td>S-1</td>
<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td>Retail Sales</td>
<td>Greenhouse or nursery w/retail</td>
<td>S-1</td>
<td></td>
<td>P-D</td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td></td>
<td>Grocery store (supermarket)</td>
<td></td>
<td>S-2</td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td></td>
<td>Retail, general (indoor)</td>
<td>S-2</td>
<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td></td>
<td>Retail, general (outdoor)</td>
<td>S-2</td>
<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td>Vehicles and Equipment</td>
<td>Carwash</td>
<td>S-2</td>
<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
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<tr>
<td></td>
<td>Gasoline station</td>
<td>S-2</td>
<td></td>
<td></td>
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<td>Section 5-319 H.IV.e.</td>
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<tr>
<td></td>
<td>Vehicle Service and Repair and Parts Sales (indoor)</td>
<td>S-1</td>
<td></td>
<td>P-D</td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td>Visitor Accommodations</td>
<td>Bed and Breakfast</td>
<td>P-D</td>
<td>S-1</td>
<td>P-D</td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td></td>
<td>Bed and Breakfast</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td></td>
<td>RV Park, Travel Trailer Park, Campground</td>
<td>S-2</td>
<td>S-2</td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td></td>
<td>Semi-Primitive Campground (up to 5 spaces on parcels greater than 150 acres)</td>
<td>S-2</td>
<td>S-2</td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
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<tr>
<td></td>
<td>Semi-Primitive Campground 6 or more spaces and/or less than 150 acres)</td>
<td>P-D</td>
<td></td>
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<td>Section 5-319 H.IV.e.</td>
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<tr>
<td></td>
<td>Hotel or motel</td>
<td>S-2</td>
<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
</tr>
<tr>
<td></td>
<td>Lodge (Hunting or Guest Ranch - up to 20 guests)</td>
<td>P-D</td>
<td></td>
<td></td>
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<td>Section 5-319 H.IV.e.</td>
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<tr>
<td></td>
<td>Lodge (Hunting or Guest Ranch - 21 or more guests)</td>
<td>S-1</td>
<td></td>
<td></td>
<td></td>
<td>Section 5-319 H.IV.e.</td>
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<tr>
<td>USE CATEGORY</td>
<td>USE TYPE</td>
<td>WMRA</td>
<td>WMRR</td>
<td>WMLI</td>
<td>WMTR</td>
<td></td>
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<td>--------------</td>
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</tr>
<tr>
<td>INDUSTRIAL USES</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>General Industrial Service</td>
<td>Minor</td>
<td>S-1</td>
<td>S-1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major</td>
<td>S-2</td>
<td></td>
<td></td>
<td>Section 5-319 H.V.c.</td>
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<tr>
<td>Resource Extraction</td>
<td>Logging</td>
<td>S-1</td>
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<tr>
<td></td>
<td>Mining and/or Mineral Processing</td>
<td>S-2</td>
<td></td>
<td></td>
<td>Section 5-16 and 5-17</td>
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<td></td>
<td>Conditional uses on federal lands - mineral exploration, mining, logging</td>
<td>S-2</td>
<td></td>
<td></td>
<td>Section 5-11</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Oil and Gas Facility, Major</td>
<td>S-2</td>
<td></td>
<td></td>
<td>Section 5-26</td>
<td></td>
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<tr>
<td></td>
<td>Oil and Gas Facility, Minor</td>
<td>P-D</td>
<td></td>
<td></td>
<td>Section 5-26</td>
<td></td>
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<tr>
<td>Manufacturing and Production</td>
<td>Manufacturing, heavy</td>
<td>S-2</td>
<td></td>
<td></td>
<td>Section 5-319 H.V.c.</td>
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<tr>
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<td>Manufacturing, light</td>
<td>S-1</td>
<td></td>
<td></td>
<td>Section 5-319 H.V.b.</td>
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<tr>
<td></td>
<td>Shop-Craft Business or Industry</td>
<td>S-1</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Warehouse and Storage</td>
<td>Construction Staging Area/Stockpiling of dirt</td>
<td>S-2</td>
<td>S-2</td>
<td></td>
<td>Section 5-319 H.V.d.</td>
<td></td>
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<tr>
<td></td>
<td>Mini-storage</td>
<td>S-1</td>
<td></td>
<td></td>
<td>Section 5-319 H.V.e.</td>
<td></td>
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<tr>
<td></td>
<td>Recreational Vehicle (RV) Storage and Service</td>
<td>S-2</td>
<td>S-2</td>
<td></td>
<td>Section 5-319 H.V.f.</td>
<td></td>
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<tr>
<td></td>
<td>Storage or Hauling Company</td>
<td>S-1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Warehouse</td>
<td>P-D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste and Salvage</td>
<td>Material Recovery Facility</td>
<td>S-2</td>
<td></td>
<td></td>
<td>Section 5-319 H.V.g.</td>
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<tr>
<td></td>
<td>Salvage, Junk Yard</td>
<td>S-2</td>
<td></td>
<td></td>
<td>Section 5-319 H.V.g.</td>
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<tr>
<td>ACCESSORY USES</td>
<td>Accessory Use/Structure</td>
<td>A-D</td>
<td>A-D</td>
<td>A-D</td>
<td>A-D</td>
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</tr>
<tr>
<td></td>
<td>Dwelling, Alley House</td>
<td>A-D</td>
<td></td>
<td></td>
<td>Section 5-319 H.VI.a</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Caretaker or Guard Residence</td>
<td>A-D</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Greenhouse (accessory to a Single-family Dwelling)</td>
<td>A*</td>
<td>A-D</td>
<td>A-D</td>
<td>A-D</td>
<td>Section 5-319 F.I. *Building Permit may be required</td>
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<tr>
<td></td>
<td>Heliport</td>
<td>S-1</td>
<td></td>
<td></td>
<td>Section 5-319 H.VI.b.</td>
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<tr>
<td></td>
<td>Home occupation (accessory to Single-family Dwelling)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>Article 6 Definition Section 5-319 H.VI.e.</td>
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<tr>
<td></td>
<td>Outdoor Storage</td>
<td>A-D</td>
<td></td>
<td></td>
<td>Section 5-319 H.V.d.</td>
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<tr>
<td></td>
<td>Solar Energy Collector</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stable (Accessory Use)</td>
<td>A-D</td>
<td></td>
<td></td>
<td>Section 5-319 H.VI.e.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wind-powered Energy Generator</td>
<td>A-D</td>
<td>A-D</td>
<td>A-D</td>
<td>A-D</td>
<td></td>
</tr>
<tr>
<td>TEMPORARY USES</td>
<td>Asphalt//Concrete Batch Plant, Temporary</td>
<td>T-D</td>
<td></td>
<td></td>
<td>Section 5-319 H.VII.a.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Building Material, and / Construction Office, Temporary</td>
<td>T-D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Construction Staging Area/Stockpiling of dirt, Temporary</td>
<td>T-D</td>
<td>T-D</td>
<td></td>
<td>Section 5-319 H.V.d.; Section 5-319 H.VII.b.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Field Office, Temporary</td>
<td>T-D</td>
<td>T-D</td>
<td>T-D</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sales Trailer, Temporary</td>
<td>T-D</td>
<td>T-D</td>
<td>T-D</td>
<td>Section 5-319 H.VII.c.</td>
<td></td>
</tr>
</tbody>
</table>
5-319 F. Procedures that Apply
This section sets forth procedures that apply within the Wright’s Mesa zone districts. This Section supplements the general County review procedures found in Article 3 of this Land Use Code. In case of conflict between this Section and Article 3, the procedures in this Section shall control.

I. Uses Subject to Issuance of a Development Permit
Uses subject to issuance of a Development Permit shall comply with applicable regulations of this Land Use Code, including use-specific standards in Section 5-319 H. and site development standards in Section 5-319 I. Development permits shall be processed in accordance with Section 3-402.

II. Special Uses
Special Uses are allowed only if the applicant applies for and is issued a Special Use Permit in accordance with the procedures below and in Article 3. Special Uses are subject to all other applicable regulations of this Land Use Code, including Section 5-10, the submittal requirements of Section 5-1002 E., the use-specific standards in Section 5-319 H. and site development standards in Section 5-319 I. Special Uses require either a One- or Two-step review procedure, as set forth in this Section and Section 3-6 of this Land Use Code.

a. One-Step Review (Wright’s Mesa)
Uses that are subject to a One-Step Special Use Permit review and decision shall comply with procedures in this Section.

i. One-Step Review Process
The One-Step Special Use Permit review procedure shall be in accordance with the general review process described in Section 3-2 and the One-Step review procedure set forth in Section 3-5. The Board of County Commissioners shall be responsible for the meeting and/or public hearing and decision for One-step reviews on Wright’s Mesa.

ii. Public Notice Abbreviated Process
Certain uses in the WMRA zone district subject to the One-Step review procedure are eligible to shorten the review process as follows:

(a) The following uses in the WMRA zone district are eligible for the abbreviated process: commercial stable; convent or monastery; cemetery; school (elementary or secondary); minor utility; rural resort or retreat; office; rural recreational establishment (outdoor); greenhouse or nursery with retail; lodge (hunting or guest ranch); and shop-craft, business or industry.

(b) An applicant proposing one of the above-listed uses who wishes to pursue the abbreviated process shall provide the county planning department with a draft copy of the notice to
be sent to property owners. The notice shall include a description of the proposed project, including a site plan and list of proposed uses and activities, and a description of how the use will meet applicable standards of this code. The applicant shall also provide the county with a list of intended recipients of the written notice.

(c) Following approval of the draft notice and mailing list, the applicant shall send by postal mail or electronic mail a written copy of the notice, as approved by the county, to all contiguous property owners and landowners within one-half mile of the subject property line, plus all property owners along any private road adjoining the subject property. The notification also shall include a consent form and a stamped envelope addressed to the county planning department.

(d) In addition to sending written notice, the landowner shall post notice of the proposed project on-site in accordance with county noticing requirements in Section 3-9 of this Land Use Code.

(e) If all recipients of the written notice sign and return the consent form within 30 days of the mailing of notification, indicating acceptance of the proposed project, the county shall review the use following the administrative review process set forth in Section 3-402 of this Land Use Code.

b. Two-Step Review
The Two-Step Special Use Permit review procedures shall be in accordance with the general review process described in Section 3-2 and Section 3-6 of this Land Use Code with (1) Planning Commission Review and Recommendation, and (2) Board of County Commissioner Review and Decision.

c. Joint Review of Rezoning and Special Use Permit
Following a pre-application meeting with county staff, an applicant may submit a combined application for rezoning to the WMTR or WMLI district and a special use permit to establish a use in one of those districts. In such cases, the applications shall be processed concurrently.

d. Commencement and Expiration
All Special Uses shall comply with the commencement and expiration provisions in Section 5-1002 F. Review of Approved Special Uses.

III. Accessory and Temporary Use Review
Unless otherwise stated in this Code, accessory uses are subject to all other applicable regulations of this Land Use Code.

Temporary uses are subject to all other applicable regulations of this Land Use Code.
5-319 G. **Area and Bulk Requirements**
All primary and accessory structures are subject to the dimensional standards set forth in Table 5-319-4 below. These general standards may be further limited or modified by other applicable sections of this Land Use Code.

I. **Dimensional Requirements**
The table sets forth dimensional requirements for allowed uses and for accessory uses. Uses may be allowed on smaller pre-existing or non-conforming lots or parcels created through an OLP or other subdivision exemption provided that the proposed use meets other applicable standards.

II. **Planned Unit Development (PUD) Variations in WMTR and WMLI Zone Districts**
PUD is a subdivision procedure permitting variation of dimensional, permitted uses, and parking standards to allow flexibility with dimensional requirements. Where area and bulk requirements may be varied for the WMTR and WMLI zone districts, as allowed through a PUD, the table indicates the dimensional requirement allowed.

A PUD shall comply with all standards set forth in Section 5-14.
<table>
<thead>
<tr>
<th>TABLE 5-319-4: AREA AND BULK REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>WMRA</td>
</tr>
<tr>
<td>-------------------------------------------</td>
</tr>
<tr>
<td><strong>MINIMUM LOT AREA</strong></td>
</tr>
<tr>
<td>Non-residential uses or group living</td>
</tr>
<tr>
<td>Single-family or duplex—no duplex in WMRA</td>
</tr>
<tr>
<td>Multi-family or cottage housing</td>
</tr>
<tr>
<td>Alley House, accessory use</td>
</tr>
<tr>
<td><strong>MAXIMUM LOT AREA</strong></td>
</tr>
<tr>
<td>Principal Use</td>
</tr>
<tr>
<td><strong>MINIMUM LOT WIDTH</strong></td>
</tr>
<tr>
<td>Non-residential uses of group living</td>
</tr>
<tr>
<td>Single-family</td>
</tr>
<tr>
<td>Multi-family</td>
</tr>
<tr>
<td>Cottage housing</td>
</tr>
<tr>
<td><strong>MINIMUM SETBACKS</strong></td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Side</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td><strong>MAXIMUM HEIGHT OF BUILDINGS</strong></td>
</tr>
<tr>
<td>Primary Use</td>
</tr>
<tr>
<td>Accessory Use</td>
</tr>
<tr>
<td><strong>MAXIMUM LOT COVERAGE</strong></td>
</tr>
<tr>
<td>All Uses</td>
</tr>
<tr>
<td>Cottage Housing</td>
</tr>
<tr>
<td>Single-family with Alley House accessory</td>
</tr>
<tr>
<td>Planned Unit Development</td>
</tr>
<tr>
<td><strong>MINIMUM FLOOR AREA PER UNIT</strong></td>
</tr>
<tr>
<td>Non-residential uses</td>
</tr>
<tr>
<td>Single-family</td>
</tr>
<tr>
<td>Duplex</td>
</tr>
<tr>
<td>Cottage</td>
</tr>
<tr>
<td>Multi-family or Alley Houses</td>
</tr>
<tr>
<td><strong>OFF-STREET PARKING</strong></td>
</tr>
<tr>
<td>Shall be provided for each use as required in Section 5-702</td>
</tr>
</tbody>
</table>
5-319 H. Use-Specific Standards
All uses are subject to the applicable use-specific standards set forth in the Section.

I. Agricultural: See Definition of Agriculture in Section 5-319 K.

Agricultural Support Uses
This Section addresses the use-specific standards applicable to agricultural uses.

a. Agricultural Processing Facility
An agricultural processing facility in the WMRA zone district shall comply with the following standards:

i. Minimum Lot Area: The minimum lot area shall be five acres.
ii. Structure Size: The structure shall not exceed 2,000 square feet.
iii. Larger structures may be permitted by special use review.
iv. The use shall comply with all applicable state and federal standards.

b. Farm and Ranch-Based Tourism
A farm and ranch-based tourism use in the WMRA zone district shall comply with the following standards:

i. Minimum Lot Area: The minimum lot area shall be five acres.
ii. Maximum Structure Size: Structures shall not exceed 2,000 square feet.
iii. Owner: The use shall be operated or maintained by the owner, or occupant of the land upon which the activity is being conducted.
iv. Number of Visitors: Up to 200 visitors per day may be allowed.
v. Parking: Parking shall be screened from a county road or state highway to the extent possible, and use an all-weather surface, such as gravel, to control erosion and dust.

c. Farm Machinery Repair and Sales
A farm and machinery repair and sales use in the WMRA zone district shall comply with the following standards:

i. Storage of Equipment: To the extent possible equipment and storage of materials for repair and sales shall be screened and located to the side or rear of buildings. The storage yard shall not exceed 20,000 square feet.
ii. Setbacks from Residential: Structures for repair and equipment storage shall be a minimum of 100 feet from a lot line abutting an existing dwelling or property zoned for residential use.
iii. Noise: Shall not exceed 55 dBA at the lot line adjacent to a residential use or where residential uses are allowed by right.
d. **Feedlot, Commercial**

A commercial feedlot in the WMRA zone district shall comply with the following standards:

i. Minimum Lot Area: The minimum lot area shall be 35 acres.

ii. Setbacks from Residential: The feedlot shall be a minimum of 200 feet from lot lines abutting existing dwellings or property zoned for residential use.

iii. Manure Management Plan: As part of the Special Use application, the applicant shall prepare a Manure Management Plan for approval by the county.

iv. Water Protection: No unconfined manure stacking or piling shall occur within the Source Water Protection Area Overlay (as set forth within Section 5-319 J.), within 300 feet of a stream, or within 100 feet of an irrigation ditch.

e. **Lumber Mill**

A lumber mill shall comply with the following standards:

i. Minimum Lot Area: the minimum lot area shall be 35 acres.

ii. Maximum Structure Size:

<table>
<thead>
<tr>
<th>LOT AREA</th>
<th>SIZE OF STRUCTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>35 TO 150 acres (Small Scale)</td>
<td>2,000 square foot maximum</td>
</tr>
<tr>
<td>&gt;150 acres (Medium Scale)</td>
<td>10,000 square foot maximum</td>
</tr>
</tbody>
</table>

iii. Noise: Noise at the lot line shall not exceed 55 dBA adjacent to a residential use or where residential uses are allowed by right.

iv. Hours of Operation: Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.

v. Setback: The setback from the lot line adjacent to a residential use shall be 100 feet.

vi. Wright’s Mesa Source Water Protection Area Overlay: This use is prohibited in the Source Water Protection Area, as set forth in Section 5-319 J.

vii. Prohibited: This use is prohibited in the Gunnison Sage-grouse Habitat Overlay.

f. **Small-Scale Business**

The intent of the small-scale business uses are to allow residents in the WMRA district to locate and operate small-scale service and contracting businesses or lease such businesses, which are compatible with the rural character of the district and agricultural operations and supplemental to an on-going agricultural business or residential use on a lot. Such businesses
should locate near a paved county road; however, some businesses may locate to provide economical and convenient services in the area or to supplement farming and ranching as a source of income. Businesses shall operate with designs and conditions that mitigate impacts on neighboring residential properties. A small-scale business in the WMRA zone district shall comply with the following standards.

i. Minimum Lot Area: The minimum lot area shall be five acres.

ii. Structure Size/Lot Size: The business shall comply with the maximum structure size related to lot size identified in the table.

<table>
<thead>
<tr>
<th>LOT AREA</th>
<th>SIZE OF STRUCTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;35 acres</td>
<td>1,000 square foot maximum</td>
</tr>
<tr>
<td>35 TO 150 acres</td>
<td>2,000 square foot maximum</td>
</tr>
<tr>
<td>&gt;150 acres</td>
<td>4,000 square foot maximum. All structures larger than 2,000 square feet shall be permitted by special use review</td>
</tr>
</tbody>
</table>

iii. Vehicles: The business shall not have more than four motor vehicles stored on the property. Vehicles parking shall be screened and placed to the rear of structure(s) to the extent possible.

iv. Number of Employees: The business shall not have more than four employees working on the property.

v. Heavy Equipment: The business shall have no heavy equipment stored outside.

vi. Outdoor Storage (Size and Screening):

<table>
<thead>
<tr>
<th>LOT AREA</th>
<th>SETBACK</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;35 acres</td>
<td>No storage yard permitted</td>
</tr>
<tr>
<td>35 to 150 acres</td>
<td>2,000 square foot maximum, screened with fencing or landscaping</td>
</tr>
<tr>
<td>&gt;150 acres</td>
<td>2,000 square foot plus an additional 1,000 square feet of storage area shall be allowed for each additional 10 acres not to exceed 10,000 square feet, screened with landscaping</td>
</tr>
</tbody>
</table>

vii. Setbacks from Residential: The following minimum setbacks shall apply from any lot line abutting a property with an existing dwelling unit or zoned for residential use:

<table>
<thead>
<tr>
<th>LOT AREA</th>
<th>SETBACK</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;35 acres</td>
<td>100 feet from lot line</td>
</tr>
<tr>
<td>35 to 150 acres</td>
<td>150 feet from lot line</td>
</tr>
<tr>
<td>&gt;150 acres</td>
<td>200 feet from lot line</td>
</tr>
</tbody>
</table>
viii. Owner: The use shall be operated or maintained by the owner, or occupant of the land upon which the activity is being conducted.

ix. Expansion: Once a small-scale business needs to expand its area, number of employees, or traffic beyond the capacity and character of the area, the business shall relocate to a location appropriately zoned for commercial or light industry.

x. Adaptive Re-use: The adaptive re-use of farm structures for the intended use of home occupations and small businesses is allowed with respect to the use of small-scale businesses.

g. Stable Commercial
A commercial stable shall comply with the following standards:

i. Structure Size/Lot Size: Structures shall be permitted on lots that conform to the minimum lot or parcel size set forth in the table below:

<table>
<thead>
<tr>
<th>LOT AREA</th>
<th>SIZE OF STRUCTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;35 acres</td>
<td>A commercial stable is not allowed on lots smaller than 35 acres</td>
</tr>
<tr>
<td>35 to 150 acres</td>
<td>20,000 square foot maximum</td>
</tr>
<tr>
<td>&gt;150 acres</td>
<td>30,000 square foot maximum</td>
</tr>
</tbody>
</table>

h. Wayside Stand
A wayside stand shall comply with the following standards:

i. Maximum Structure Size: The structure shall not exceed 1,000 square feet.

ii. Parking: Parking shall be provided on-site with all-weather surface, such as gravel, to control erosion and dust. Parking shall comply with standards set forth in Section 5-702.

i. Kennel and Veterinary Clinic or Hospital
A kennel in the WMLI and WMRA zone districts shall comply with the following standard:

i. Outdoor Runs/Residential Setback: Outdoor runs shall only be permitted by special use review and shall only be approved if adverse noise and odors on nearby properties can be mitigated.

II. Residential
a. Cottage Housing
A cottage housing development in the WMTR district shall develop as part of a PUD and shall comply with the following standards:

i. Lot Area (Minimum and Maximum): Minimum lot area shall be 30,000 square feet. Maximum lot area shall be 45,000 square feet.
ii. Number of Units (Minimum and Maximum): Shall include a minimum of four units and a maximum of nine cottage dwelling units, all included in one development application.

iii. Size of Units: A detached dwelling unit shall not be greater than 850 square feet in lot coverage or a maximum floor area of 1,500 square feet or 1.5 times the lot coverage, whichever is less.

iv. Common Open Space: Each cottage dwelling unit shall include a minimum of 250 square feet of common open space. At least 50% of each cottage dwelling unit shall abut common open space. All cottage dwelling units shall be within 60 feet of common open space, and the common open space shall have cottage dwelling units abutting at least 50% of its boundaries.

b. Dwelling, Live/Work
The live/work use may have a maximum of one additional employee who is not a resident.

c. Dwelling, Multi-Family
Multi-family units in the WMTR district shall be developed only as part of PUD and shall comply with the following standards:

i. Location: Units shall be located within the WMTR or WMLI master plan area. The density and appearance must be compatible with the surrounding neighborhood.

ii. Streets: Streets shall be adequate for traffic generated by the use.

iii. Variety: The development provides a variety of model or building types.

iv. Massing: Design techniques shall be used to break up the scale of buildings that are greater than 20,000 square feet GFA to provide visual diversity.

v. Utilities: Utilities shall be adequate to serve the development.

d. Secondary Dwelling Unit
A secondary dwelling shall be allowed provided that it complies with the following standards:

i. Minimum Lot Size: The minimum lot size shall be five acres.

ii. Secondary Use: No uses other than a single-family dwelling, home occupation(s), and/or agriculture and ranching activities exist on the property, and no Subdivision Exemption for Wright’s Mesa has been granted for the parcel, and the parcel was not created through a Subdivision Exemption for Wright’s Mesa.

iii. Location: The secondary dwelling unit may be attached to or located within 300 feet of the primary residence (as measured between the closest exterior walls). A secondary dwelling unit more than 300 feet from the primary residence shall only be permitted by special use review.

iv. Size: The unit shall not exceed 2,500 square feet floor area, and...
shall contain full kitchen and bathroom facilities.

v. Ownership: Secondary Dwelling Units shall not be conveyed or sold separately from the remainder of the parcel and shall remain under the same ownership as the primary residence.

e. **Boarding or Rooming House**
A boarding or rooming house use shall provide at least 70 square feet of habitable floor area for each room intended for sleeping and at least 30 additional square feet of floor space for each additional intended occupant.

f. **Co-Housing**
Co-housing units may be permitted in the WMTR and WMLI zone districts only as part of a PUD if they are located within the WMTR or WMLI Master Plan area. The density and appearance must be compatible with the surrounding neighborhood.

### III. Public and Institutional

a. **Community/Recreational Center**
A community and/or recreation center shall comply with the following standards:

i. **Size:** Structure shall not exceed 15,000 square feet of Gross Floor Area.

ii. **Noise:** Building will be designed so that noise will not interfere with the surrounding uses. Noise shall not exceed 55 dBA at the lot line adjacent to a residential use or where residential uses are allowed by right.

iii. **Storage:** Adequate provision shall be made in the design and/or location of building and loading areas for equipment and supplies, so that storage and service areas are screened from adjacent residential areas and the street.

iv. **Hours of Operation:** Hours of operation shall be determined through special use review.

v. **Utilities:** The facility shall connect and be served by the Norwood Water Commission and the Norwood Sanitation District.

vi. **Parking:** Parking shall comply with Section 5-702. Parking shall be screened and sited to minimize visual impacts of the development.

vii. **Other:** Alcohol may be served at private functions pursuant to a valid special events liquor license.

b. **Government Administration and Civic Building**
A government administration and civic building shall comply with the following standards:

i. **Maximum size:** The Gross Floor Area shall not exceed 10,000
square feet.

ii. Utilities: The facility shall connect and be served by the Norwood Water Commission and the Norwood Sanitation District.

iii. Parking: Parking shall comply with section 5-702 and shall be screened and sited to minimize visual impacts of the development.

c. Educational Facility
Any school or trade or vocational school shall comply with the following standards:

i. Utilities: The facility shall connect and be served by the Norwood Water Commission and the Norwood Sanitation District.

ii. Parking: Parking shall comply with Section 5-702 and shall be sited to minimize the visual impacts of the development.

iii. Adequate Roads and Utilities. The applicant shall demonstrate that adequate roads exist to access the property and that adequate utilities are or will be in place to service the facility.

iv. Noise: Noise at the lot line shall not exceed 55dBA adjacent to a residential use or where residential uses are allowed by right.

d. Public Safety Facilities
A public safety facility shall comply with the following standards:

i. Minimum Lot Area: The minimum lot area shall be one acre.

ii. Storage: The total area of storage shall not exceed more than 20% of the lot.

iii. Setbacks from Residential: The public safety facility shall be a minimum of 50 feet from lot lines abutting an existing dwelling or property zoned for residential use.

e. Religious Assembly Facilities
Any religious facility shall comply with the following standards:

i. Maximum Size: The gross floor area shall not exceed 15,000 square feet in the WMTR and WMLI zone districts and 10,000 square feet in the WMRA zone district.

ii. Maximum Auditorium Seating: The main worship area or sanctuary shall not exceed seating capacity for 200 persons.

iii. Utilities: The facility shall connect and be served by the Norwood Water Commission and the Norwood Sanitation District.

iv. Parking: Shall comply with Section 5-702. Parking shall be screened and sited to minimize visual impacts of the development.

f. Tower/Antenna
Any transmission tower, facility or antenna shall comply with the following standards in Land Use Code Section 5-27 Wireless Services and Telecommunication Facilities.
g. **Renewable Energy Facility**
   Any renewable energy facility shall comply with the following standards:
   
i. **Maximum Height:** The use may be approved using the administrative review and development permit process if it will not exceed the district’s maximum height limit by up to 20% by seeking approval through the Special Use process indicated in the use table.
   
   ii. **Minimum Lot Area:** the minimum lot area shall be 35 acres.
   
   iii. **Noise:** Noise at the lot line shall not exceed 55dBA adjacent to a residential use or where residential uses are allowed by right.
   
   iv. **Setback:** The setback from the lot line adjacent to a residential use shall be 200 feet.
   
   v. **Review Procedure:** The use may extend above the specified maximum limit with a One-Step review Special Use Permit approval.
   
   vi. **Gunnison Sage-grouse Habitat:** Wind turbines are restricted in lek sites within the Gunnison Sage-grouse Habitat Overlay.

IV. **Commercial**
   
a. **Conference and Training Centers and Rural Resort or Retreat**
      A conference and training center shall comply with the following standards:
      
i. **Maximum Size:** The gross floor area of the structure(s) shall not exceed 10,000 square feet.
      
   ii. **Maximum Auditorium Seating/Events:** The main auditorium or meeting room shall not exceed capacity for 200 persons. No event shall have more than 200 people in attendance.
      
   iii. **Utilities:** The facility shall connect and be served by the Norwood Water Commission and the Norwood Sanitation District.
      
   iv. **Parking:** Parking shall comply with Section 5-702. Parking shall be screened and placed to the side or rear of the structure(s).

b. **Restaurant or Bakery**
   A restaurant or bakery shall comply with the following standards:
   
i. In the WMRA zone district, the restaurant or bakery must be related to an on-site agricultural use or on-site agricultural processing and the restaurant or bakery shall not exceed 2,000 square feet.

   c. **Office**
   An office located outside a home shall comply with the standards in this Section (Offices located in homes that are being occupied for residential purposes are defined either as home occupations or as accessory to the residential use and are subject to applicable requirements in Section 5-319 H.VI. Accessory Uses and Structures.)
i. Maximum Structure Size: The office shall comply with the maximum structure size by zone district as provided in the table below.

<table>
<thead>
<tr>
<th>LOT AREA</th>
<th>SIZE OF STRUCTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>WMRA</td>
<td>2,000 square feet of floor area maximum</td>
</tr>
<tr>
<td>WMLI</td>
<td>Up to 20,000 square feet of floor area for an office complex, with offices designed as smaller units</td>
</tr>
</tbody>
</table>

ii. Parking: Parking shall comply with Section 5-702 and shall be screened and placed to the side or rear of structure(s).

d. Vehicle Service and Repair and Parts Sales (indoor)

Vehicle Service and Repair Garages shall comply with the following standards:

i. Frontage: To the maximum extent feasible, the entrance to a vehicle repair bay shall not face the primary street frontage.

ii. Screening and Storage: Vehicle service bays facing a rear or side setback shall be screened from adjacent residentially zoned properties. All parts and equipment shall be stored indoors at all times or screened from off-site view by a wall or fence that is at least six feet in height.

iii. No off-site parking for vehicles awaiting repairs shall occur.

e. Bed and Breakfast

A Bed and Breakfast shall comply with the following standards:

i. Minimum Lot Area: In the WMRA district, the minimum lot area shall be five acres. In other districts, the minimum lot area shall be consistent with the zoning district standard.

ii. Number of Rooms for Rent: The maximum number of rooms for rent shall be based on the lot area, as shown in the table below. Rental of three or fewer bedrooms will be considered an accessory use to a single-family residence.

<table>
<thead>
<tr>
<th>LOT AREA</th>
<th>MAXIMUM NUMBER OF ROOMS FOR RENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 or more acres</td>
<td>3 rooms as an Accessory Use to SFR</td>
</tr>
<tr>
<td>5 to 150 acres</td>
<td>5 rooms</td>
</tr>
<tr>
<td>&gt;150 acres</td>
<td>10 rooms</td>
</tr>
</tbody>
</table>

iii. Setback: The structure shall be setback a minimum of 100 feet from the lot line.

iv. Utilities: The facility shall connect and be served by the Norwood
Water Commission and the Norwood Sanitation District or by a water supply system and sewage collection and disposal system approved by the Colorado Department of Public Health and Environment.

v. Parking Screening: Provisions shall be made for adequate all-weather parking, such as gravel. Parking shall be screened and placed to the side or rear of the structures(s) to the extent possible.

f. Recreational Vehicle Park, Travel Trailer Park or Campground

A recreational vehicle/travel trailer park, campground and incidental facilities shall comply with all applicable state Colorado Department of Public Health and Environment (CDPHE) and County Environmental Health review standards and with the following standards:

i. Minimum Lot Area: The minimum lot area shall be two (2) acres.

ii. Maximum Lot Area: The maximum lot area to be developed with campsites, RV spaces, and service facilities shall be five (5) acres. The Open Space and Recreational areas required by Subsection xii of this Section may be located outside the maximum lot area.

iii. Lot Size/Number of Spaces: The campground may have up to ten (10) spaces per acre. An applicant is not automatically entitled to this maximum density. Each campsite or space shall accommodate only one camping party and the camping vehicle, unit or equipment occupied by persons within the same party.

iv. Duration of Stay: Such areas may be occupied only by persons using RV’s, travel trailers, truck campers, and tents for overnight and short duration camping. No park or campground shall be used or long-term housing (i.e., stays of longer than thirty (30) consecutive days or a total of thirty (30) days within any one hundred twenty-day (120-day period) unless an alternative time-frame is established as part of a special use review. If determined necessary for mitigation of impacts, the maximum duration of stay may be reduced to less than thirty (30) days as part of a special use review.

v. Size of Spaces: Each space shall be at least one thousand five hundred (1,500) square feet and at least thirty (30) feet wide.

vi. Setbacks from Property Line:
   (a) WMLI zone district:
      • Front: twenty five (25) feet;
      • Side: twenty five (25) feet;
      • Rear: twenty five (25) feet;
   (b) WMRA zone district
      • Front: forty (40) feet
      • Side: thirty (30) feet
      • Rear: thirty (30) feet
   (c) The minimum setback from a residential use shall be one hundred (100) feet.
(d) The Highway 145 Scenic Corridor Standards of Section 5-319

I. III shall also apply where applicable.

vii. Central Water and Sewer: Each campground or park shall connect and be served by the Norwood Water Commission and the Norwood Sanitation District or a water supply system and sewage collection and disposal system approved by the Colorado Department of Public Health and Environment.

viii. Central Refuse Disposal: The storage, collection, and disposal of refuse shall be animal-resistant and performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, or other nuisance conditions.

ix. Service Buildings: Each space shall be located a minimum of two hundred (200) feet from a service building (with restroom).

x. Parking and Walkways Surface: Provisions shall be made for adequate all-weather parking, such as gravel, and walkways to each space. A minimum of one (1) auto parking space shall be provided on each RV space or campsite. One (1) additional auto parking space shall be provided for each of five (5) RV spaces or campsites.

xi. Screening and Landscaping: The campground or park shall be landscaped and screened from adjacent roadways and residential land uses. Such landscaping and screening plans must mitigate the visual impacts for the RV Park on the surrounding area. The adequacy of the visual mitigation shall be considered as part of the Special Use Permit. Landscape plans shall include water-conserving measures and use drought-tolerant plants.

xii. Open Space and Recreational Areas: The campground or park shall provide common recreational area/open space area of sufficient size to meet the needs of the park occupants. Such area or areas shall not be less than ten (10) percent of the gross area of the park or campground.

xiii. Access: Entrances and Exits from a State Highway or County Road shall require the applicant to obtain the necessary access permits. The RV Park, Travel Trailer Park, or Campground shall abut and have direct access to a State Highway or a paved County Road that is maintained year-round. Signage advising users of County Off-Highway Vehicle (OHV) regulations shall be posted on the site.

xiv. A drainage plan for the site shall be provided.

xv. Convenience establishment may be permitted as an accessory use subject to the following restrictions:

(a) Such establishment shall be restricted in their uses to occupants of the park.

(b) Such establishment shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.
(c) The structure of such facility shall not be located closer than one hundred (100) feet to any public street and shall be accessible only from a street within the park or campground.

(d) Such establishment shall be discontinued if the primary use is no longer in operation.

xvi. Interior two-way roads shall be twenty (20) feet minimum width and all interior one-way roads shall be sixteen (16) feet minimum width.

xvii. Roadways shall be designed for the safe and convenient movement of vehicles. All roadways shall be crowned to facilitate drainage. The type of road surface, gravel with dust suppressant, chip seal or paving will be determined based upon location and density as part of the Special Use Review.

xviii. There shall be no more than three (3) Recreational Vehicle Parks, Travel Trailer Parks or Campgrounds permitted in the Wright’s Mesa Rural Agricultural zone district.

g. Campground Semi-Private
A Semi-Primitive Campground shall comply with the following standards:

i. A Semi-Primitive Campground has rudimentary facilities where such improvements are designed for protection of the site and not for the comfort of the minimal number of campers in the limited use area.

ii. A Semi-Primitive Campground is accessible only by walk-in, equestrian, or motorized trail vehicles.

iii. RV or trailer camping would not be allowed in a Semi-Primitive Campground.

iv. A Semi-Primitive Campground shall comply with all applicable state of Colorado Department of Public Health and Environment (CDPHE) and County Environmental Health review standards.

v. Number of Guests: The Campground may have up to five (5) campsites on more than one hundred fifty (150) acres. Campgrounds with six or more campsites and/or on less than one hundred fifty (150) acres may be permitted by special use review. There shall be no more than six (6) guests per campsite.

vi. Fires shall only be permitted within established fire rings that are built to meet or exceed U.S. Forest Service standards.

h. Hotel or Motel

i. Number of Units: Shall be determined upon submittal of site plan, lot size, parking requirement and landscaping plan.

ii. Parking: Must provide one space per unit plus one space per every 3 employees.

iii. Utilities: The facility shall connect and be served by the Norwood Water Commission and the Norwood Sanitation District or a water supply system and sewage collection and disposal system approved by the Colorado Department of Public Health and Environment.
and the County Health Department.

i. **Lodge (Hunting or Guest Ranch)**
   A lodge shall comply with the following standards:
   i. **Number of Guests:** The lodge may have up to 20 overnight guests on more than 150 acres. Lodges accommodating more than 20 overnight guests or less than 150 acres shall be permitted by special use review.
   ii. **Setback:** The structure shall be setback a minimum of 100 feet from the lot line.
   iii. **Utilities:** The facility shall connect and be served by the Norwood Water Commission and the Norwood Sanitation district or a water supply system and sewage collection and disposal system approved by the Colorado Department of Public Health and Environment and the County Health Department.
   iv. **Parking and Screening:** Provisions shall be made for adequate all-weather parking, such as gravel. Parking shall be screened from a county road or state highway and placed to the side or rear of structure(s) to the extent possible.

j. **Rural Recreational Establishment (Outdoor)**
   Outdoor shooting ranges are not allowed on Wright’s Mesa.

V. **Industrial**
   a. **Logging**
      A logging operation is subject to the following standards:

      i. **Board Feet Hauling Allowances by Lot Size:**

      | LOT AREA | HAULING ALLOWANCE                                                                 |
      |----------|-----------------------------------------------------------------------------------|
      | <35 acres| Hauling up to 15,000 board feet in any 12 month period is exempt from the development permit requirement and standards below. |
      | 35 to 150 acres | Hauling up to 50,000 board feet in any 12 month period is subject to provisions in Section 5-17 and standards below. |
      | >150 acres | Hauling up to 50,000 board feet in any 12 month period is exempt from the development permit requirement, but shall comply with standards below. Hauling 50,000 board feet or more in any 12 month period is subject to provisions in Section 5-17 and standards below. |

   ii. **Setbacks:** Setback shall be 100 feet from lot line to logging except to selectively remove dead or diseased trees.
   iii. **Prohibited:** Removing, damaging, or destroying trees or other vegetation within the Wright’s Mesa Source Water Protection Area Overlay or within the Gunnison Sage-grouse Habitat Overlay is
prohibited except to selectively remove dead or diseased trees or if requested by CPW.

b. **Light Manufacturing**

Light manufacturing shall comply with the following standards:

i. **Size of Structure:** The maximum structure size is based on the zone district.

<table>
<thead>
<tr>
<th>ZONE DISTRICT</th>
<th>SIZE OF STRUCTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>WMLI</td>
<td>10,000 square feet floor area maximum</td>
</tr>
</tbody>
</table>

ii. **Vehicles:** The business shall not have more than four motor vehicles stored on the property in the WMRA zone district. Motor vehicle parking shall be screened and placed to the side of structure(s) to the extent possible.

iii. **Number of Employees:** The business shall not have more than four employees working on the property in the WMRA zone district.

iv. **Heavy Equipment:** The business shall have no more than two pieces of heavy equipment stored outside in the WMRA zone district. Equipment shall be screened from public right-of-way.

v. **Outdoor Storage (Size and Screening):** The maximum size is based on the zone district.

<table>
<thead>
<tr>
<th>LOT AREA</th>
<th>OUTDOOR STORAGE ALLOWANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WMLI</td>
<td>1,000 square foot maximum; screened with fencing or landscaping</td>
</tr>
<tr>
<td>WMRA</td>
<td>500 square foot maximum, screened with fencing or landscaping</td>
</tr>
</tbody>
</table>

c. **General Industrial Service (Major) and Heavy Manufacturing**

Any such use in the WMRA zone district shall comply with the following standards that are consistent with the Wright’s Mesa Master Plan:

i. **Location:**

   The service, manufacturing, and processing use must be sited:

   (a) Where land is already impacted by industry or mining;

   (b) Away from Highway 145 on a paved county road;

   (c) Where it will minimize visibility and skylining from Highway 145 and county roads;

   (d) No permitted in the Wright’s Mesa Source Water Protection Area Overlay;

   (e) Not permitted in the Gunnison Sage-grouse Habitat Overlay or Elk Winter Range; and

   (f) Where prevailing winds will not affect the Town of Norwood or neighborhoods.

ii. **Standards:**
In addition to meeting the locational criteria in (i) above, the following standards shall apply:

(a) Minimum Lot Size: The minimum lot size shall be ten acres;
(b) Setback: A minimum setback of 200 feet from the lot line shall apply from an existing dwelling or property zoned for residential use;
(c) Outdoor storage, waste, and refuse facilities, mechanical equipment, loading facilities, and heavy equipment shall be screened with an opaque six foot fence, or landscaping and natural berming (with an approved landscape plan);
(d) Structures shall have a maximum height of 35 feet;
(e) Vibration shall not be noticeable beyond the lot line;
(f) Noise: Noise shall not exceed 60 dBA at a lot line that abuts a commercial property or 55 dBA at the property line adjacent to a residential use or where residential uses are allowed by right;
(g) Hours of Operation: Shall be limited to 7:00 a.m. to 7:00 p.m.;
(h) Applicant shall submit a plan to address chemicals, waste, disposal methods, potential impacts to air and water (and comply with all other county, state, and federal standards).

**d. Construction Staging Area/Stockpiling of Dirt**
A construction staging area and stockpiling of dirt shall comply with the following standards:

i. Minimum Lot Size: The minimum lot size shall be five acres.
ii. Pile Area: A single stockpile of dirt shall not exceed an area greater than one acre.
iii. Height: Construction materials and a single stockpile of dirt shall not exceed 15 feet above natural grade.
iv. Slope: The slope shall not exceed a 3:1 ratio.
v. No stockpile is permitted in the Wright’s Mesa Source Water Protection Area Overlay or the Gunnison Sage-grouse Habitat Overlay.
vi. The use shall comply with all other standards in Section 5-4.

**e. Mini-Storage**
Mini-storage units shall comply with the following standards:

i. Size: The facility shall not exceed 2,500 square feet in the WMRA zone district. Facilities larger than 2,500 square feet in the WMLI zone district are only permitted by special use.
ii. Setbacks: The mini-storage structure shall be set back at least 100 feet from the lot line abutting a highway or county road or an existing dwelling or property zoned for residential use.
iii. Screening and Fencing: A six foot opaque perimeter wall or fence, or landscaping and natural berming (with an approved landscape plan).
plan) shall be constructed adjacent to residential areas to provide screening.
iv. Signage: Signage shall be unlit.
v. Outdoor Storage: No exterior storage of goods or materials shall occur. Covered trash dumpsters shall be maintained on-site.

f. **Recreational Vehicle (RV) Storage and Service**
An RV storage and service use shall comply with the following standards:
i. Size: The outdoor storage area shall not exceed 40,000 square feet.
ii. Screening and Fencing: The storage area shall be fenced with a sight-obscuring fence that is a minimum of six feet high. The design of the fence shall be compatible with the surrounding properties and shall be approved by the Planning Director.


g. **Material Recovery Facility or Salvage, Junk Yard**
These uses shall comply with the following standard:
i. Stacking: No material shall be piled or stacked to a height in excess of 15 feet above the ground level.
ii. Screening and Fencing: All site boundaries shall be fenced with a sight-obscuring fence at least eight feet high, except on the portion of site boundaries where a structure abuts the lot line. The design of the fence shall be compatible with the surrounding properties and shall be approved by the Planning Director.

**VI. Accessory Uses and Structures**
An accessory use shall be incidental and customarily subordinate to a principal use of the property. All accessory uses shall comply with the standards for the principal use and the standards set forth in this section.

a. **Alley House (Accessory)**
An Alley House, as an accessory use to a conforming single family dwelling in the WMTR district, is subject to the following conditions:
i. Size of Building: The Alley House may contain up to 500 square feet or 50% of the finished and heated square footage of an otherwise conforming single-family dwelling or double-wide manufactured/mobile home, a garage or other accessory building, subject to compliance with applicable setbacks and maximum lot coverage requirements.
ii. Configuration: The Alley House may be attached or detached to an otherwise conforming single family dwelling unit or a double wide manufactured/mobile home, a garage or other accessory building, subject to compliance with applicable setbacks and maximum lot coverage requirements.
iii. Parking: One additional off-street parking space with access to and from an alley shall be provided for the Alley House, in
addition to off-street parking otherwise required for single family residences in Section 5-702.

iv. Utilities: All applicable water and sewer fees shall be paid for the accessory Alley House as required for any residence or dwelling unit.

v. Other: The Alley House shall not be sold separately.

b. Heliport
A heliport is an accessory use for public purposes only in the WMLI district and shall comply with the following standards:

xi. Minimum Lot Area: The minimum lot area shall be two acres.

xii. General Aviation Standards: The heliport shall meet all state and federal aviation standards and design criteria.

xiii. Setbacks from Residential: The heliport shall be a minimum of 500 feet from an existing dwelling or property zoned for residential use.

xiv. Fire Protection: The use/development shall include adequate fire protection measures.

c. Home Occupation
i. Home Occupation(s) in the WMTR and WMLI districts shall be permitted as accessory uses to a dwelling unit, provided each home occupation complies with the following standards:

(a) Activity/Location: The use shall be clearly incidental or secondary to the residential use of the building

(b) Structural Alteration: The use does not involve any structural alteration in the main building or any of its rooms or involve the installation of machinery or additional equipment other than that customary to normal household operations.

(c) Employees and Residency: No person other than a member of the family or owner or the user of the principal dwelling shall be employed or work in or at such home occupation.

(d) Signs: A person who engages in a home occupation shall not use an advertisement, sign, or display on or off the premises.

(e) Hours: A home occupation shall not operate during the hours other than 8:00 a.m. to 10:00 p.m.

(f) Patrons: A home occupation shall not involve more than 4 patrons on the premises at one time.

(g) Off-Site Impacts/Noise: A home occupation shall not generate loud and raucous noise, or utilize mechanical, electrical, or other equipment or items that produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor, or other nuisance outside the residential building that substantially and unreasonably interferes with public peace and comfort.

(h) Outdoor Storage: The use shall not store outside of the dwelling unit any equipment or materials used in the home occupation.
(i) Occupational License: the use shall operate pursuant to a valid occupational license for the use held by the resident of the dwelling unit, if required.

ii. In the WMRA and WMRR districts, a home occupation shall be permitted as an accessory use to a dwelling unit subject to compliance with the standards set forth in the Land Use Code Article 6, Definitions (“Home Occupation”).

d. Outdoor Storage
Outdoor storage, as an accessory use in the WMLI zone district, is subject to the following standards:

i. Location: Each outdoor storage area shall be incorporated into the overall design of the primary structure on the site and shall be located at the rear of the primary structure. No materials may be stored in areas intended for vehicular or pedestrian circulation.

ii. Type of Goods: Goods stored in an approved outdoor storage area shall be limited to those sold on the premises as part of an associated primary use.

iii. Screening and Fencing: Each outdoor storage area shall be screened from view from all lot lines and adjacent right-of-way by an opaque fence or wall that incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure. The fence shall be of the appropriate height that all outdoor storage areas are effectively screened. Materials may not be stored higher than the height of the primary structure. A landscaped earthen berm may be used instead of or in combination with a required fence or wall.

e. Stable, Accessory Use
A stable, as an accessory use, shall comply with the following standards:

i. Minimum Lot Size: The lot shall be at least two acres in size.

ii. Size: An accessory use stable shall not exceed 6,000 square feet.

iii. Setback: The stable shall be set back from the lot line at least 50 feet.

VII. Temporary Uses and Structures
The WMTR, WMLI, and WMRA zone districts allow for the establishment of certain temporary uses for a limited duration, provided that such uses comply with the general and specific standards of this Section.

a. Asphalt or Concrete Batch Plan (Temporary)
A temporary asphalt or concrete batching plant to furnish concrete, asphalt, or both to the specific project for which a Temporary Development Permit is issued shall comply with the following standards.

i. Duration: The batch plant Temporary Permit will be valid for up
to six months.

ii. Location: The placement of a temporary batching plant for a private project is restricted to the site of the project.

iii. Applicable Laws: The batch plant site shall comply with all applicable provisions of county, state, and federal laws.

iv. Setbacks: The batch plant shall be located a minimum of 600 feet from a residence.

v. Hours of Operation: Limited to Monday through Friday, 7:00 a.m. to 7:00 p.m.

vi. Off-Site Impacts: No portion of the batch plant or its operation shall be located on a public street. The temporary plant shall be operated in a manner that eliminates unnecessary dust, noise, and odor (as illustrated by, but not limited to, covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust.

vii. Completion: The site must be clear of all equipment, material, and debris upon completion of the project. At termination and/or removal of plant permit, permittee shall have the person responsible walk the site with the County Building Official or his/her designee to verify the site meets county approval. All public improvements that are damaged during the operation of the temporary batching plant must be repaired within 30 days of completion of the project.

b. **Construction Staging Area/Stockpiling of Dirt (Temporary)**
A construction staging area and stockpiling of dirt shall comply with the following standards to obtain a Temporary Development Permit:

i. Standards in Section 5-319 H.V.d. shall apply.

ii. Duration: A temporary permit allowing stockpiling may be issued for a period not to exceed 120 days from approval of a Temporary Development Permit, unless an alternative time period is approved by the County.

c. **Trailer (Temporary)**
A temporary use permit may be issued for a mobile office trailer used while model homes are being constructed subject to the following conditions:

i. Duration: A temporary permit allowing sales from a mobile office trailer may be issued for a period not to exceed 120 days from approval of a Temporary Development Permit, with no extensions, while permanent model homes are being constructed.

ii. The trailer shall not be used for living or sleeping purposes.

iii. Skirting shall be installed around the trailer to conceal the undercarriage.

iv. The trailer shall be located in a platted subdivision on a lot that is owned by the applicant/builder and shall not be located within a
required front yard setback.

v. A building permit must be issued for the model home at the time of the temporary permit for the trailer.

5-319 I. **Site Development Standards**

Uses on Wright’s Mesa shall comply with the following site development standards.

I. **General Wright’s Mesa Standards**

All development shall comply with the standards set forth in Section 5-6, which establishes service standards; Section 5-7, which establishes improvement standards (including but not limited to parking drainage, flood control, signs, lots, monuments, and landscaping); Section 5-8, dedication standards (including but not limited to parks and public area, school land); and the following:

a. **Landscaping and Screening**

   i. The Planning Commission and the Board of County Commissioners may require planting of trees and other plant material to mitigate visual impacts of development.

b. **Lighting**

   i. **General Lighting Standards**

   All exterior lighting shall comply with the standards of Section 5-710.

II. **Additional Site Development Standards for WMTR and WMLI Zone Districts**

All uses on Wright’s Mesa in the Norwood Master Plan Boundary are subject to the general site development standards in subsection I above plus the following additional standards:

a. **Lighting Standards for WMTR and WMLI Zone Districts**

   The following lighting standards apply in the WMTR and WMLI Zone Districts.

   i. All exterior lighting shall comply with the standards of Section 5-710.

b. **Performance Standards**

   All uses shall conform in operations, location, and construction to the subject performance standards herein specified so that the public health, safety, and welfare will be protected. The location, size, design, and operating characteristics of all uses shall minimize adverse impacts, including visual impacts on surrounding properties.

   i. Noise: It is unlawful for any person to make, continue, or cause to permit to be made or continue any unreasonable noise upon any premises under such person’s control or operation. “Unreasonable noise” means any sound or such level or duration as to be or tend to be injurious to human health or welfare, or which would interfere with the enjoyment of life or
property. Noise shall not exceed 55 dBA at the lot line.

ii. Smoke and Particulate Matter: No operation or use shall at any time create smoke and particulate matter beyond the property perimeter of the source of operation that causes a nuisance or distracts from the use and enjoyment of adjacent property.

iii. Odors: No use shall be located or operated in any district that involves the emission of odors from a source of operation where the odors are noticeable beyond the property perimeter.

iv. Fire and Explosive Hazard Materials: No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted, except that chlorates, nitrates, phosphorous, and similar substances and compounds in small quantities for use by industry, school laboratories, pharmacists, or wholesalers may be permitted when approved by the Norwood Fire Protection District as not presenting a fire or explosion hazard. The storage and use of all flammable liquids and materials shall only be permitted when such use conforms to county standards.

v. Toxic Materials: No operation shall emit a concentration across the property perimeter of toxic or noxious matter that will exceed threshold limits set forth by the Colorado Department of Health.

vi. Vibration: No operation or use shall at any time create earthbound vibration across the property perimeter of the source of operation that creates a nuisance or distracts from the use and enjoyment of adjacent property.

III. Highway 145 Scenic Corridor Standards

These standards are intended to protect the scenic resources along Highway 145, including those lands adjacent to and most visible from State Highway 145 which substantially contribute to the unique visual character of Wright’s Mesa or the entrance to Norwood. The standards steer development away from the most highly visible sites and ensure that developments are designed to complement the natural features to maintain an aesthetically pleasing, rural approach to Norwood. Land development may be clustered elsewhere on a site, as may be appropriate.

a. Applicability

Development on any parcel of land (or any portion of land) that falls within 100 feet of the right-of-way of Highway 145 on Wright’s Mesa shall comply with these standards.

b. Exemption

These standards do not apply to agriculture (use of land for the production of food, including crops, pasture, raising of livestock, greenhouses or accessory uses or structures ancillary to the primary agricultural use.

c. Standards

Development within 100 feet of the Highway 145 right-of-way shall generally comply with the standards in this Section. Compliance with every standard is not required, but developments shall comply with the cumulative intent of
these standards:

i. Utilize existing topography such as dry ridges and hills to screen buildings to the maximum extent possible from the highway.
ii. Design developments to complement the natural topography of the land, whenever possible and appropriate.
iii. Utilize innovative architectural techniques such as earth sheltered design and clustering of structures in the least visible portion of the site.
iv. Design structure height and bulk to avoid to the maximum extent possible visibility from the highway.
v. Avoid locating uses on the highest ground or most visible sites form the highway.
vi. Cluster development outside of the 100-foot setback or on a suitable site with the least possible visual impact on the highway.
vii. Avoid development within wetland and wildlife habitat areas.
viii. Utilize landforms and earth moving to complement and enhance development rather than as primary devices for screening development from the highway.

5-319 J. Overlays

This section establishes overlays for the Wright’s mesa Source Water Protection Area and the Gunnison Sage-grouse Habitat Area, as illustrated in Figure WM1.

I. Wright’s Mesa Source Water Protection Area Overlay

The following standards apply to protect water supply and waterworks from pollution, impairment, injury, or damage and to aid in implementing the Town of Norwood “Watershed Protection District Regulations,” Ordinance No. 1113, Series of 2008:

a. District Boundary

The boundaries of the Wright’s Mesa Source Water Protection Area Overlay are illustrated on Figure WM1.

b. Prohibited Uses

The following uses shall be prohibited within the Wright’s Mesa Source Water Protection, unless a permit for such activity is issued by the Town of Norwood:

(a) Logging,
(b) Lumber mills,
(c) Mining,
(d) Major oil and gas facilities (unless allowed by state regulations), and
(e) Commercial feed lots and other commercial livestock impoundments not part of any farming or ranching operations, excluding agricultural operations including grazing and noncommercial domestic livestock impoundments. If the Town of Norwood permits a use listed in Section 5-319 J.I.b.i., above, the county’s Special Use Review procedures and standards shall apply.
II. Gunnison Sage-grouse (GUSG) Habitat Overlay
To implement habitat protection measures set forth in the Rangewide Conservation Plan, the following standards apply:

a. District Boundary
The boundaries of the Gunnison Sage-grouse Habitat Overlay are illustrated on Figure WM1.

b. Standards for GUSG Habitat Overlay
   i. Sagebrush Removal
      Any sagebrush removal or treatment shall be prohibited within 0.60 miles of an active lek, unless maintained to enhance the lek. Within seasonal habitat, the sagebrush loss, removal, or other surface-disturbing activities shall be limited to 30% of the total mapped habitat. (Note: RCP also includes different standards for summer and winter habitats. For winter habitat, treatment shall not exceed 10% of the delineated winter habitat.)

   ii. Fences
      Fences should not be constructed within 0.60 miles of an active lek and should be avoided in the GUSG Habitat Overlay if they will cause collision danger to GUSG. Agricultural fences are exempt from this provision. If new fences must be placed in the GUSG Habitat Overlay, fence reflectors or other markers to improve the visibility of the fence should be installed in areas where the local biologists deem there is collision danger.

   iii. Roads
      Local (generally, unpaved) roads shall be prohibited within 0.60 miles of an active lek. Local roads should be avoided in the GUSG Habitat Overlay. If not possible, road length and width shall be minimized to the extent possible. Vehicle speed shall depend on activity in relation to leks and application review; in no cases shall speeds exceed 35 mph.

   iv. Powerlines
      Consultation with local biologists (CPW and federal) shall occur before placement of any new powerlines, above-ground facilities, or replacement of existing structures in the GUSG Habitat Overlay, to use local knowledge and options (such as local topographic features) to minimize impacts to GUSG. Powerlines shall not be constructed within 0.60 miles of active leks, and transmission lines should not be constructed within .93 miles of an active lek. The S-1 special use review process shall apply to powerlines. Their development shall depend on the level of activity in relation to leks.

   v. Housing
      Housing units should not be built within 0.60 miles of active leks. The county will discourage housing development in the GUSG Habitat Overlay. If this is not practical, house should be clustered as much as
vi. Wind Power Generation and Communication Towers
Consultation with local biologist (CPW and federal) shall occur before placement of any new wind power generation or communication towers in the GUSG Habitat Overlay, to use local knowledge and options (such as local topographic features) to minimize impacts to GUSG. Wind turbines should be located outside direct lines-of-sight of occupied habitat if possible. Exceptions may be allowed based on topography, line-of-sight (viewshed analysis), type of turbine, and whether effective perch deterrents are used. Wind turbines and communication towers shall not be constructed within 0.60 miles of active leks. Development of wind power generation and communication towers shall depend on level of activity in relation to leks.

vii. Human and Disturbance Activities
Human and disturbance activities in the GUSG Habitat Overlay, except foot and horse traffic, should be confined to established roads and trails.

viii. Pets
Dogs should be on a leash in the GUSG Habitat Overlay area. Dogs used for ranching should be within sight of their owner and under voice control in the GUSG Habitat Overlay area, especially from May through June when hens are nesting and chicks are vulnerable.

5-319 K. Wrights Mesa Definitions
The following definitions apply specifically to Wright’s Mesa. They are organized by general use categories and specific use types. These definitions supplement the list of defined terms in Article 6 of the Land Use Code.

AGRICULTURAL USES
The use of land for purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry, and the necessary accessory uses for treating or storing of farm products and parking of equipment. Specific use types include, but are not limited to:

Agricultural Operation
An ongoing or future business or activity of soil cultivation, crop production, and/or the raising of livestock for human use or marketing purposes.

Agriculture
“Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on natural prime or improved pastureland. Agricultural activities include commercial greenhouses, tree farms, and clearing of vegetation exclusively for growing of crops and/or grazing of animals, including background feedlots (seasonal impoundment of livestock associated with any part of any on-going farming and ranching operations)... but not including any agriculture industry or businesses such as commercial feedlots (also known as confined animal feeding operations), animal clinics or hospitals, processing facilities, or other uses listed separately in Table 5-319-3.
Agriculture also does not include stockpiling of dirt or other activities when such activities do not result in an active and on-going agricultural activity within 60 days.

**Adaptive Re-Use Shop**
An antique shop, art gallery, art studio, auction house, coffee house, country store, craft shop, office, or teahouse use located in a farm structure that existed on May 6, 2010. The use shall comply with the relevant parking standards for the use.

**AGRICULTURE SUPPORT USE**
This use category includes business and service uses related to and that support traditional and new agriculture, horticulture and animal husbandry uses. Such uses are limited to and operate in conjunction with the on-site and on-going agricultural uses. Agricultural support use types include:

- **Agricultural Processing Facility**
  Processing operations for agricultural products including meat preparation; feed mills; dairy processing; and fruit and vegetable packing, sorting and grading.

- **Agricultural Research Facility**
  A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences. A facility also used for training or educating persons in such activities.

- **Biotechnical Agriculture**
  Agriculture that uses biotechnical methods to modify living cells or organisms to produce substances or perform processes.

- **Farm and Ranch Based Tourism**
  Rural tourism activities and facilities designed to attract visitors to a farm or ranch to tour or participate in the operations, and to view the scenery, plant and animal life. This definition does not include overnight visits.

- **Farm Building**
  Any building or structure used for agricultural purposes and not listed as a separate use in this Land Use Code, including but not limited to sheds, corrals, and agricultural well structures.

- **Farm Machinery Repair and Sales**
  A commercial enterprise for the repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, includes small-scale sales of such materials.

- **Feedlot, Commercial**
  A confined area for the controlled feeding of animals that is not a background feedlot.

- **Feedlot, Background**
  The seasonal impoundment of livestock associated with and part of any on-going farming
and ranching operation.

**Small-Scale Business**
A business or service in the WMRA zone district that may be conducted in a private residence or a new structure to promote new business and to supplement agricultural operations. The business shall operate according to the restrictions and standards of this Land Use Code. The following businesses may be approved as small-scale businesses, business service occupations, personal service occupations, repair and service for farm and ranch equipment, studios for fine arts and crafts, antique sales and the sale of any goods or items produced on the premises.

**Stable, Commercial**
A building in which horses or other beasts of burden are boarded or are kept for hire, payment, or sale that may include riding areas and tracks.

**Wayside Stand**
Any structure or land used for the sale, by the owner or his family or tenant, of agricultural or horticultural produce, livestock or merchandise principally produced on-site, but may include produce grown on other farms and accessory products. The stand is clearly a secondary use of the premises and does not change its character.

**ANIMAL RELATED SERVICES**
Animal related service uses involve the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include but are not limited to:

**Kennel**
Any facility where animals owned by another person are temporarily boarded for compensation or where dogs are kept for the purpose of breeding, hunting, training, selling, or showing; provided, however, that this definition shall not apply to zoos or to veterinary hospitals. Some kennels have outdoor fenced runs attached to the enclosed structure with pens to provide for outdoor exercise of dogs.

**Veterinary Clinic/Hospital**
A facility where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-term boarding and shall be only incidental to the clinic/hospital use.

**RESIDENTIAL USES**

**HOUSEHOLD LIVING**
This use category is characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the “Lodging Facilities” category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants’ vehicles. Specific use types include, but are not limited to:
Dwelling, Single-family (“Single-family Residence” and “Single-family Dwelling” defined in Article 6)

Cottage Housing
A comprehensive development consisting of cottages on a single lot. Individual dwelling units are clustered around a shared courtyard (common open space) with off-street parking and access.

Dwelling, Duplex (“Duplex Residence” defined in Article 6)

Dwelling, Live/Work
A structure or portion of a structure: (1) that combines a commercial or manufacturing activity that is allowed in the zone district with a residential living space for the owner of the commercial or manufacturing business, or the owner’s employee, and that person’s household; (2) where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and (3) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

Dwelling, Multi-family (“Multi-family unit” defined in Article 6: includes townhouses)

Mobile Home (“Mobile Home” defined in Article 6)

Mobile Home Park (“Mobile Home Park” defined in Article 6)

Secondary Dwelling Unit
A Secondary Dwelling Unit is a second residence on an existing parcel. Secondary Dwelling Units may be attached to or detached from the Primary Residence.

GROUP LIVING
This use category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of “Household Living”. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include, but are not limited to:

Boarding or Rooming House (defined in Article 6)

Co-Housing
A residential arrangement consisting of more than one individually owned dwelling unit and extensive common facilities, such as a large dining room, kitchen, lounges, meeting rooms, recreation areas, library, workshops, childcare, laundry, greenhouses, or other facilities for use by the organized group of residents living in the co-housing community who participate in the planning, design, ongoing management and maintenance of the residential arrangement and in the routine activities of household living.
Convent or Monastery
A residence or facility used by nuns or priests, religious sisters or brothers for religious purposes with community facilities such as a dining room, lounges or rooms for worship and meeting.

Nursing Home
A residential facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level that that available in a hospital to no more than nine residents.

PUBLIC AND INSTITUTIONAL USES

COMMUNITY AND CULTURAL FACILITIES
This use category includes buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public. Specific use types include, but are not limited to:

Cemetery
A place used or intended to be used for the internment of human remains or pet animal remains and dedicated or designated for that purpose.

Community/Recreation Center
A place, structure, area, or other facility used for and providing fraternal, cultural, social, educational, or recreational programs or activities, open to the public or for private functions, operated by a public or nonprofit organization.

Essential Community Facility
A public use and/or facility whose primary function is to provide services for governmental, civic, recreational and other public purposes. Essential Community Facilities include, but are not limited to, recreation facility, government administration and civic building, schools, hospital, fire station, and police station. Essential Community Facilities are subject to the applicable Wright’s Mesa Zone District standards set forth in Land Use Code Section 5-319 Wright’s Mesa Zone Districts and must meet the General Standards and the Use-Specific standards for the proposed use in Section 5-319.

Fairground
An open area and facilities for holding fairs, rodeos, festivities, or exhibitions.

Government Administration and Civic Building
An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: post offices, employment offices, libraries, museums, public assistance offices, or motor vehicle licensing and registration services. Structures can also be used for the conducting of organized assembly and meeting, with membership not required for participation.

Social, Fraternal Lodge
Buildings and facilities owned or operated by a corporation, association, person, or
persons for a social, educational, or recreational purpose, to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried on as a business.

DAY CARE FACILITIES
This use category includes facilities that provide care for children on a regular basis away from their primary residence. Specific use types include, but are not limited to:

- **Day Care Center (defined in Article 6)**
- **Day Care Home (defined in Article 6)**

EDUCATIONAL FACILITIES
This use category includes public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Specific use types include, but are not limited to:

- **School (elementary or secondary)**
  An educational institution that satisfies the applicable educational laws of the State of Colorado for students in elementary or secondary grades.

- **Trade or Vocational School**
  A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

HEALTH CARE FACILITIES
This use category includes health care uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to:

- **Clinic**
  An establishment primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals, including the offices of chiropractors, physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care, and outpatient care facilities. Patients are not kept overnight except under emergency conditions.

- **Hospital (defined in Article 6)**

PARK AND OPEN SPACE
This use category includes park and open space uses focused around natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public
squares. Lands tend to have few structures. Accessory uses may include playgrounds, shade and picnic structures, maintenance facilities, concessions, and parking. Specific use types include, but are not limited to:

**Athletic Fields and Courts**
Land, often requiring equipment, designed for outdoor games and sports such as baseball, football, tennis, and soccer.

**Community Garden**
A public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

**Open Space ("Common Open Space" “Active Open Space” and “Passive Open Space” defined in Article 6)**

**Park (defined in Article 6)**

**PUBLIC SAFETY FACILITY**
This use category includes publicly owned safety and emergency stations, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance services.

**Fire and/or Rescue Station**
A building used to house fire trucks and equipment and to dispatch fire personnel.

**Police or Sheriff Station or Substation**
A station that serves as a place to dispatch police or sheriffs, and to house equipment. The station may include temporary detention quarters.

**RELIGIOUS ASSEMBLY**
This use category includes uses providing meeting area for religious observances and activities. Accessory uses include religious school facilities, parking, caretaker’s quarters, and cemeteries.

**TELECOMMUNICATIONS STRUCTURES**
This use category includes telecommunications facilities to transmit analog or digital voice or communications information using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development. Use types include towers/antenna and transmission towers. A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings. A telecommunications use and/or structure do not include non-commercial applications, such as amateur radio operations. Such use does not include those uses or structures that are accessory to and solely used by an individual business.

**TRANSPORTATION FACILITY**
This use category includes public facilities providing for transportation including bus stations, bus stops, or park-and-ride/bus interceptor lots.

**Bus or Interceptor Lot**

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A parking area for automobile drivers who then board vehicles, shuttles, or carpool to commute to other locations.

**UTILITY/ENERGY PRODUCTION**

This use category includes oil and gas facilities and public utility service centers and also major utilities, which are infrastructure services providing regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood where the service is provided. Services may be publicly or privately provided. Accessory uses may include control, monitoring, data, or transmission equipment.

**Public Utility Service Center and Storage Yard**

A facility owned by a public utility company that may include business offices, a dispatching center, and fenced yard for the storage of vehicles and materials related to the maintenance, construction, and repair of a utility transmission line, substation service line and other such facilities. Such service and storage yard may include shop facilities for the serving and repair of equipment. Similar facilities owned by a public agency or private road company for maintenance of roads and interchanges are included in this definition.

**Renewable Energy Facility (solar, wind)**

A facility designed to produce energy, through, either: (a) A series of solar photovoltaic cells in panels used to convert sunlight into electricity (often integrated with agriculture), or (b) A group of wind turbines in the same location used for production of electric power. Individual turbines are interconnected with a medium voltage (usually 34.5 kV) power collection system and communications network or (c) A Wind Energy Conversion System (WEC) to generate power.

**Utility, Major**

A utility installation generally having moderate to high impact on neighboring properties which may be of a regional nature. The utility normally entails the construction of new buildings or structures and typically has employees on the site on an on-going basis. Examples include, but are not limited to: water or sewer treatment plants, reservoirs, power or heating plants, electrical substations, water towers, or steam generating plants.

**Utility, Minor**

A utility installation generally having low impact on neighboring that is necessary to support development within the immediate vicinity and that involves only minor structures or underground infrastructure. Employees typically are not located at the site on an on-going basis. Examples include, but are not limited to: irrigation ditches, electric transformer stations, gas regulation structures, water/fire hydrants, telephone exchange buildings, well, water and sewer pumping stations, and similar installations.

**COMMERCIAL USES**

**CONFERENCE AND TRAINING CENTERS**

This use category includes structures for conferences and training which may include accommodations for sleeping, eating and recreation.
Conference and Training Center
Facilities used for business or professional conferences, seminars, and training programs, which may include accommodations for sleeping, eating and recreation.

Rural Resort or Retreat
A private establishment consisting of a detached structure or structures located in a rural setting with lodging units along with conference and meeting facilities, restaurant and banquet facilities, and rural recreational amenities.

FOOD AND BEVERAGE SERVICES
Food and beverage service businesses serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include, but are not limited to:

Restaurant or Bakery
An eating/drinking establishment in which the principal business is the preparation and sale of foods or beverages to the customer in a ready-to-consume state. Operations may or may not include outdoor seating areas or outdoor food service.

OFFICE AND BUSINESS PROFESSIONAL USES
This use category provides executive, management, administrative, personal, or professional services, but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment and finance, employment, treatment or care, travel, dentists, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices.

Bank or Financial Institution
A financial institution for financial services, providing retail banking services, mortgage lending, and similar financial services to individuals and businesses, including those institutions engaged in the on-site circulation of cash money and check-cashing facilities. The use category does not include bail bond brokers. Accessory uses may include automatic teller machines, offices, and parking.

Office (defined in Article 6)

Personal Services
Establishments that provide individual services related to personal needs to customers at the site of the business, or that receives goods from or returns goods to the customer, which have been treated or processed at that location or another location. An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession and the wholesale or retail sale of goods. Examples include, but are not limited to, shoe repair, beauty and barber shops, massage therapy, tanning salons, and dry cleaning pick-up and drop-off shops that do not conduct cleaning on the premises.

RECREATION AND ENTERTAINMENT (INDOOR)
This use category includes structures that provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and
maintenance facilities. Specific use types include, but are not limited to:

**Movie Theatre**
An indoor theater for the showing of motion pictures.

**RECREATION AND ENTERTAINMENT (OUTDOOR)**
This use category includes facilities that provide recreation or entertainment activities outside of an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to:

**General Outdoor Recreation, Commercial**
The type includes intensely developed recreational uses such as amusement parks, miniature golf courses, commercial tennis courts, batting cages, skateboard or skate parks or courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, and archery facilities.

**Golf Course or Driving Range**
A tract of land laid out with a course for the playing of golf, including any accessory clubhouse, driving range, offices, restaurant, concession stand, picnic tables, pro shop, maintenance facilities, or similar accessory uses or structures.

**Rural Recreational Establishment, Outdoor**
Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: picnicking, fishing, swimming, outdoor games and sports, shooting and archery range, animal-mounted trail riding, and similar activities. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type.

**RETAIL SALES**
This use category includes retail sales firms that are involved in the sale, lease, or rent of new or used products to the general public. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale. Specific use types include, but are not limited to:

**Greenhouse or Nursery with Retail**
Land or greenhouses used to raise flowers, shrubs, trees, and plants for sale.

**Grocery Store (Supermarket)**
A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

**Retail, General (Indoor)**
A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. Examples include, but are not limited to, apparel shops, antique shops, appliance sales, hardware stores, auto parts stores, bait shops, bakeries, bookstores, convenience stores without gas pumps, department stores, print shops, florists, and souvenir shops. This use does not include commercial greenhouses, grocery stores, or liquor stores and does not entail outdoor sales, service, delivery display, storage, or other activity.
Retail, General (Outdoor)
A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. Outdoor retail establishments entail some outdoor sales, service, delivery, display, storage, or other activity, including but not limited to monument sales or hot tubs. This category does not include vehicle and equipment sales.

VEHICLES AND EQUIPMENT
This use category includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices. Specific use types include, but are not limited to:

Car Wash
A facility used to clean the exterior and, in some cases, the interior of vehicles.

Gasoline Station (defined in Article 6)

Recreational Vehicle (RV) Storage and Service
An establishment used for the storage of Recreational Vehicles (RV’s) and their service that includes outdoor areas to store RV’s for extended periods of time.

Vehicle Sales and Rental
An establishment engaged in the display, sale, leasing, or rental of new or used motor vehicles. Vehicles include, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles, motorcycles or scooters, personal watercraft, utility trailers, all-terrain vehicles, and mobile homes.

Vehicle Service and Repair and Parts Sales
An establishment engaged in the repair and maintenance of motor vehicles.

VISITOR ACCOMMODATIONS
This use category includes for-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period. Specific use types include, but are not limited to:

Bed and Breakfast (defined in Article 6)

Campground or RV Park
Any plot or parcel of real estate upon which two or more recreational vehicle or campsites are located, established, maintained, or occupied for dwelling or sleeping purposes for the general public as temporary living quarters for recreation or vacation purposes regardless of whether a charge is made for such accommodation.

Campground Semi-Primitive
A Semi-Primitive Campground is a campground accessible only by foot, horseback, or motorized trail vehicles. Facilities or improvements are limited and designed for protection of the site and not for the comfort of the minimal number of campers in the limited use area. RV or trailer camping is not allowed in a Semi-Primitive Campground.
Hotel or Motel
A building or group of buildings containing six or more sleeping rooms that are occupied or intended or designed to be occupied as temporary accommodations for persons who are lodged with or without meals, for compensation.

Lodge (Hunting or Guest Ranch) (defined as “Hunting Lodge” and “Guest Ranch” in Article 6)

INDUSTRIAL USES

GENERAL INDUSTRIAL SERVICE
This use category includes industrial service firms that are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products or by-products. Typically, few customers come to the site and contractors perform services off-site. Accessory activities may include sales, offices, parking, and storage. There are minor and major use types within this category:

Minor
An establishment for the sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, including facilities for storage. Operations are indoors only.

Major
This type applies to industrial service establishments that generally have high impacts on neighboring properties and that are not listed within one of the other use types. Examples include but are not limited to: construction materials storage; welding shops; machine shops; electric motor repair; repair, storage, salvage, or wrecking of heavy machinery; and heavy truck servicing and repair and maintenance and repair services for buildings. Operations may be indoor or outdoor.

RESOURCE EXTRACTION
The development or extraction or processing of a rock, mineral, or timer product.

Logging Operation
The work of cutting down trees for timber to transport to a mill.

Mining (defined in Article 6)
Oil and gas facility, minor and major (defined in Minor and Major Facilities in Section 5-26)

MANUFACTURING AND PRODUCTION
This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by
Manufacturing, Heavy
An establishment engaged in the manufacture or compounding process of raw materials that is likely to have moderate to heavy impacts on surrounding properties. Such activities may include the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial processing of raw material; rolling, drawing, or extruding of metals; asphalt batch plants; meat slaughtering or packing house; and manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, charcoal, or distilled products.

Manufacturing, Light
An establishment that is likely to have light impacts on surrounding properties where assembly and manufacturing activities take place in enclosed buildings. Such an establishment is engaged in the assembly and manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Examples include, but are not limited to: door or cabinet manufacturing shops; bottling works; machine or blacksmith shops; metalworking or welding shops; paint shops; and printing and publishing shops.

Shop-Craft Business or Industry (defined in Article 6)

WAREHOUSE AND STORAGE
This use category applies to companies engaged in the storage or movement of goods for themselves or others. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. Little on-site sales activity occurs with a customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include, but are not limited to:

Mini-Storage
A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers’ goods or wares.

Storage or Hauling Company
Any lot or portion of a lot that is used for the sole purposes of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment.

Warehouse
A structure containing an area available for the purpose of storing raw materials, goods, or property.

**WASTE AND SALVAGE**

Waste and Salvage firms receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include, but are not limited to:

**Material Recovery Facility (MRF)**

A solid waste management facility which collects mixed solid wastes and manually or mechanically separates recyclable materials to be marketed and disposes of all non-recyclable wastes to a permitted facility, or a solid waste management facility for the collection, recovery and processing of materials, such as metals, paper or glass, from solid waste for the production of a fuel from solid waste, including a solid waste transfer station, or a compost facility that utilizes a controlled biological process to degrade non-hazardous solid waste.

**Salvage, Junk Yard**

A parcel used for storage of non-operable vehicles (autos, Commercial equipment, RV’s, etc.) or scrap materials (steel, lumber, miscellaneous materials, etc.). A salvage yard must be completely fenced with all accesses secured from the public.

**ACCESSORY USES AND STRUCTURES**

**Accessory Dwelling Unit** (“Accessory Use/Structure” and “Accessory Dwelling Unit” defined in Article 6).

**Alley House, Dwelling**

A separate dwelling unit located on a lot which includes a single family dwelling unit or double wide manufactured/mobile home. The Alley House is accessory to the primary residential use on the property.

**Caretaker or Guard Residence**

Dwelling facilities located on a premise occupied by a permitted main use for the housing of persons and their families who are employed on the premises as guards, caretakers, or in similar custodial capacity.

**Heliport**

A landing facility for rotary wing aircraft used for public purposes only, where the heliport is an accessory use on the property.

**Home Occupation (accessory to single family dwelling) (defined in Article 6)**

**Solar Energy Collector**

Solar panels used to power a farm, home or business.
Stable (accessory use)
A stable in which horses or other beasts of burden owned by the occupant of the premises are kept for the occupant’s private use as an accessory structure or use, and in which no animals are kept for hire, remuneration, or sale.

Wind-powered Energy Generator
A Wind Energy Conversion System (WEC) to generate power rated 100 kW or less, which is generally smaller than 120 feet tall and typically used to power a farm or ranch, home, business, or on-site use.

TEMPORARY USES

Asphalt/Concrete Batch Plant (Temporary)
A temporary facility for producing asphalt or concrete products used in construction activities on the same or nearby sites.

Building Material Yard/Construction Office (Temporary)
A yard or building for storing or housing building material and building equipment in conjunction with an approved construction or development project on a temporary basis.

Construction Staging Area/Stockpiling of Dirt (Temporary)
A storage location for bulk materials, tools, and vehicles for construction and/or storage of dirt for use in construction or as excess from construction activities conducted off-site. The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of less than 12 months on a parcel. Such stockpiles are removed or immediately graded out in accordance with an approved grading plan.

Field Office (Temporary)
A structure or shelter used in connection with an approved development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Sales Office (Temporary)
A mobile office trailer used while model homes are being constructed.

ADDITIONAL TERMS

Full-Cutoff
A fixture that conforms to the International Dark Sky Association criteria for full-cutoff fixtures; that is, no significant amount of the fixture’s total output may be emitted above a vertical cutoff angle of 90 degrees. Any structural part of the fixture providing this cutoff angle must be permanently affixed.

Gross Floor Area (GFA)
The area within the perimeter of the outside walls of a building as measured from the inside surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness of walls, columns, or other interior features.
**Heavy Equipment**
A vehicle, truck, or machinery used for earth moving, construction, and hauling that weighs 8,000 pounds or more and that has two or more axles.

**Motor Vehicle**
A vehicle that weighs up to 8,000 pounds.

**Norwood Master Plan Boundary or Urban Growth Boundary**
The Master Plan Boundary for Norwood illustrated on the Wright’s Mesa Master Plan and identifying an area surrounding the Town of Norwood within which the town anticipates town level growth that distinguishes these lands from Wright’s Mesa rural lands.

**Off-site**
Describing a location or an area of land which is proximate to a parcel of land defined as “on-site”. Off-site means not on-site; that is, outside the lot or parcel that is the subject of a given land use application.

**On-site**
“On-site” shall be construed to be describing a location on all, or a portion, of a parcel of land which is the subject of an application review, and which parcel of land is in single ownership or under unified control. In general, “on-site” shall mean within a lot or parcel.

**Outdoor Storage**
The holding or storage, in an unroofed area, of any goods, junk, materials, merchandise, or vehicles in the same place for more than twenty-four (24) hours. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

**Outdoor Storage, Accessory**
The holding or storage of merchandise, goods, equipment or materials as an accessory use, wherein the outdoor storage area does not exceed 10% of the gross floor area of the primary use. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

**Outdoor Storage, Construction Materials**
The holding or storage of materials utilized in off-site construction, to include machinery, tools or construction equipment and/or supplies including, but not limited to, lumber, prefabricated structural elements, forms, jigs, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction.

**Outdoor Storage, Vehicles**
The holding or storage of new or used automobiles, trucks, buses, snowmobiles, motorcycles, all terrain vehicles, boats, light aircraft, mobile homes, trailers, farm machinery, major recreational equipment, or construction machinery or equipment. The
storage of inoperable equipment shall be deemed to be a motor vehicle storage and impoundment yard.
5-320 West End (WE)

5-320 A. Purpose

The West End (WE) Zone District is intended to preserve large, relatively remote areas of western San Miguel County for resource, agricultural, open space, and recreational purposes, while protecting private property rights. These areas currently have minimum public facilities and services and are considered premature for substantial development. Development activities in these areas shall be encouraged to preserve historical, archeological and natural resources and landmarks, while allowing individuals the right to farm and ranch, using the necessary resources desired and needed with as little intrusion as possible on property rights.

Development Permits are not required in the WE Zone District except for Data Centers pursuant to Section 5-320 J Oil and Gas Exploration and Development pursuant to Section 5-26. Based on historic lack of growth in the West End and the flexibility inherent in the WE District, this Zone District shall be reviewed every 5 years.

5-320 B. Uses Allowed by Right

I. Agriculture, ranching and related uses, operations and activities, including but not limited to:

a. elevators and feed grain storage and mixing operations;

b. storage and sale of motorized and non-motorized farm and ranching equipment and structures other than dwelling units;

c. animal training and boarding facilities;

d. livestock or equipment auction yards and facilities;

e. truck and sod farms, nursery stock and green houses;

f. milk and dairy product processing;

g. owner operated poultry hatcheries and production facilities, fish hatcheries, specialty domestic animal production farms, dairy farms, fur farms, bee-keeping operations;

h. feedlots (livestock owned by operator); and

i. commercial feed lots (livestock owned by other parties) existing at the time of adoption of this zoning amendment, and expansion of existing operations within existing property boundaries;
II. Single-family detached dwellings including mobile homes and homes abandoned prior to adoption of the West End Zone District and utility, water, and sewer systems where an abandoned home or mobile home existed, provided such homes meet applicable state standards;

III. Group home with no more than eight (8) persons and not located within 750 feet of another such group home;

IV. Timber production and farming including raising of trees for any purpose, and timber harvesting operations;

V. Mining of sand and gravel or other minerals for personal (non-commercial) use;

VI. Multi-family residential, office, commercial, industrial, and associated accessory uses existing at the time of adoption of the WE Zone District;

VII. Veterinary clinics, hospitals, small animal kennels, and large animal holding facilities for medical purposes;

VIII. Accessory Uses (accessory to uses by right):
   a. personal ham radio and/or television tower and satellite TV dishes;
   b. living quarters for up to 20 farm and ranch workers (on the farm or ranch where they are employed), or family members of any configuration or size supported by adequate water and sewage disposal in accordance with Section 5-320 L;
   c. farm and/or ranch related commercial offices;
   d. garages, parking and other equipment storage and supply buildings for use in all agricultural and related uses, operations and activities;
   e. roadside stands for sale of locally grown vegetables, fruit and farm products;
   f. farm and ranch buildings, storage sheds, and silos for storage and protection of farm and ranch products and livestock;
   g. petroleum, fertilizer and chemical storage for personal (non-commercial) use;
   h. Home Occupations and offices associated with Home Occupations (as defined in Article 6);
i. storage of equipment, supplies and vehicles related to home occupations; and

j. outhouses, with County Environmental Health Department approval;

IX. Bed and breakfast (with up to 10 guest bedrooms);

X. Day care homes;

XI. Hunting Lodges;

XII. Non-commercial indoor/outdoor shooting ranges and courses;

XIII. Non-commercial golf courses;

XIV. Private cemeteries;

XV. Private airstrips existing as of Dec. 31, 1998;

XVI. Restoration or reconstruction of any building damaged by fire or other natural disasters;

XVII. Auto Repair Shops; and

XVIII. Equestrian activities and private riding stables.

5-320 C. Uses Allowed Subject to Administrative Review

I. Open Land Protection Subdivision Exemption for four or fewer lots (see Section 5-1207), and

II. Minor Oil and Gas exploration, drilling and pipelines, including wells, and geophysical operations (refer to Section 5-26).

5-320 D. Uses Allowed Subject to One-step Planning Commission Special Use Permit Review (see Section 5-320 L.)

I. Public recreation facilities;

II. Churches, civic facilities, public emergency service facilities;

III. Campgrounds and recreational vehicle (RV) parks;

IV. Public indoor/outdoor shooting ranges and courses;

V. Junk, scrap metal, auto wrecking, storage and salvage yards;
VI. Auto sales;

VIII. Construction contractors;

VIII. Commercial laundries, dry cleaning plants and self-service laundries;

IX. Appliance and equipment rental;

X. Automobile washing facilities;

XI. Electrical and plumbing service shops;

XII. Commercial storage units;

XIII. Private airstrips constructed after Dec. 31, 1998; and

XIV. Guest Ranches.

5-320 E. Uses Allowed Subject to One-Step Board of County Commissioner Review

I. Open Land Protection Subdivision Exemption for five or more lots (see Section 5-1207); and

II. Subdivision Exemption for the West End to create 5 or fewer parcels of at least 3 acres each (see Section 5-1211).

5-320 F. Uses Allowed Subject to Two-Step Planning Commission and Board of Commissioners Special Use Permit Review (see Section 5-320 L.)

I. Schools;

II. Commercial golf courses;

III. Utility service facilities such as utility lines and service centers;

IV. Commercial feedlot operations, poultry hatcheries and production facilities, fish hatcheries, specialty domestic animal production farms, dairy farms, fur farms that are operated by someone other than the landowner;

V. Cemeteries and crematoriums;

VI. Solid waste sites or landfills;

VII. Water and sewer treatment and storage facilities;

VIII. Vehicular and animal race tracks;
IX. Mobile home parks;

X. Group homes for persons not covered pursuant to 30-28-115 C.R.S.;

XI. New commercial operations such as retail food service, general stores;

XII. New industrial operations;

XIII. Gasoline stations and commercial gasoline storage facilities (which must meet all applicable State regulations); and

XIV. Hotels and motels (excluding bed and breakfasts, guest ranches and hunting lodges).

XV. Major Oil and Gas Facilities, including compressor stations, gas treatment facilities and pipelines (Section 5-320 L. does not apply, refer to Section 5-26).

XVI. Expansion of or new commercial mineral resource development and extraction operations and facilities;

XVII. Conditional uses on federal lands – mineral exploration, mining and logging, subject to applicable state and federal statutes and regulation.

XVIII. Data Centers (refer to Section 5-320 J) with accessory renewable energy generation.

5-320 G. Area and Bulk Requirements

I. Minimum Parcel Size

The minimum parcel size for a single-family residence is 3 acres. Two principal uses are allowed per parcel, including legally created parcels less than 3 acres created prior to the adoption of this section.

II. Setbacks

Front yard – 15 feet

Rear yard – 10 feet

Side yard – 10 feet

III. Maximum Height of Buildings - 35 feet (Agricultural Buildings are exempt from any height limit)
5-320 H. Minimum Off-street Parking

Off-street parking shall be provided for each approved use as required in Section 5-702.

5-320 I. Cemetery and Radio and Microwave Transmitting Station Standards

In addition to complying with the standards for special uses in Sections 5-320 L. and 5-10, cemeteries and radio and microwave transmitting stations shall comply with the standards in this section.

I. Such uses shall serve an obvious public need;

II. Sufficient distance shall separate such uses from incompatible uses on adjacent properties; and

III. Satisfactory proof shall be obtained that such areas will be properly maintained.

5-320 J. Data Centers

I. Development standards:


   b. Setbacks:

      i. Fifty (50) feet from all property lines.

      ii. Five hundred (500) feet from residences.

   c. Location: Data Centers shall be within either the Egnar-Slickrock Fire Protection District or Norwood Fire Protection District.

   d. Noise: Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

   e. Screening: All equipment, including but not limited to cooling and ventilation equipment, transformers, and generators, shall be fully screened. This requirement may be modified if site topography effectively screens the view of the facility.

   f. Structures: Facilities shall be located within buildings. The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is prohibited.

   g. Electronic waste: There shall be no expired or unused electronics
or equipment stored on the site.

h. There shall be no more than three (3) data centers permitted in the West End zone district.

II. Review Standards: In addition to complying with the standards of Section 5-320 K, 5-320 L, and 5-10, Data Centers shall comply with the standards of this Section:

a. Energy Use. The Data Center shall be designed to be a net zero facility and shall include development of on-site renewable energy generation such as solar or wind energy in order to reduce climate impacts and mitigate impacts on local and regional power grids. Net zero emissions means the facility must offset the energy it uses from the grid with an approximately equal amount of renewable energy generated on-site. The Data Center facility must establish that the development will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise. The data center shall not burden the existing local or regional grid.

   i. The application shall include all substations and infrastructure upgrades necessary for construction and operation of the facility.

   ii. Adequate capacity shall be available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the area power provider. Utility supply equipment and related electrical infrastructure shall be sufficiently sized and shall safely accommodate the proposed use. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

   iii. All power lines shall be installed underground.

b. Water: Except for facilities for the use by onsite workers during work shifts or onsite workers who live on property, the Data Center shall be non-consumptive in its water use and will have no effect on water resources in the area. Water shall not be used for the cooling of equipment.

c. Fire Suppression. Due to limited firefighting resources in the West End zone district, a fire suppression plan shall be provided, including a list of all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment
necessary to control each major hazard.

d. Wildfire Mitigation: To reduce the risk of potential wildfire-causing ignition associated with the Data Center and its infrastructure, a Wildfire Mitigation Plan shall be provided, addressing wildfire prevention, fuel reduction, fire suppression methods, fire safety, and mitigation measures to ensure that any fire at the facility does not spread.

e. Noise and Vibration. A sound and vibration impact analysis shall be submitted, establishing an ambient noise baseline and demonstrating how noise and vibration levels are being mitigated to minimize impacts on neighboring uses and on wildlife. The analysis shall include detailed information concerning all activity, equipment and machinery associated with use, sound and vibration levels resulting from such activity, equipment and machinery, as well as all measures, including but not limited to those of a structural and/or non-structural nature, necessary to mitigate noise and vibration and to ensure that the noise to be emitted from the proposed development does not substantially raise the established baseline environmental noise level, emit harmful sounds (i.e. infrasound) or create vibration levels to a degree that would adversely affecting neighboring properties or wildlife.

f. Natural Environment: The Data Center and all related infrastructure shall be designed to mitigate impacts on wildlife, plants, and other elements of the natural environment. A wildlife impact report shall be required and shall address noise, migration routes, critical winter range, fencing, and other potential impacts. A natural resources report identifying sensitive plants, invertebrates, soils and any other resources shall be prepared. All reports shall be prepared by qualified biologists.

5-320 K. General Development Guidelines for all uses

I. All uses must conform to the state health and sanitation requirements regarding potable water supply and sewage disposal;

II. Before issuing a special use permit for any land use change adjoining or affecting agricultural lands, assurance must be established that adequate provisions are included that minimize or eliminate impacts on agricultural lands, including compliance with the following guidelines:

a. Fences shall be constructed to separate development from adjoining agricultural lands or stock drives. Both new and existing fences shall be properly maintained and repaired. Notification of the lot owner’s duty to maintain such fences shall be provided on subdivision plats;
b. Where irrigation ditches cross or adjoin land proposed to be developed, adequate provisions shall be made to insure that the use of such ditches, including the maintenance thereof, can continue uninterruptedly; and

c. Existing historical easements utilized to gain access to ditches, head gates and fences for maintenance or operational purposes shall be preserved or replaced with alternate easements suitable for a continuation of the historic use.

III. In addition, local landowners recognize that the cooperative existence between landowners and wildlife is a way of life. To assure the preservation of both farmers/ranchers and wildlife, the Colorado Parks and Wildlife is encouraged to maintain reasonable herd populations.

IV. In order to provide emergency services to residents, the assignment of an official address by the County Addressing Official according to the Standards in Appendix B is required for all permanent structures or habitable locations where a person might reside or work, subject to the discretion of the Addressing Official. A permanent driveway is required for the assignment of an address. If accessed directly from a County-maintained road, a Driveway Permit from the County Road and Bridge Department will be required. If accessed directly from a State highway, an access permit from the Colorado Department of Transportation will be required. The posting of a standardized address number sign according to the Standards is required to aid in timely emergency response.

5-320 L. Review Standards for all WE Zone District Special Uses

All special uses shall:

I. Be consistent with the County Master Plan, the County Land Use Policies in Article 2 and the purpose of the WE Zone District;

II. Be consistent with and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses, and/or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development;

III. Be designed, located and operated so that the public health, safety and welfare will be protected;

IV. Be located, designed and operated to minimize adverse effects, including impacts on scenic quality, pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibration and odor on surrounding
properties;

V. Provide adequate public facilities and services to serve the special use, including but not limited to roads, adequate water supply in terms of both quality and quantity, sewer, solid waste and fire protection;

VI. Not substantially adversely affect agriculture or ranching operations and residences;

VII. Only include roads, utilities and associated structures that bear logical relationships to existing topography and minimize cuts and fills; and

VIII. Be consistent with the historic rural and agricultural character of the West End. Input from neighbors shall be considered by the County in determining consistency.
5-321 High Country Area (HCA)

5-321 A. Purpose

I. The High Country Area (HCA) Zone District is intended to protect and preserve the alpine, sub-alpine and scenic hillsides in the upper San Miguel watershed for their historic and natural landscapes and retain the relatively undeveloped character of these backcountry areas. It is the intent of this Zone district to preserve historical structures and to protect the native flora and fauna. This Zone District is comprised of public lands managed by the United States Forest Service (USFS) and patented mining claims. Much of this Zone District was once mined and may again be mined. It is the intent of this Zone District to preserve and protect public lands from the impacts of incompatible development and to protect access to the minerals that are known to be or expected to be within this Zone District. Commercial and industrial uses are not permitted within the Zone District. The size, scale, and location of Single-family Dwellings and Accessory Structures are limited to avoid conflict with past and/or future mining. The County favors preservation and protection for open space, public recreation and watershed and source water protection over the use of these properties for any development purpose.

II. These areas are typified by a lack of improved or maintained roads, little or no utilities or infrastructure and very limited or sparse development other than historic mining remnants from past mining activities. Development activities in these areas should be limited due to high elevation, environmentally sensitive and geologically hazardous areas, steep terrain, limited access, mining remnants, and other site constraints. If residential development occurs it should be limited to cabins and small scale residential development consistent with the type of development that historically occurred in the area. Development that results in a demand for public services beyond what is currently provided should be prohibited.

III. It is the intent of this Zone District to prohibit both public and private improvements on existing public roads and to prohibit the construction of new roads within the HCA Zone District as a means of maintaining the areas existing character and as a means of preserving historic access methods. Existing private roads within the HCA Zone District are considered to be pre-existing driveways. Driveways may be constructed or improved to access property within this Zone District. However, property owners are not required to improve driveways accessing their property in this Zone District to the driveway standards that are required throughout the remainder of the County. Rather, the intent of this Zone District is to minimize the number of driveways and the impacts driveways may have on the scenic and environmental character of the
5-321 B. Review of Allowed Uses

At a minimum, any Allowed Use is subject to an Administrative Review. The purpose of the County Planning Department Administrative Review is to provide staff an opportunity to work with the owner or developer to consolidate and minimize the impacts associated with the development of dwellings, driveways or improvements, to ensure that the proposed development is consistent with the goals and objectives of the Telluride/Ophir High Country Area Sections of the Master Plan and to avoid hazards from past mining or conflicts with potential future mining. As a part of an Administrative Review the Planning Director shall consider all relevant information and/or analysis provided by Referral Agencies concerning the potential impacts of the development proposal and may require the applicant to comply with any and all review comments deemed necessary to mitigate impacts and secure the objectives of the HCA Zone District.

5-321 C. Administrative and Land Use Approvals

I. All applications for Administrative Review or land use approvals shall include, at a minimum, the information and materials specified in Land Use Code Section 4-2 and/or as follows:

a. If the certificate of title indicates that the mineral estate and surface estate have been severed; the applicant shall, as a part of the applicant’s submittal for Administrative Review, send written notice of an application for approval of a development proposal to the owners of record of the severed mineral estate consistent with LUC Section 3-903.

b. Written notice of an application for Administrative Review shall be sent to the owners of properties located adjacent to the property subject to the application and notice of the application shall be posted in a conspicuous place on the subject property.

c. The mailing of the written notice and posting of the property shall be made by the applicant, within five (5) days of submitting the application. The notice shall inform the owners of severed mineral estates and/or adjacent property owners that they have thirty (30) days from the time the notice is postmarked to notify the Planning Director in writing of any issue or objection to the proposed development.

II. Referral Agencies

The application shall be referred to the State of Colorado’s Division of
Minerals and Geology and the State Water Quality Control Division and will be referred to the Towns of Telluride, Mountain Village or Ophir or the County Historical Commission, the Telluride Fire District, or other referral agencies, as deemed appropriate by the Planning Department staff to determine compliance with the Land Use Code.

III. The following must be addressed as part of any application:

A site plan including:

a. The location of all existing and proposed improvements on the property including the access to the property and driveway, if any;

b. The size, height, number of stories and basic design of the structure(s) and including the type of materials to be used in construction;

c. Information regarding all existing or proposed utilities or services that may or will serve the property, including the type and layout of the water supply and sewage treatment system;

d. The location of any and all existing mines, mine remnants, mine adits or mine waste located on the property to be developed;

e. The location of any and all historic buildings or structures or cultural resources located on the property to be developed.

f. Identification of Areas of State and Local Interest (1041 Environmental Hazard) as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22 and Watershed Protection Areas as set forth in Section 5-25, for all areas where development activity is proposed;

g. The location of existing roads and Trails on the property to be developed.

IV. Scenic Quality Report

An applicant shall submit a site plan and Scenic Quality Report showing how the siting, design, materials and construction of any and all structures including the driveway will minimize the visual impact of the development on the scenic quality of the HCA Zone District, the Towns of Telluride, Mountain Village and Ophir, the Ski Area, mountain passes, major historic roads, public use areas and neighboring properties.

V. The owner of a patented mining claim must submit a Mining Resource
Report that addresses the following:

a. Demonstrate compliance with all applicable state and federal requirements, if any, for reclamation, stabilization, bonding, storm water drainage and any other requirements that are deemed necessary by the State of Colorado’s Division of Minerals and Geology and/or Water Quality Control Division to protect the public health, safety and welfare of the owner, occupants and neighbors of the property where the development is to occur.

b. Provide a written report, stamped and sealed by a qualified Colorado registered professional engineer, knowledgeable of mining and mining hazards, identifying any and all surface or sub-surface mining related hazards on the entire claim where the development is proposed. If mining related hazards are identified, the engineer’s report shall include recommended measures to adequately mitigate such surface or sub-surface mining related hazards.

VI. Liability and Disclosure

The owner shall execute a release of liability prepared by the County waiving any and all claims against the County for issuing a building permit on a mining claim that has been mined in the past and may be mined in the future. The release of liability and disclosure, to be executed by the owner, shall also acknowledge that there is no guarantee of fire response or emergency services to properties in the High Country Zone District.

VII. Merger of Surface and Mineral Estates

Where the applicant is the owner of both the surface and mineral estate on the property on which the development is proposed, as a condition of Administrative Review and a Development Permit, the owner shall execute a “merger covenant,” or deed restriction prepared by the County to be recorded in the chain of title for the property, that provides for the merger of the surface and mineral estate in perpetuity so these estates cannot be severed into separate estates by the current owner, and/or his heirs, successors or assigns.

5-321 D. Standards for all Administrative Reviews and All Special Uses Requiring One-Step and Two-step Review

I. All uses shall be:

a. Consistent with the Goals and Objectives of the Telluride/Ophir
High County Area Sections of the Master Plan.

b. Consistent with the County Land Use Policies in Article 2.

c. Consistent with the purpose of the HCA Zone District.

d. Located, designed and operated to minimize visual impacts so as not to detract from the scenic quality of the HCA Zone District, the Towns of Telluride, Mountain Village and Ophir, the Ski Area and public use areas.

e. In compliance with Section 5-4 Areas and Activities of Local and State Interest/‘1041” Environmental Hazard Review including the Section 5-407A. General Standards for Wildlife Habitat Areas, Section 5-2203 Development in Wetland Areas, and Section 5-25 Watershed Protection Areas. If a conflict exists between the requirements of the above referenced Land Use Code provisions and the standards of the HCA Zone District, the most restrictive provisions shall apply.

f. Located and proposed to avoid hazards from past mining or conflicts with potential future mining and include those measures recommended in the Mining Resources Report necessary to adequately mitigate surface or sub-surface mining related hazards.

g. Compatible with and minimize adverse impacts on the surrounding area.

h. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

II. All Uses are subject to the following Standards:

a. Outdoor lighting shall be limited to the minimum required to comply with the applicable provisions of the Uniform Building Code and National Electric Code. All exterior lighting shall comply with the standards of Section 5-710.

b. All areas of surface disturbance, excluding the travel surface of driveways, shall be re-vegetated with species native to the site and/or surrounding area. Removed topsoil shall be replaced and only species native to the site and/or surrounding area may be planted. The property owner shall control and remove all noxious and invasive plant species on the property or introduced as a result of development in accordance with the Colorado Noxious Weed Management Act. The property owner shall also control and
c. Fuel tanks, water storage units and generators shall be located within a permitted structure or placed underground. If generators or similar devices are to be used sound levels of generator noise radiating from a property line at a distance of twenty-five feet or more shall not exceed 50 dba.

d. Demolition of national, state or locally certified County Historic Landmarks is prohibited.

5-321 E. Uses Allowed Subject to Administrative Review

I. Single-family residential dwellings with less than 1,000 square feet of Floor Area.

a. An additional 500 square feet of Floor Area may be allowed for each Development Right retired in perpetuity on a developable parcel(s) within the HCA Zone District. A developable parcel is a property capable of meeting all applicable provisions of the Land Use Code necessary to obtain a Development Permit for a Single-family dwelling.

b. An additional 500 square feet of Floor Area may be allowed where the owner is proposing measures that preserve or enhance public recreation opportunities and/or provides an easement for public non-motorized access through their property consistent with the County Trails Master Plan.

c. An additional 500 square feet of Floor Area may be allowed where the owner does not construct a driveway to serve the property. This provision does not prohibit use of a temporary driveway during construction, if the use is discontinued, the driveway is restored to its natural condition, and the property is restricted in perpetuity against construction of any future driveway.

d. An additional 300 square feet may be allowed for an attached garage within or as a part of the single-family residential dwelling if there is no detached accessory structure. A garage as defined in Article 6, and as limited herein, is not included in the calculation of Floor Area.

e. An additional 500 square feet may be allowed for a Basement within or as a part of the single-family residential dwelling, if the development is located and designed so that the residence would not be visible, during summer months, from the towns of Telluride,
Ophir and Mountain Village, or public roads, public trails and public use areas within the High Country Master Plan Area. If a Basement is proposed as a part of the development it is incumbent on the applicant to demonstrate this improvement can be made in a manner consistent with the HCA Master Plan and the land use standards for the HCA Zone District and Watershed Protection Areas. (such as, limiting site disturbance, avoiding or minimizing blasting, handling of excavated materials, surface drainage, etc.)

f. In no circumstance shall a single-family residential dwelling, with a Floor Area larger than 2,500 square feet be allowed by Administrative Review.

II. One detached Accessory Structure (shed) with 200 square feet of Floor Area or less if there is no attached garage. Where gasoline/diesel powered/electric generators are used they shall be placed in the garage, accessory shed or underground to minimize noise impacts.

III. Electric Distribution Lines & Electric Service Lines.
Electric Distribution Lines are prohibited except under the following limited and specific circumstances:

a. There is an existing Electric Distribution line located on the parcel or mining claim where a Single-family residence is proposed to be developed and the applicant has obtained Administrative or Special Use Approval for a specific Single-family residential development; and

b. The proposed Single-family residence is to be served by an alternative energy source(s), including but not limited to solar, photovoltaic, wind, hydropower or other alternatives, that provides a substantial amount, at least 50%, of the projected power usage for the single-family residence, the alternative energy source is tied to the electrical grid system by an Electric Distribution Line or Electric Service Line and there is an approved net-metering agreement with the providing utility company; and

c. The Electric Distribution Line or Electric Service Line shall be placed underground where it has been determined that such undergrounding would not have significant adverse environmental impacts. Above-ground Electric Distribution Lines are prohibited; and

d. The maximum allowed length of the proposed extension of the Electric Distribution Line shall not be greater than one-quarter mile in length from the existing utility service line to the proposed Single-family residence. If possible the buried Electric Distribution Line or Electric Service Line should be placed within or alongside an existing access road or the proposed driveway unless there is a more practical route that would result in less environmental impact to the property.
e. Underground Electric Service Lines are allowed in the HCA Zone District subject to Administrative Review pursuant to LUC Section 5-321 B.

f. Property Owners should realize that for most High Country Area properties solar, wind, hydropower, or other alternatives to the extension of an Electric Distribution Line or Electric Service Line might be the only electric service available.

IV. Development or improvement of driveways and recreational Trails.

a. Driveways do not have to comply with the driveway standards contained in Land Use Code Section 5-502 DD. because these private driveways are not intended to provide emergency vehicle access to single-family residential dwellings. The standards for driveways in the HCA Zone District are identified in Land Use Code Section 5-321 N. II. Driveways.

b. Trails do not have to comply with the standards contained in Land Use Code Section 5-506 Trails. The design standards for Trails in the HCA Zone District are to be determined by the Planning Department in consultation with the San Miguel Trail Council and shall be consistent with the goals and objectives of the Telluride/Ophir High Country Area Sections of the Master Plan.

c. Helicopter Access may be allowed by Administrative Review for limited construction activities where it has been determined by clear and convincing evidence that the benefits of such access outweigh the detriments. Helicopter Access is not allowed under any other circumstances except for bona fide emergencies.

5-321 F. Uses Allowed Subject to One-step Planning Commission Review subject to Section 5-10

Public recreational structures and outdoor recreational areas, such as backcountry/ski shelters, picnic areas, educational centers, limited to 500 square feet. Such uses shall be consistent with the purpose and definition of Active Open Space in Article 6.

5-321 G. Uses Allowed Subject to One-step Board of County Commissioner Review subject to Section 5-10.

I. Open Land Protection, subject to the standards in Section 5-1207 and the standards of the HCA Zone District.

II. Driveways greater than one-quarter (1/4) mile and/or driveways with vehicle pullouts. A distance of one-quarter (1/4) mile was established
based on a finding that the extension of further development decreases the integrity of the environment, and diminishes the historic and rural landscape.

In approving driveways greater than one-quarter (1/4) mile and/or driveways with pullouts, the Board of Commissioners shall consider visibility of the roads/driveways from all public roads in the High Country Master Plan Area, to include Tomboy Road, Imogene Pass, Black Bear Pass, Bear Creek Road, Liberty Bell Road, Boomerang Road, Gold King Basin Road, upper and lower Bridal Veil Roads, Blue Lake Road, Marshall Basin, Blix Road, Waterfall Canyon Road, Alta Lakes (east) and Ophir Pass, Lewis Mill, the Towns of Telluride, Mountain Village and Ophir, impact on recreational activities, and environmental impacts, including soil disturbance and erosion. Where access requires a driveway greater than one-quarter (1/4) mile in length alternative access should be considered (including, but not limited to, skiing, hiking, snowmobiling).

III. Automobile parking areas that centralize parking adjacent to existing roadways in order to allow alternative access beyond that point.

IV. Repair or restoration of damage to existing public roads, as a result of natural catastrophes or “acts of God”, that exceed routine Road Maintenance but do not constitute Road Improvements. In approving repair or restoration of existing public roads the Board of Commissioners shall consider if the proposed road repair adequately addresses public safety in a manner that does not change or alter the rough condition or historic character of the road. Board of County Commissioner review is not required for expedient repairs to provide for public safety in bona fide emergencies (such as the removal of material from rock slides) as determined by the San Miguel County Road Superintendent.

V. Logging activities resulting in cutting down trees for use on-site and/or the hauling of up to 5,000 board feet of timber in any 12 month period beginning with the commencement of tree cutting. In approving logging activities the Board of Commissioners shall consider the availability of access from existing roads, the method of access, the potential impacts to public roads and any required mitigation thereto, and the visual impacts of such activities on the scenic quality of the property and the surrounding area. The BOCC may also consider whether the proposed activities are consistent with a forest management plan that is intended to promote forest health and reduce the risk of wildfire. It is not the intent of this section to allow commercial logging operations, or activities that encourage the construction of new roads or involve the use of heavy construction equipment in the HCA.
5-321 H. Uses Allowed Subject to Two-step Special Use Permit Review Subject to Section 5-10.

I. Single-family residential dwellings with greater than 2,500 square feet of Floor Area or single-family residential dwellings and Accessory Structures that exceed the square footages that may be authorized by Administrative Review pursuant to Land Use Code Section 5-321 E. To authorize a larger Floor Area for a Single-family Dwelling or Accessory Structure, there must be a finding that the proposed development furthers the goals and objectives of the Telluride/Ophir High Country Area Sections of the Master Plan, shall include the retirement of additional Development Rights in a manner that results in less developed square footage than what may be authorized through an Administrative Review, is located so it does not create a visual impact or detract from the scenic quality of the basin or area in which it is located, and is in the public interest.

II. Commencement and/or expansion of mining and mineral processing operation, or development of mining related structures or buildings, in accordance with all provisions of Section 5-10 and 5-16. This does not include sand and gravel mining or processing.

III. Radio, microwave transmitting stations and other antennae subject to Section 5-307 K. and wind turbines for residential use over 25 feet in height.

IV. Public utility structures, including dams, reservoirs and municipal water distribution systems (refer to Section 5-709.).

V. Conditional uses on federal lands – mineral exploration, mining, and logging, subject to applicable state and federal statutes and regulations.

5-321 I. Area Bulk Requirements

I. The minimum lot size for each principal use is 35 acres except for single-family residential dwellings approved pursuant to the subdivision exemption standards for Open Land Protection (see Section 5-1207).

II. Any legally created parcel less than 35 acres in the HCA Zone District may qualify for a Building Permit for one single-family residential dwelling Unit, provided the parcel satisfies the criteria set forth in Section 5-1908 Sub-standard size parcels, except for the standards for driveways in Section 5-502 DD.

5-321 J. Minimum Setbacks

The preferred setbacks for all yards adjacent to Public Lands are 30 foot front and
20 foot side and rear. The minimum setback for all yards is 10 feet, except the 10 foot minimum setback may be further reduced by Administrative Review where the applicant has demonstrated there would be no negative impact to the adjoining property. The intent of allowing a reduced setback is to provide maximum flexibility in siting the single-family residential dwelling and accessory structure to reduce visibility and impacts on scenic quality. The location of structures, setbacks and separation requirements for residences, mines, mine tailings, wells and septic systems, if any, will be determined during the site-specific review of the proposed development.

5-321 K. Maximum Height of Buildings

The maximum height of buildings is 20 feet for single-family residential dwelling and 16 feet for an attached Garage or 12 feet for a detached Accessory Structure: The ridge of a gable, hip, gambrel or similar pitched roof may extend up to five feet above the specified maximum height limitation. (see Height as defined in Article 6 of the LUC.)

5-321 L. Minimum Off-street Parking

All parking shall be provided on-site where vehicle access is available.

5-321 M. Water and Sewage Disposal

An adequate water supply (which may include a cistern or storage tank) and a sewage disposal system that minimizes site disturbance and complies with the State and County Sewage Disposal System requirements must be demonstrated. Depending on site conditions, the County Environmental Health Department may require an engineered system. Applicants are encouraged to meet with the Environmental Health Department to identify the type of sewage disposal system that may be best suited for the Development proposed and that minimizes site disturbance.

5-321 N. Development or Improvement of Roads, Driveways, and Recreational Trails

I. New Public Roads, Existing Private Roads, and Road Improvements

New public roads and Road Improvements to existing public roads are prohibited. This provision is not intended to prohibit Road Maintenance as defined in Article 6 of the Land Use Code. Existing private roads within the HCA Zone District are considered to be pre-existing driveways and may be improved and maintained in the same manner as driveways.

II. Driveways

New driveways shall have minimal visibility as may be viewed from the
Towns of Telluride, Mountain Village or Ophir, the Ski Area and all public roads in the High Country Master Plan Area. Construction of new driveways shall be allowed only if there is no existing access determined to be adequate by the County Road and Bridge Department or County Engineer. Landowners are required to obtain a County access permit to construct driveways off of County roads, however landowners are not required to construct driveways to County standards as required in Section 5-502 DD., except that:

a. Driveways shall be no wider than 10 feet; but vehicle pullouts may be allowed where deemed necessary for public safety.

b. Switchbacks and cuts and fills are minimized for roads and driveways to the fullest extent possible;

c. Blasting shall be limited to the least extent reasonably necessary in the development of a driveway;

d. Driveways are not limited to a specified grade. Owners are solely responsible for creating safe vehicular access to their property;

e. Driveways may not be paved or improved with an impervious surface;

f. Driveways greater than one-quarter (1/4) mile or driveways with vehicle pullouts must be approved subject to One-step Board of Commissioners Review; and

g. Driveways may serve multiple Single-family Residences, if and where it has been determined by clear and convincing evidence that doing so would reduce the potential number of driveways and would minimize the overall aesthetic and environmental impacts consistent with goals and objectives of the Telluride/Ophir High Country Area Sections of Master Plan.

III. Public Trails/Recreational Access

a. Public access to Trails from existing public roads, as identified in the adopted County Trails Master Plan or as identified during the administrative review process, should be maintained or enhanced to the maximum extent possible for both summer and winter use. The County shall work cooperatively with landowners in the HCA Zone District to ensure that through-access on such roads is maintained.

b. Trails shall be kept in their historic alignments to the greatest
extent possible. Road and driveway crossings of Trails shall be avoided wherever possible.
## High Country Area Roads

<table>
<thead>
<tr>
<th>Road</th>
<th>Status</th>
<th>Description</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alta Lakes</td>
<td>County Maintained</td>
<td>Boomerang Road east to Alta Lakes</td>
<td>Public</td>
</tr>
<tr>
<td>Bear Creek</td>
<td>Non-County Maintained</td>
<td>Telluride City Limits south 2.14 miles</td>
<td>Public</td>
</tr>
<tr>
<td>Blix Road</td>
<td>Non-County Maintained</td>
<td>Ophir Pass Road north to NE1/4, NW1/4, Section 18, 42N, 8W (La Junta Basin)</td>
<td>Probably public – needs research</td>
</tr>
<tr>
<td>Bridal Veil (lower)</td>
<td>County Maintained</td>
<td>Beginning .22 miles east of the Valley View Parking Area on CR K69 heading east to the intersection of Upper Bridal Veil Road &amp; Black Bear Pass Road at Bridal Veil Falls</td>
<td>Public</td>
</tr>
<tr>
<td>Bridal Veil (upper)</td>
<td>Non-County Maintained</td>
<td>Black Bear Pass Rd. south to Blix Road</td>
<td>Probably public – needs research</td>
</tr>
<tr>
<td>Black Bear Pass</td>
<td>County Maintained</td>
<td>Bridal Veil Intersection to County line</td>
<td>Public</td>
</tr>
<tr>
<td>Blue Lake Road</td>
<td>Non-County Maintained</td>
<td>Upper Bridal veil Road southeast to Blue Lake</td>
<td>Probably public-needs research</td>
</tr>
<tr>
<td>Boomerang</td>
<td>County Maintained</td>
<td>Alta mine site north to Prospect Intersection</td>
<td>Public</td>
</tr>
<tr>
<td>Gold King Basin</td>
<td>Non-County Maintained</td>
<td>Alta Road southeast to NW1/4, NE ¼, Sec. 27, 42N, 9W</td>
<td>Public</td>
</tr>
<tr>
<td>Lewis Mill</td>
<td>Non-County Maintained</td>
<td>Upper Liberty Bell Road to Lewis Mill Site</td>
<td>Probably public -needs research</td>
</tr>
<tr>
<td>Liberty Bell</td>
<td>Non-County Maintained</td>
<td>May be maintained by Town of Telluride to Water Plant</td>
<td>Probably public – needs research</td>
</tr>
<tr>
<td>Marshall Basin</td>
<td>Non-County Maintained</td>
<td>Tomboy Road northwest to NW1/4, SE1/4, Section 29, 43N, 8W</td>
<td>Probably public – needs research</td>
</tr>
<tr>
<td>Ophir Pass Road</td>
<td>County Maintained</td>
<td>Ophir City Limits east to County Line</td>
<td>Public</td>
</tr>
<tr>
<td>Tomboy Road</td>
<td>County Maintained</td>
<td>Telluride city limit east to County Line</td>
<td>Public</td>
</tr>
<tr>
<td>Waterfall Canyon</td>
<td>Non-County Maintained</td>
<td>Ophir City Limits south through National Forest land to private property</td>
<td>National Forest-Public</td>
</tr>
</tbody>
</table>
5-322 Low Density Residential (LDR)

5-322 A. Purpose

I. The purpose of the Low Density Residential Zone is to provide areas suitable for clustered, low density residential development in accordance with the San Miguel County Comprehensive Plan and the PUDR Zone and to implement the “alternative density” provided for in the PUDR Zone District and the Telluride Regional Area Master Plan. Only property currently located in the Telluride Region and zoned PUDR may be classified in the Low Density Residential Zone.

II. In planning for the development of land under the Low Density Residential Zone, clustering of residential uses and the establishment of building envelopes on lots to restrict areas of development to preserve environmentally or visually sensitive open space and wildlife habitat will be required. In addition, attention shall be given to visual vulnerability and/or the relationship of each parcel to essential public facilities and services and the use of the scenic foreground as open space. The density of residential development in the Low Density Residential Zone may vary from one unit per six to eight acres, depending upon an analysis of factors such as neighborhood compatibility, availability of urban services, road capacities, and consistency with the adopted goals and objectives of the Telluride Regional Area Master Plan.

5-322 B. Planned Unit Development (PUD) Procedure

All development proposed within the Low Density Residential Zone, except for proposed development of uses allowed by right, shall be reviewed pursuant to the Planned Unit Development (PUD) procedure to establish permitted uses and Area and Bulk Requirements. Refer to Section 3-7 for PUD procedures and Section 5-14 for PUD Standards.

5-322 C. Uses Allowed By Right

I. Single-family dwelling on lots containing 35 acres or more, with a residence containing less than 12,000 sq. ft of Floor Area;
II. Accessory Uses and Structures, including customary utility services;
III. Active Open Space; and
IV. Passive Open Space.
5-322 D. Allowable Uses Requiring Review through the Planned Unit Development (PUD) Procedure

I. Single-family dwelling on lots containing less than 35 acres, with building sizes and heights as provided for in Section 5-322 F subject to review requirements provided in Section 5-322 F;

II. Accessory Uses and Structures, including customary utility services; not to include a second residential unit;

III. Day care homes;

IV. Active Open Space, except that the uses and activities that may occur on portions of the property designated as Active Open Space may be further expanded or restricted in the course of the review of the required PUD application; and

V. Passive Open Space, except that the uses and activities that may occur on portions of the property designated as Passive Open Space may be further expanded or restricted in the course of the review of the required PUD application.

5-322 E. Area and Bulk Requirements for Uses Permitted by Right

I. Density – one dwelling unit per lot

II. Minimum Lot Area – 35 acres

III. Setbacks
   a. Front Yard – 50 feet
   b. Rear Yard – 50 feet
   c. Side yard – 50 feet

IV. Maximum Building Height – 35 feet

5-322 F. Area and Bulk Requirements For Uses Requiring Review Through the Planned Unit Development (PUD) Procedure

The maximum Area and Bulk Requirements for a lot in the Low Density Residential Zone shall comply with and not exceed the following standards, which shall be applied by the County in the course of its review of the PUD for the property to evaluate mass and scale, and other related design issues. During its review of the PUD application, the County may establish more restrictive design limitations relating to house size, building heights and/or setbacks associated with the proposed development if the County determines that such restrictions are reasonably necessary and appropriate to address mass and scale, and other related design issues identified during the PUD review process.

I. **Allowed House Size:** The allowable size of a residence (“House Size”)

shall fall within a range of between 5,500 sq. ft and 7,000 sq. ft of Floor Area, which shall be determined by a site specific review during consideration of the Preliminary PUD Plan for the property. The foregoing shall not preclude the construction of a residence that is less than 5,500 sq. ft if proposed by the lot owner. The maximum House Size shall be determined based upon the following criteria (“Review Criteria”):

a. Analysis of the proposed location of the structure and the visual impact of the building when viewed from West Colorado Avenue and the Airport Road (CR64L), as applicable, based upon proposed size and scale of the structure and the proposed visual mitigation provided for in the Preliminary PUD Plan.

b. Analysis of the amount of the clearing, grading and the extent of the removal of trees and natural vegetation that may be required to construct a residence of the proposed size on the site, which is to be balanced against goals of mitigation of visual impacts.

c. Analysis and evaluation of the relationship of the proposed building size to property conditions that would be in place upon the completion of the construction of the structure, including factors relating to the sites topography, vegetation, distance from the public highway including Scenic Foreground setbacks, size of the lot and homesite, proposed building height, spacing of units, proximity of residences to surrounding uses, view angles, visibility, and similar considerations.

d. Consideration of siting and design criteria, including, without limitation, color/materials, lighting, architectural styles/themes and the like, that may be utilized to reduce or minimize the visual impact of the proposed structure on the scenic quality of the surrounding area.

II. Minimum Lot Area: 2 acres, unless the lot is connected to a private or public community water system, in which the Minimum Lot Area is 1 acre.

III. Maximum Density - one unit per six to eight acres

IV. Setbacks: Improvements must be contained within the Building Envelopes established on the approved Preliminary PUD Plan for the property, provided that the Building Envelope will be setback at least 25 feet from the lot line.

V. Maximum Building Height: The Allowed Building Height for a residence shall fall within a range of between 28 feet and 35 feet, unless a more stringent height restriction is imposed in order to comply with ridgeline regulations. The foregoing shall not preclude the construction of a
residence that is less than 28 feet if proposed by the lot owner. The Allowed Building Height shall be determined during the review of the Preliminary PUD Plan for the property utilizing the Review Criteria.

VI. Restricted Open Space: For purposes of this Low Density Residential Zone, the term “Restricted Open Space” shall mean any Active Open Space or Passive Open Space included in the project being reviewed, which is restricted against development of structures or other improvements, other than areas required for infrastructure, including roads, utilities, driveways, OWS and similar facilities. The Restricted Open Space may be included in parcels owned by the project’s homeowners association, parcels dedicated to a public agency for open space purposes and/or the boundary of a platted lot, outside of the designated Building Envelop. Not less than 75% of the area being subdivided will be Restricted Open Space.

5-322 G. Minimum Off-street Parking

Off street parking shall be provided for each principal use as required in Section 5-702 of the San Miguel County Land Use Code.

5-322 H. Review Standards for Land Uses and Area and Bulk Requirements Requiring Review Through the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Sections 5-322 D. or approval to utilize the area and bulk requirements in Section 5-322 F. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section.

I. The use is consistent with the Land Use Policies (Article 2);

II. Adequate public services such as roads, water, wastewater disposal/treatment, public safety and fire protection are available to serve the proposed use and an applicant adequately mitigates the incremental impacts on the community's existing public services;

III. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable site;

IV. Any proposed structures are located outside the Scenic Foreground Overlay Zone District or are designed consistently with the Scenic Foreground Overlay standards and meet the Scenic Quality standards in LUC Section 5-21;

V. The use is consistent with the relevant goals and objectives of the San Miguel County Comprehensive Development Plan; and
VI. In the Telluride Region, acceptable guarantees (as described in the Telluride Regional Area Master Plan) have been made for the provision of:

a. Adequate transportation to serve the development (see Section 5-2001);

b. A sufficient quantity and quality of affordable housing to house the employees attributable to the proposed land use (see Section 5-1304); and

c. A sufficient quantity and quality of recreational amenities to serve the residents of the development without overburdening existing off-site recreational facilities (see Section 5-803).

VII. The use and density is compatible with existing adjacent neighborhoods.

VIII. Large picture windows of glass that reflect toward the Town of Telluride, State highway 145, Colorado Avenue, Airport Road (CR 64L), and public use areas are to be avoided.

IX. All exterior lighting shall minimize visual impact of light sources as seen from the Town of Telluride, public use areas, or from other surrounding areas. All exterior lighting shall comply with the standards of Section 5-710.
5-323 Mixed Use Development (MXD)

5-323 A. Purpose

I. The purpose of the Mixed-Use Development (MXD) Zone is to provide areas suitable for the development of a balanced mix of land uses that are compatible with the Telluride Region as contemplated by the Telluride Regional Area Master Plan. Uses and activities should complement those occurring in the Town of Telluride, Town of Mountain Village, and Lawson Hill, enhancing the overall mix of uses serving local residents, employees and visitors alike.

II. Development of property included in the MXD Zone shall occur in accordance with the Telluride Regional Area Master Plan, the San Miguel County Comprehensive Plan, the PUDR Zone, this MXD Zone and other applicable provisions of the San Miguel County Land Use Code.

5-323 B. Planned Unit Development (PUD) and Subdivision

VI. Applicability. All development proposed within the MXD Zone shall be reviewed pursuant to the Planned Unit Development (PUD) and subdivision review procedures, which shall be used to establish permitted uses, densities, Area and Bulk Requirements, lot layouts, phasing, infrastructure and other relevant elements of the proposed development for property located in the MXD Zone. Refer to Section 3-7 for PUD procedures and Section 5-14 for PUD review standards and this Section 5-323 for further review standards. Refer to Section 3-7 for Subdivision procedures and, applicable portions of Sections 5-1 to 5-10 for Subdivision review standards and this Section 5-323 for further review standards. The PUD review will be combined with a subdivision review, referred to hereafter as a “Combined PUD/Subdivision Plan.”

II. Combined PUD/Subdivision Plan Review. The purpose and intent of the Combined PUD/Subdivision Plan review process will be to establish relevant elements and components of the proposed development on property located in the MXD Zone that will control development that may occur on the separate lots and parcels in the project, which factors and elements shall include, without limitation, the following:

a. A range of Allowable Uses;
b. Maximum allowable density for each of the Allowable Uses;
c. Maximum overall allowable density for the development, which Applicant may allocate among each of the Allowable Uses, not to exceed any maximum density established for an individual Allowable Use;
d. Maximum building height(s);
e. Building areas and envelopes, along with minimum required setback(s);
f. Site access, roads and sidewalks;
g. Minimum required parking;
h. Required employee housing mitigation;
i. Landscaping/hardscaping;
j. Evaluation and potential reduction of the 200-foot scenic setback requirement for property located in the Scenic Foreground and the 100-foot major highway setback requirement;
k. Preliminary review and approval of required infrastructure to serve the development, including timing and phasing;
l. Location of open space, recreational facilities and amenities;
m. Project Phasing and vesting;
n. Review and approval of Design Guidelines for the overall development, which shall be applied to the review of site-specific development proposed on a lot or parcel as part of a PUD Architectural Review Plan application.

III. PUD Architectural Review Plan. Prior to obtaining a building permit for particular building(s) contemplated on one or more lots or parcels, an applicant is required to submit a site-specific architectural design plans (“PUD Architectural Review Plan”) for review and approval by the County as provided for in Section 5-1405 and this Section 5-323.B.III. When approving a Combined PUD/Subdivision Plan, the County will establish certain Area and Bulk Requirements for building(s) occurring on lots or parcels in the project as provided for in Section 5-323.D, which shall be followed and applied by the applicant and the County as part of the review of the PUD Architectural Review Plan under Section 5-1405. An applicant can elect to submit and complete the review of the PUD Architectural Review Plan as follows:

a. An applicant may submit an application and supporting materials to enable the review and final approval of all elements of a PUD Architectural Review Plan required to be reviewed under Section 5-1405 and Section 5-323.D for one or more buildings on one or more lots or parcels as part of the Combined PUD/Subdivision Plan; or

b. An applicant may elect to defer the submission and review of one or more separate PUD Architectural Review Plan for individual building(s) on individual lots or parcels, provided that the plan is ultimately reviewed by the County prior to development of any such building and conforms with this Section 5-323.B.III. Unless obtained as part of the review of Combined PUD/Subdivision Plan, an applicant shall secure the approval of PUD Architectural Review Plan prior to initiating development on a particular lot.

The PUD Architectural Review Plan will be reviewed by the decision-making
body identified in Section 5-323 C and subject to the requirements of Section 3-2. The purpose of the review of a PUD Architectural Review Plan is to allow the County to evaluate: (a) that the building design meets the provisions of Section 5-1405, Section 5-21, and this Section 5-323 and other relevant provisions of the LUC in terms of architectural styles/themes, color/materials, lighting, landscaping, and the like; and (b) that the building design conforms to the particular elements approved for the lot as part of the Combined PUD/Subdivision Plan, such as the Area and Bulk Requirements (building height, setbacks), parking, Allowable Uses, and densities. The size, scale or location of the building as contemplated in Section 5-1405, will be established by the County as part of the approval of the Combined PUD/Subdivision Plan and the County’s determination of the Area and Bulk Requirements for building(s) occurring on lots or parcels in the project under Section 5-323.D. The Area and Bulk Requirements established as part of the Combined PUD/Subdivision Plan shall not be increased or reduced as part of the review of PUD Architectural Review Plan under Section 5-1405 unless agreed to by the applicant and the County, which may require an amendment to the Combined PUD/Subdivision Plan if increases to the Area and Bulk Requirements are proposed. The PUD Architectural Review Plan review is not intended to be used for further review of or require changes to the Approved Uses and Densities or other land use elements established as part of the Combined PUD/Subdivision Plan Review.

Site design and improvements, such as parking, access roads, berming, landscaping, utilities and similar facilities shall be considered as part of the Combined PUD/Subdivision Plan and need not be reviewed as part of the review of a PUD Architectural Review Plan; provided that parking, access roads, berming, landscaping, utilities and similar facilities approved as part of the Combined PUD/Subdivision Plan, may be modified as part of the review of a PUD Architectural Review Plan.

5-323 C. Allowable Uses

I. **General.** The uses and activities allowed (“Allowable Uses”) that may occur in a project on property located in the MXD Zone are indicated below. The Allowable Uses shall be determined by the County in connection with its review of and action on an application for a Combined PUD/Subdivision Plan. The resulting uses and densities approved by the County as part of its action on the Combined PUD/Subdivision Plan is referred to as the “Approved Uses and Densities.” The Approved Uses and Densities will be noted in a Development Agreement and reflected in a land use matrix appended to the Development Agreement, noting a maximum cap for each particular use with an overall maximum cap on the uses and activities based upon available infrastructure serving the project (road access and water/sewer service). The Development Agreement shall provide that the Approved Uses and Densities may be allocated among the parcels, provided that no particular use exceeds its allowable maximum
limit and the overall cumulative amount of the uses does not exceed that maximum overall cap on the uses and activities allowed for the Project.

II. If the Combined PUD/Subdivision Plan did not establish one of the following Allowable Uses or if an applicant seeks to modify the Approved Uses and Densities involving one of the following Allowable Uses, the applicant may submit an application seeking an amendment to the Combined PUD/Subdivision Plan to add one of the following Allowable Uses into the Project or to modify the Approved Uses and Densities, which will be reviewed by the County as an Insubstantial Plat Amendment:
   a. Active Open Space;
   b. Passive Open Space;
   c. Public Uses, including, but not limited to, expansion of the Regional Sewage Treatment Facility, Governmental/Municipal Facilities and Transit Facilities;
   d. Visitor Center;
   e. Day Care Home or Day Care Center;
   f. Community Meeting Space;
   g. Employee Housing;
   h. Medical Services including, but not limited to, pharmacy, optician, dental, physical therapy, and mental health/counseling;
   i. Medical Offices;
   j. Retail establishments no greater than eight thousand (8,000) square feet gross floor area for an individual use;
   k. Flex Space no greater than eight thousand (8,000) square feet gross floor area for an individual use;
   l. Eating/Drinking Establishments;
   m. Offices and Personal Services; and
   n. Wireless Communications Facilities that are concealed within a building or structure (stealth facilities).

III. In connection with its review of the following Allowable Uses as part of its review of a Combined PUD/Subdivision Plan, the County may include reasonable mitigation measures intended to reduce impacts of those uses. If the Combined PUD/Subdivision Plan did not establish one of the following Allowable Uses or if an applicant seeks to modify the Approved Uses and Densities involving one of the following Allowable Uses, the applicant may submit an application seeking an amendment to the Combined PUD/Subdivision Plan to add one of the following Allowable Uses into the Project or to modify the Approved Uses and Densities, which will be reviewed by the County as a Substantial Plat Amendment:
   a. Regional Medical Center, including a helipad;
   b. Retail Establishments greater than eight thousand (8,000) square feet gross floor area;
c. Flex Space greater than eight thousand (8,000) square feet gross floor area for an individual use; and

d. Hotel/Motel Lodging, including conference facilities. If an applicant is proposing this Allowable Use as part of its Combined PUD/Subdivision Plan or any later amendment thereto, the County, in evaluating this use, shall reasonably consider whether there is a current or future community need for lodging or other related uses that would be available in the Hotel/Motel Lodging facility; potential impacts of being located outside of the towns and away from activities and services; growth effects on the region; preservation of community; and transportation impacts. Development of lodging should include a transportation management plan addressing methods to reduce guest trips in personal vehicles to the Town of Telluride and Town of Mountain Village while still encouraging visitors to patronize local businesses and participate in activities. Examples include the use of van shuttle services and local transit opportunities. Other considerations should include proposed amenities and facilities, proposed room sizes and types, and operational or management structure.

e. Other uses not designated in Section 5-323 C.II as an Allowable Use.

IV. Accessory Uses: The uses, activities and improvements allowed by right in connection with other Allowable Uses review that may occur in a project on property located in the MXD Zone are indicated below:

a. Accessory Uses and Structures, including customary utility services and maintenance and storage facilities; and
b. Infrastructure serving the development.

5-323 D. Area and Bulk Requirements for Allowable Uses

The maximum Area and Bulk Requirements and densities for lots in the Mixed Use Development zone shall comply with and not exceed the following standards, which shall be preliminarily evaluated and considered by the County in the course of its review of the Combined Sketch PUD/Subdivision Plan Review for the project and then finally determined and established by the County in the course of its review of the Combined Preliminary PUD/Subdivision Plan Review for the lots in the subdivision.

I. **Allowed Building Size:** Except with respect to maximum size limitations established with respect to certain uses as provided for in Section 5-323 C, there is no maximum or minimum “Building Size.” The allowable Building Size for buildings on a lot shall be determined and established during consideration of the Combined PUD/Subdivision Plan Review for
the property. The maximum Building Size shall be determined based upon the following criteria (“Review Criteria”):

a. Analysis of the proposed location of the structure and the visual impact of the building when viewed from State Highway 145, based upon proposed size and scale of the structure and the proposed visual mitigation provided for in the Combined PUD/Subdivision Plan Review.

b. Analysis and evaluation of the relationship of the proposed building size to property conditions that would be in place upon the completion of the construction of the structure, including factors relating to the site’s topography, vegetation, distance from the public highway including Scenic Foreground setbacks, size of the lot, proposed building height, spacing of units, proximity of improvements to surrounding uses, view angles, visibility, and similar considerations.

II. Minimum Lot Size: None

III. Maximum Lot Size: None.

IV. Maximum Density: As determined in the course of the review of the Combined PUD/Subdivision Plan Review

V. Maximum Floor Area Ratio (FAR): As determined in the course of the review of the Combined PUD/Subdivision Plan Review on an envelope by envelope basis.

VI. Setbacks: In connection with the review of the Combined PUD/Subdivision Plan Review, the County shall establish a building envelope for each lot. All development, except for access, trails, sidewalks, parking, landscaping and utilities must occur within the designated building envelope.

VII. Scenic Foreground and Highway Setbacks: Any development proposed within the 200-foot Scenic Foreground setback and/or the 100-foot major highway setback shall be determined in the review of the Combined PUD/Subdivision Plan Review. Mitigation of impacts from development occurring within these setbacks shall occur through the placement of buildings and other improvements on the site, massing, design, roof forms, landscaping, screening, and other design strategies.

VIII. Maximum Building Height: Maximum Allowable Building Height for a building or other improvement shall be established on an envelope by envelope basis as an above sea-level maximum elevation and determined in
the course of the review of the Combined PUD/Subdivision Plan Review. The ridge of a gable, hip, gambrel or similar pitched roof may extend up to five (5) feet above the specified maximum height limit. A building may exceed the Maximum Allowable Building Height by up to twelve (12) feet if the additional development is being used for employee housing in excess of the required employee housing. Roof appurtenances (other than architectural features) such as chimneys, flues, vents, mechanical equipment, elevator override height, or similar structures may extend up to five (5) feet above the specified maximum height limit. Bell towers, pergolas, and like architectural features may extend up to ten (10) feet above the specified maximum height limit per criteria set forth in any project specific design guidelines approved for the development. Elevator access to a rooftop helipad shall be permitted to be the height necessary for operation of the elevator.

IX. Minimum Common Open Space: Twenty percent (20%), inclusive of land dedicated to the County or School District for park, recreation, school, other open space purposes or other uses and purposes, which dedication may occur by fee simple conveyance or by a perpetual easement. If determined to meet the needs of residents, customers, tenants and other users of the development and satisfy the requirements of Section 5-805, credit may be given for dedication of offsite land or easements through the Combined PUD/Subdivision review, e.g. the dedication or easement grant for an offsite trail, parking area or recreational use area that improves access to and from the site and other recreational amenities or open space.

5-323 E. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702 of the San Miguel County Land Use Code. Any waiver for off-street parking shall be reviewed and determined in the course of the review of the Combined PUD/Subdivision Plan Review. Waivers shall be considered when credit can be applied towards shared multiple-use parking facilities, mixed-use development, and transit-oriented development as determined by a qualified traffic engineer or consultant. If development of a PUD is phased, each phase shall include at a minimum the construction of the parking required for all uses in that phase. Parking may be constructed in an earlier phase than the development the parking would serve. As part of an overall development plan, elements of the required parking may be provided in interim, temporary parking facilities with an all-weather surface such as gravel or other similar treatments and a binding agent to manage dust.

5-323 F. Employee Housing Mitigation

Employee Housing Mitigation shall be provided as required in Section 5-13 of the San Miguel County Land Use Code or as set forth within the Development
Agreement approved in the course of the review of the Combined PUD/Subdivision Plan Review. If development of the PUD is phased, the amount of employee housing constructed in each phase shall meet and may exceed the amount of employee housing mitigation required for the development within that phase. Employee housing may be constructed in an earlier phase than the development for which it is providing mitigation and may be credited for future phases as determined by the applicant, which must be documented in a manner acceptable to the County and Owner.

5-323 G. Review Standards

An applicant seeking approval for any of the Allowable Uses shall demonstrate to the satisfaction of the Decision Maker substantial compliance with the standards in this section.

I. The use is consistent with the applicable Land Use Policies (Article 2);

II. Adequate public services such as roads, water, wastewater disposal/treatment, public safety and fire protection are available to serve the proposed use and the development adequately mitigates the incremental impacts on the community's existing public services;

III. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable site; and

IV. The use is consistent with the relevant goals and objectives of the San Miguel County Comprehensive Development Plan and the Telluride Regional Area Master Plan.
5-324 COMMUNITY HOUSING (CH)

5-324 A. Purpose

The purpose of the Community Housing zone district is to provide for the development of high-density, clustered housing for people who live and work within San Miguel County. Housing may be in attached or detached single-family homes, duplexes, multi-family buildings, or rooming houses. Development may also include alternative living units such as spaces for RVs, tiny homes or yurts. Dwelling units shall be subject to the County’s R-1 Housing Deed Restriction (see Section 5-1304 and 5-1305), unless free-market units are allowed within the development.

Properties that may be considered for rezoning to the Community Housing (CH) zone district shall be located within the Telluride R-1 School District boundaries. Zone districts that are most appropriate for rezoning to CH are those that can be served by municipal water, including Low Density (LD), Low Density Residential (LDR), Medium Density (MD), and High Density (HD). The Forestry, Agriculture, and Open (F) zone district may be considered where water can be developed. Properties that are zoned High Country Area (HCA) or Rangeland Grazing (RG) shall not be considered for rezoning to CH. The maximum density of twenty (20) units per acre may be higher than that found in surrounding areas. It is the position of the County that housing for people who live and work in the local communities is a high priority. When rezoning land to the CH zone district, the higher density that may be achieved in that zone shall not be considered incompatible with surrounding land uses, neighborhood characteristics or community character.

Clustered development is encouraged to maintain open space, to be efficient in design and construction of infrastructure, and to mitigate impacts on adjacent properties. Recreational, civic and public uses may be part of the development where appropriate. All development shall include appropriate guarantees for the protection of public health, safety and welfare, which shall include, but are not limited to, provision of water and wastewater treatment; mitigation of geohazards; site access; and any other applicable site-specific considerations.

All development in the Community Housing zone district is encouraged to include energy efficient design and alternative energy generation such as solar power. Net zero development – producing enough energy through the use of measures such as solar panels, passive design, and other means to offset the energy consumed on an annual basis – is strongly encouraged. Sites that are not suited to net-zero development should strive to be as energy efficient as possible, through design, construction, and building systems.

5-324 B. Uses Allowed by Right

I. Customary residential accessory buildings and uses;

II. Day care homes; and

III. Home occupations.
5-324 C. Uses Allowed Subject to Administrative Review

I. Temporary Alternative Living Space sites;

II. Day care centers;

III. Public transportation facilities primarily serving the development; and

IV. Public utilities and infrastructure to primarily serve the development.

5-324 D. Uses Allowed Subject to One-Step Planning Commission Review

I. Dwelling units – on parcels five (5) acres or less:
   a. Single-family dwellings, attached and/or detached;
   b. Duplexes;
   c. Multi-family dwellings;
   d. Rooming houses;
   e. RV, tiny home, yurt and other Alternative Living Spaces (no more than twenty (20) percent of total units);

II. Churches, community meeting halls, libraries, and other civic and community-serving facilities;

III. Parks, playgrounds, playing fields, and other recreational facilities to serve residents of the development; and

IV. One (1) Free-market (not deed restricted) dwelling unit.

5-324 E. Uses subject to Two-Step Special Use Permit Review

I. Dwelling units – on parcels greater than five (5) acres:
   a. Single-family dwellings, attached and/or detached;
   b. Duplexes;
   c. Multi-family dwellings;
   d. Rooming houses;
   e. RV, tiny home, yurt and other Alternative Living Spaces (twenty
one (21) percent or more of total units);

II. Parks, playgrounds, playing fields, and other recreational facilities to serve residents of the development and regional residents;

III. Fire stations, schools, and other public facilities and uses; and

IV. Free-market (not deed restricted) dwelling units:
   a. Comprising ten (10) percent or less of the total units for a development that is not net zero on an annual basis; or
   b. Comprising twenty (20) percent or less of the total units for a development that is net zero on an annual basis.

5-324 F. Uses Allowed Subject to Board of County Commissioner Approval Pursuant to Planned Unit Development (PUD) Procedure

I. Free-market (not deed restricted) dwelling units:
   a. Comprising eleven (11) percent or more of the total units for a development that is not net zero on an annual basis; or
   b. Comprising twenty-one (21) percent or more of the total units for a development that is net zero on an annual basis;

II. Neighborhood Commercial Uses that offer goods and services needed by residents of the PUD on a daily or frequent basis, including convenience store, drug store, liquor store, self-service laundry, medical and dental offices and clinics, and postal service substation; and

III. Flex Space.

5-324 G. Area and Bulk Requirements Permitted by Right

I. Maximum Density – twenty (20) units per acre

II. Minimum Lot Area – None

III. Setbacks
   a. Setbacks from any development to property lines of any abutting parcel zoned other than Community Housing and to any right-of-way – twenty (20) feet;

   b. Front yard – ten (10) feet to adjacent buildings; otherwise, to allow flexibility in the design process, there is no minimum internal front yard setback;

   b. Rear yard – ten (10) feet to adjacent buildings; otherwise, to allow
flexibility in the design process, there is no minimum internal rear yard setback;

c. Side yard:
   i. Detached Principal buildings – ten (10) feet to adjacent buildings;
   ii. Attached Principal buildings – zero (0) feet on the attached side(s) and ten (10) feet to adjacent buildings on the detached side.

d. Accessory buildings – five (5) feet to the nearest building(s), all sides.

IV. Maximum Building Height:

   a. Thirty-five (35) feet;
   b. For development that is net zero on an annual basis, forty-five (45) feet.

V. Minimum Common Open Space – thirty (30) percent, to be developed as either Active or Passive Open Space

VI. Minimum Off-street Parking

Cluttered parking areas are encouraged. Off-street parking shall be provided for each principal use as required in Section 5-702, with the following exceptions:

   a. Studio and one (1) bedroom dwelling units: one (1) parking space per unit;
   b. All other dwelling units: two (2) spaces per unit;
   c. Rooming house: one (1) parking space per sleeping room, except where the property is served by public transit, in which case the parking requirement shall be two (2) spaces for every three (3) sleeping rooms;
   d. Alternative Living Spaces: one (1) parking space per unit.

5-324 H. Review Standards

An applicant seeking approval for a development in this zone district must
demonstrate to the satisfaction of the Decision Maker substantial compliance with the applicable standards of LUC Sections 5-5, 5-6 and 5-7, and with the standards in this section:

I. Adequate public services such as roads, water, wastewater, public safety and fire protection are available to serve the proposed use;

II. There shall be adequate water supply to serve the development that meets the standards of Section 5-605. If the water service provider has a lower per capita standard than that specified by Section 5-605, or the developer can demonstrate lower water demand for the development, the average daily demand per capita may be reduced. Water shall be treated by a method determined by the County or state health department to conform to minimum local and state requirements;

III. The wastewater treatment system shall meet the standards of Section 5-607;

IV. The property shall have direct access to a state highway or a County road that is maintained year-round;

V. A traffic study may be required to determine the adequacy of the access and surrounding road network, and to identify any needed improvements;

VI. Fencing shall be “wildlife friendly fences,” in compliance with Colorado Parks and Wildlife fencing standards, as described in LUC Section 5-407;

VII. In areas where development is proposed that has been or may be designated as being in any area of local or state interest or being an activity of local or state interest, the requirements of Section 5-4 shall be met;

VIII. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable area of the site;

IX. Any proposed structures are located outside the Scenic Foreground Overlay Zone District or are designed consistently with the Scenic Foreground Overlay standards; and

X. A development agreement or covenants may be required to ensure there is a responsible homeowners association or entity to maintain the systems and infrastructure.
SECTION 5-4: AREAS AND ACTIVITIES OF LOCAL AND STATE INTEREST/"1041" ENVIRONMENTAL HAZARD REVIEW

5-401 Applicability

This section of the Code contains development standards for Areas and Activities of Local and State Interest, pursuant to C.R.S. Section 24-65.1-101 et seq. The standards apply to areas mapped on San Miguel County's adopted Environmental Hazard Maps and to unmapped areas known to be Areas of Local and State Interest ("Colorado House Bill 1041 Environmental Hazard Areas"). Section 5-401 D. identifies Areas of Local and State Interest, and Section 5-401 E. identifies Activities of Local and State Interest.

5-401 A. Administrative Reviews

The Planning Director may grant administrative 1041 environmental hazard review approval for the development of a single-family dwelling unit, accessory structures and a driveway.

5-401 B. One-step Planning Commission Reviews

The Planning Commission may only grant 1041 environmental hazard review approval for the development of a single-family dwelling unit, accessory structures and a driveway. The Planning Commission serves as the decision-making body for 1041 environmental hazard reviews when an applicant proposes to construct one single-family dwelling unit or accessory structure or and driveway within a mapped or known environmental hazard area.

5-401 C. Two-step Reviews

Reviews of multiple single-family dwelling units, multi-family dwelling units and non-residential uses in relation to Areas of Local and State Interest shall be two-step reviews.

All reviews relevant to Activities of Local and State Interest shall be two-step reviews.

5-401 D. The following are the Areas of Local and State interest within San Miguel County:

I. Floodplain hazard areas (refer to Section 5-403);

II. Geologic hazard areas (refer to Section 5-404);

III. Historic and archaeological resource areas (refer to Section 5-405);
IV. Wildfire hazard areas (refer to Section 5-406); and

V. Wildlife habitat areas (refer to Section 5-407).

5-401 E. The following are the Activities of Local and State interest within San Miguel County:

I. Domestic Water and Sewage Treatment Systems (refer to Section 5-408);

II. Water Projects (refer to Section 5-409);

III. Solid Waste Disposal (refer to Section 5-410);

IV. Public Utility Facilities (refer to Section 5-411);

V. Highways (refer to Section 5-412);

VI. New Communities (refer to Section 5-413);

VII. Nuclear Detonations (refer to Section 5-414);

VIII. Areas Around Key Facilities (refer to Section 5-415);

IX. Rapid or Mass Transit Terminal Stations and Fixed Guideways (refer to Section 5-416);

X. Airports (refer to Section 5-417);

XI. Telluride Regional Airport (refer to Section 5-418);

5-402 General Standards

The standards in this section apply to all Areas of Local and State Interest with the exception of Mancos shale, expansive soil and rock, wildfire and historic and archaeological areas.

5-402 A. Development in Hazard-free Areas

Restrict development to a hazard-free area if such an area exists on a site.

5-402 B. Development in Hazard Areas

If no adequate hazard-free area exists on a site, the diversity of permitted uses in a zone district and permitted residential land use densities may be limited to minimize potential dangers to persons or wildlife.
5-402 C. Development Prohibited

Development shall be prohibited within an Area of Local and State Interest (C.R.S. 1041 Environmental Hazard Area) if:

I. Site planning and engineering techniques cannot completely mitigate potential hazards to public health, safety and welfare.

II. Development subjects persons or the County to dangers or expenses required to mitigate hazardous conditions, respond to emergencies created by such conditions or rehabilitate improvements and lands.

5-402 D. Exemptions

The following types of development shall be exempt from the provisions of Section 5-4 of this Code:

I. As per C.R.S. 24-65.1-107: "Effect of article - developments in areas of state interest and activities of state interest meeting certain conditions: (1) This article shall not apply to any development in an area of state interest or any activity of state interest which meets any one of the following conditions as of May 17, 1974: (a) The development or activity is covered by a current building permit issued by the appropriate local government; or (b) The development or activity has been approved by the electorate; or (c) The development or activity is to be on land: (I) Which has been conditionally or finally approved by the appropriate local government for planned unit development or for a use substantially the same as planned unit development; or (II) Which has been zoned by the appropriate local government for the use contemplated by such development or activity [meaning zoned in response to a specific development application]; or (III) With respect to which a development plan has been conditionally or finally approved by the appropriate governmental authority;" and

II. Normal and customary ranching and agriculture-related uses or activities.

5-403 Floodplain Hazard Areas

In addition to the development standards in 5-402 and the San Miguel County Floodplain Regulations (refer to Section 5-28), the standards in this section apply to mapped floodplain hazard areas as depicted in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, National Flood Insurance Program, and to areas later found to be in flood hazard areas.

5-403 A. If no adequate hazard-free area exists on a site, development proposed within final base flood elevations Zones A1-30 and/or regulatory floodway shall:
I. Have the lowest floor (including basement) elevated to one foot above the base flood level or be designed so that below the base flood level the structure is water tight 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; and

II. Be designed by a qualified professional engineer who shall certify that the flood proofing methods identified in Section 5-403 A.I. are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

5-404 Geologic Hazard Areas

This section identifies development standards applicable to specific geologic hazard areas in addition to the general standards in Section 5-402.

5-404 A. Avalanche areas

I. If no adequate hazard-free area exists on a site, land uses shall be:
   a. Protected by structural avalanche defenses designed by a certified engineer or architect to withstand avalanche damage; and
   b. Restricted to the most protected areas and located as far away as possible from the base of steep slopes and ravines.

II. Clear-cutting or other large-scale removal of vegetation shall be prohibited.

III. Extractive operations in high hazard, or historic avalanche areas during winter shall be prohibited, unless an adequate program of avalanche control and defense measures exists.

IV. Utility lines or pipes crossing historic avalanche areas shall be buried, and surface pipes and poles or towers for suspended transmission lines in historic or high or moderate hazard avalanche shall be protected by utilizing avalanche diversion methods or structures.

V. Roads intended for winter use shall avoid avalanche hazard areas. Roads that must cross hazardous areas shall be protected through avalanche control practices.

VI. Warning signs shall be placed along commonly traveled winter roads and trails that cross major avalanche paths.

VII. Property owners who develop in avalanche areas or obtain driveway
access via avalanche areas shall bear the costs of any avalanche control measures.

VIII. Building restrictions may be waived for construction of underground facilities such as water reservoirs or for temporary buildings used only in non-avalanche season and either protected or removed during the winter.

5-404 B. Landslide areas

If no adequate hazard-free area exists on a site, land uses shall:

I. Insure strict adherence to recommended design, construction and maintenance procedures approved by qualified professional geologists or engineers;

II. Avoid adding water to the site that would cause decreased stability;

III. Avoid removing the toe of the slide without adequate mechanical support;

IV. Avoid increasing the weight load on the top of the slide;

V. Avoid removing vegetation from the site; and

VI. Avoid oversteepening the existing slope of the slide.

5-404 C. Potentially Unstable Slopes

I. If Development is proposed in an area containing moderate and extremely hazardous Slopes, Development shall be permitted only if design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer and the County are utilized.

II. Any land uses on a potentially unstable slope area shall avoid:

a. Cutting into slope without providing adequate mechanical support;

b. Decreasing slope stability by adding water;

c. Adding weight to the top of the slope;

d. Removing vegetation from the slope without adequate revegetation; and

e. Oversteepening slopes.
5-404 D. Rockfall Areas

I. If no adequate hazard-free area exists on a site, development shall:
   a. Only be permitted if design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer and the County are utilized. Construction stabilization measures may include but are not limited to:
      i. Stabilization of rocks by bolting, gunite application (cementing), removal of unstable rocks (scaling), cribbing or installation of retaining walls;
      ii. Slowing or diverting moving rocks with rock fences, screening, channeling and dams, or with concrete barriers or covered galleries;
      iii. Construction of physical barriers around vulnerable structures; and
      iv. Periodic maintenance of mitigation measures.

II. Development shall not:
   a. Increase water supply to cliffs or overhangs;
   b. Remove protective vegetation;
   c. Add weight or otherwise disturb overhanging strata;
   d. Cause any excavations that remove underlying support; or
   e. Increase erosion that removes underlying support.

5-404 E. Slopes Greater Than 30 Percent

I. If Development is proposed in an area containing Slopes greater than 30 percent design and Development shall be based upon a detailed site survey including geologic and engineering analysis to identify the most level Development Site on the Parcel.

II. In addition a developer shall:
   a. Provide mechanical support for all cuts;
   b. Confine cuts and fills and grading and scraping to the minimum
area needed for construction;
c. Provide for stability and revegetation of cut and fill slopes; and
d. Retain a certified engineer to design a soil absorption sewage disposal systems.

5-404 F. Alluvial fans

I. If no adequate hazard-free area exists on a site, land uses shall:
   a. Be based upon site evaluation and recommendations by a qualified professional engineer or geologist; and
   b. Be protected by channelizing, damming or diverting potential mud or debris flows utilizing engineering structures designed by a qualified professional engineer or geologist.

II. A disturbance shall be prohibited in the drainage basin above a fan unless an evaluation of the effect on runoff and stability of the fan shows that disturbance is acceptable.

5-404 G. Talus slope

I. If no adequate hazard-free area exists on a site, structural construction associated with residential, commercial, industrial and high impact recreational activity shall be permitted only if design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer and the County are utilized.

II. In addition developers shall:
   a. Design developments other than those referenced in section 5-404 G.I. to withstand down slope movement;
   b. Bury foundations and utilities in talus slope areas below the active surface;
   c. Minimize site disturbance in talus slope areas to avoid inducing slope instability; and
   d. Not remove the toe of a talus slope without providing adequate mechanical support.
5-404 H. Mancos shale

Development within a Mancos shale area shall be permitted based upon an evaluation of the development's effect on slope stability and shrink-swelling properties:

I. If design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer and the County are utilized;

II. If designed to provide adequate surface drainage; and

III. If concentrated runoff from impervious surfaces into natural drainages is demonstrated to pose no threat of adverse effects.

5-404 I. Faults

If no adequate hazard-free area exists on a site, land uses shall incorporate adequate mitigation measures determined by a qualified professional engineer or geologist and approved by the County.

5-404 J. Expansive Soil and Rock

Development in an identified area of expansive soil and rock shall be permitted upon County approval of engineered foundation and floor system designs.

5-404 K. Ground Subsidence

In the event a development site is comprised exclusively of moderate and extremely hazardous areas, the development shall be permitted if design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer and the County are utilized.

5-405 Historic and Archaeological Resource Areas

5-405 A. Applicability

The development standards in this section apply to the following activities within Historic and Archaeological Resource Areas:

I. Development;

II. Changes in the amount or character of open space;

III. Exterior alteration or remodeling of any existing structure within the site, or any addition thereto;
IV. Demolition or destruction of structures or buildings within the site.

5-405 B. Persons responsible for activities listed in Section 5-405 A. shall:

I. Minimize damage to historic structures; and

II. Demonstrate that a proposal will enhance the meaning of a historic or archaeological site as representative of a period, style, occasion or unique activity.

5-406 Wildfire Areas

Development within areas designated as wildfire areas on San Miguel County's adopted wildfire maps or on densely vegetated slopes in excess of 30 percent shall comply with the standards in this section.

5-406 A. Roof coverings.

Roof coverings shall be of a noncombustible material approved by the Underwriter's Laboratory.

5-406 B. Firebreak

A minimum 10-foot firebreak shall be maintained between combustible structures and vegetation.

5-406 C. Power and telephone lines

Power and telephone lines shall be buried.

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards

The standards in this section apply to all wildlife habitat areas.

I. Residential development shall be clustered to avoid impacting wildlife and their habitat.
II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.

III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.

IV. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.

V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.

VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.

VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.

VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.

IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to “wildlife friendly fences” that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wild animals to easily jump over or slip under the wires or rails. The following regulations shall apply to fencing:
   a. Smooth wire or rounded rail for the top, smooth wire on the bottom;
   b. Fence is limited to 42” in height;
   c. At least 12” between the top two wires or rails;
   d. At least 16” between the bottom wire or rail and the ground;
   e. Posts at minimum 16’ intervals;
   f. Gates, drop-downs, removable fence sections or other passages where animals concentrate and cross;
   g. Using a rail, high-visibility wire, flagging or other visual markers for the top.
   h. A zigzagged worm fence (rails stacked alternately on top of one another, with rails interlocked like laced fingers where the ends meet) should create openings for wildlife to cross by intermittently dropping rails to the ground every 400’; and in swales and at stream crossing for easy wildlife
passage.

i. Perimeter fencing of an entire parcel is discouraged.

j. As an exception to “wildlife friendly fencing” dogs shall be kept in an enclosed kennel or small fenced yard adjacent to the residence. The standards or allowance for a small fenced yard or area shall be specified in the county’s revised dog or animal control regulations.

If staff has a question regarding the appropriateness of proposed fencing to be located within a CPW mapped wildlife habitat area the application may be referred to the CPW for comment and recommendation. Any new fencing shall follow the CPW “Fencing with Wildlife in Mind” guidelines available at the CPW website, www.wildlife.state.co.us

X. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts.

XI. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.

XII. Barking dogs, dogs at large, and stray dogs are not permitted in any unincorporated portion of San Miguel County pursuant to Board of County Commissioner Resolution 1982-27 or as may be set forth in the most current Board of County Commissioner Resolution regarding dog or animal control rules and regulations.

XIII. It is illegal for dogs to chase and/or harass wildlife, on public or private property. A Colorado wildlife officer or other peace officer may capture or kill any dog he or she determines to be harassing wildlife, pursuant to C.R.S. §33-6-128.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

I. Overgrazing of ranges by livestock shall be prohibited.

II. Development shall be restricted to areas in which wildlife impacts can be minimized.
III. Access for the Colorado Parks and Wildlife for managing wildlife shall be maintained.

IV. Commercial activity and recreational uses requiring County review shall be prohibited from December through April 15.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section.

Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site-specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise, lighting and siting of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW recommendation on a case-by-case basis as necessary to protect the health of the herd.

5-407 D. Deer and Elk Migration Corridors

Land uses located in deer and elk Migration Corridors shall comply with Section 5-407 A. and the standards in this section.

I. Development blocking a corridor and preventing migration between summer and winter ranges shall be prohibited.

II. Fences restricting deer or elk migration shall be prohibited.

5-407 E. Deer and Elk Production Areas

Land uses located in deer and elk production areas shall comply with Section 5-407 A. and the standards in this Section.

I. Where no appropriate development site exists in a production area, development shall be prohibited.

II. Access shall be maintained for the Colorado Parks and Wildlife for trapping, tagging and studying wildlife.

III. Manipulation of vegetation shall be prohibited, except within a designated building envelope.
IV. Commercial and construction activity, recreational uses and off-road motorized activity shall be prohibited from May 1 through June 30. These dates may be modified upon Colorado Parks and Wildlife recommendation on a case-by-case basis as necessary to protect the health of the herd.

5-407 F. Riparian Areas and Shorelands

Land uses located in riparian or shoreland areas shall comply with the standards in 5-407 A. and the standards in this section.

I. Development and the removal of vegetation and disturbance of ground cover within the riparian area shall be prohibited.

II. Culverts shall be designed to prevent plugging and washouts.

III. Culverts that may become barriers to fish passage shall be prohibited.

IV. Riparian and shoreland habitat areas that have been denuded or disturbed by development shall be revegetated in the first available growing season.

5-408 Domestic Water and Sewage Treatment Systems

5-408 A. New Systems

New domestic water and sewage treatment systems shall be constructed in areas where proper utilization of existing treatment plants is possible and the orderly development of domestic water and sewage treatment systems of adjacent communities is facilitated.

5-408 B. Extensions of Systems

Extensions of domestic water and sewage treatment systems shall be limited to areas in which development that may occur as a result of such extension:

I. Is consistent with the San Miguel County Comprehensive Development Plan; and

II. Can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.

5-409 Water Projects

5-409 A. Efficient Water Use

Municipal and industrial water projects shall emphasize the most efficient use of
water possible, including the recycling and reuse of water to the extent permissible under law.

5-409 B. Prevent Pollution of Aquifer

Storm water and sanitation systems shall be sited and design not to pollute aquifer recharge areas.

5-410 Solid Waste Disposal

5-410 A. Sites for Solid Waste Disposal

Sites for solid waste disposal shall be chosen in accordance with sound conservation practices, shall accommodate and emphasize recycling of waste materials and shall be based upon:

I. Site longevity and potential reuse;

II. Soil and wind conditions;

III. Potential on- and off-site pollution;

IV. Potential impact on adjacent property owners; and

V. Comparison to alternate locations.

5-411 Public Utility Facilities

5-411 A. Sites for Public Utility Facilities

Where feasible, major facilities of public utilities shall be located consistently with the San Miguel County Comprehensive Development Plan.

5-412 Highways

5-412 A. Sites for Highways

Sites for highways shall be selected consistently with the San Miguel County Comprehensive Development Plan to meet community traffic needs and to ensure that desirable community patterns are not disrupted.

5-413 New Communities

5-413 A. Standards for New Communities

Each new community, at a minimum, shall provide for internal and regional
transportation, waste disposal, schools and other governmental services in a manner that will prevent overloading of existing facilities.

5-413 B. In addition, no new community shall be approved unless:

I. Sufficient existing and projected need exists within the County and region to warrant and support the proposed activity;

II. All detrimental environmental impacts will be mitigated;

III. The proposed activity will not conflict with existing or approved surrounding land uses; and

IV. The proposed activity will not make demands upon natural resources, including, but not limited to, energy resources, which demands are, in the opinion of the Board of County Commissioners, outweigh the potential benefits of the activity.

5-414 Nuclear Detonations

5-414 A. Prohibition on Nuclear Detonations

All nuclear detonations shall be prohibited.

5-415 Areas Around Key Facilities

5-415 A. Public health, safety and welfare

If the development of a key facility poses a danger to the public, land use in the area around such facility shall be regulated sufficiently to minimize any threat to the health, safety and welfare of the public.

5-415 B. Traffic congestion, incompatible uses and excessive expansion of the demand for government services

Land use and development in areas around key facilities shall be regulated to discourage traffic congestion, incompatible uses and excessive expansion of the demand for government services, as determined by the Board of County Commissioners.

5-415 C. Compatibility with non-motorized traffic

Development of key facilities shall be regulated to encourage compatibility with non-motorized traffic.

5-415 D. Burdens on Public
Development of a key facility that imposes burdens or deprivation on the public shall not be approved solely on the basis of potential benefit.

5-416 Transit Stations and Fixed Guideways

5-416 A. Sites for Transit Stations and Fixed Guideways

Locate transit stations or guideways consistently with San Miguel County Comprehensive Development Plan.

5-416 B. In addition, transit stations or rights-of-way shall be developed and designed to:

I. Minimize street congestion;

II. Secure the public from fire, flood and other danger;

III. Promote the public health, safety and general welfare;

IV. Include adequate lighting and space;

V. Avoid undue concentration of population;

VI. Facilitate the adequate provision of transportation, water sewage, schools, parks and other public requirements; and

VII. Be compatible with the character of the area and encourage the most appropriate use of land.

5-416 C. Locating Stations and Rights-of-Way

Sites for locating transit stations and fixed rights-of-way that do not necessitate demolition of residences or businesses shall be awarded preference over those that do.

5-416 D. Standards for Areas Around Transit Facilities

Development and land uses around transit stations and fixed rights-of-way shall be consistent with the transit uses as well as the character of the area.

5-416 E. Preservation of Transit Rights-of-way

Development shall be regulated that would later conflict physically with rights-of-way or substantially increase public investment required to acquire rights-of-way.
5-417 Airports

5-417 A. Sites for Airports

Airports shall be located to:

I. Minimize disruption to surrounding land uses;

II. Minimize demands on community services; and

III. Complement the economic and transportation needs and goals of the County.

5-417 B. Protection of Public

I. Regulate land use to protect residential and other noise sensitive land uses from airport noise.

II. Avoid danger to public health and safety or property due to aircraft crashes.

5-417 C. Airport Impact Area

For each planned airport, an Airport Impact Area shall be defined.

5-417 D. Land Uses Prohibited in Airport Impact Area

Uses or activities potentially resulting in the following shall be prohibited within an Airport Impact Area:

I. Electrical interference with navigational signals or radio communication between the airport and aircraft;

II. Difficulties for pilots attempting to distinguish between airport lights and other lighting;

III. Glare in the eyes of pilots using the airport;

IV. Impairing visibility in the vicinity of the airports; or

V. Creating a hazard or endangering the landing, takeoff, or maneuvering of aircraft intending to use the airport.

5-417 E. Land Uses in Airport Impact Areas

All land uses approved in Airport Impact Areas shall not subject to hazard aircraft
taking off or landing.

I. Where day-night noise level caused by airport uses is determined to be 65 dB [A] or greater, all uses other than public airport and transportation uses, short-term accommodations, office buildings, retail facilities, movie theatres, restaurants and certain open space uses (including agriculture and recreation uses not causing high concentrations of people) shall be prohibited.

II. Where day-night noise level caused by airport uses is determined to be between 60 and 65 dB [A], uses such as schools, churches, hospitals, libraries, auditoriums and outdoor amphitheaters and concert halls, shall be discouraged.

III. Residential uses in Airport Impact Areas shall be designed to minimize impacts from airport noise and all other potentially adverse effects of aircraft operation by utilizing construction techniques to reduce noise and other adverse effects to levels acceptable to the Federal Aviation Administration.

IV. Any application for a proposed use not prohibited in this section shall demonstrate that the proposed development poses no significant threat to public health and safety or to property and that insurance is available for the development. Approval may be conditioned on the granting of an aviation easement.

5-417 F. Airport Height Zones

Before any structure is permitted to be erected, altered, maintained or allowed to be expanded within an Airport Impact Area, the Board of County Commissioners may require a Notice of Construction or Alteration to be filed with the Federal Aviation Administration for a determination of hazardous or non-hazardous conditions and effect on the airport operational Rules and Regulations. In such cases, the Board of County Commissioners shall not approve any such development until the Federal Aviation Administration has recommended approval.

5-418 Telluride Regional Airport

5-418 A. Purpose

This section administers the area around the Telluride Regional Airport.

5-418 B. Airport Impact Area for the Telluride Regional Airport

This section shall apply to all land within the Airport Impact Area for the
Telluride Regional Airport, which includes all unincorporated land beneath the "Imaginary Surfaces Plan Existing Boundaries," which appears as Appendix "D" of this Code.

5-418 C. Policies

The Airport Impact Area shall be administered to:

I. Encourage land use patterns for housing and other uses that will separate uncontrollable noise sources from residential and other noise sensitive areas; and

II. Avoid danger to public health and safety and to property due to aircraft crashes.

5-418 D. Minimum Submission Requirements

Submission contents for all development determined by the Board of Commissioners to require Federal Aviation Administration Approval as per Section 5-417 F. of this Code shall include:

I. A map or maps showing the location, nature and density of the proposed development or land use. Such maps shall be of a scale no less than 1" = 500' and shall specifically show the development in relation to the airport and shall show any significant natural and man-made features of the site and surrounding areas; and

II. A discussion of the proposed development and how it would address the policies of Section 5-418 C. of this Code.

5-418 E. Additional Submission Requirements

When determined necessary by the Board of County Commissioners, the submission shall also include any or all of the following:

I. The location of existing or proposed airport facilities including towers, lights, terminals, hangars, aprons, parking areas and runways;

II. The location and elevation of existing and proposed streets, highways, transit routes and fixed transit lines within or directly adjacent to any approved airport;

III. The contours of the ground and elevation of existing and proposed structures;

IV. Specifications for building and construction materials, noting any special
measures for soundproofing or insulation;

V. A traffic impact survey detailing the effect of the development on traffic congestion and airport access and upon non-motorized traffic; and

VI. Evidence of the frequency, elevation and pattern(s) of aircraft flights over the proposed site.

5-418 F. Height Limitation Zones

Certain zones that include all land beneath approach, transitional, horizontal and conical surfaces are hereby established. Where land lies beneath more than one zone, it shall be treated as lying beneath the zone with the more restrictive height limitation. The height limitation zones are:

I. Runway Visual Approach Zone - The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands uniformly outward to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface, and its centerline is the continuation of the runway centerline;

II. Transitional Zones - These are areas beneath the transitional surfaces;

III. Horizontal Zone - This zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those acres. The horizontal zone does not include the approach and transitional zones; and

IV. Conical Zone - This zone extends from the periphery of the horizontal zone outward a horizontal distance of 4,000 feet.

5-418 G. Height Limits

No structure shall be constructed and no tree shall be allowed to grow above or outside the following limits:

I. Runway Visual Approach Zone - The limiting surface slopes 20 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface, and extending 5,000 feet along the runway centerline;

II. Transitional Zones - The limiting surface slopes 20 feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface, and extends 150 feet above the elevation of the runway. In addition, the limiting surface slopes 7 feet outward for each foot
upward, beginning at the sides of and at the same elevation as the approach surface, and extends to the intersection of the horizontal and/or conical surface(s);

III. Horizontal Zone - The limiting surface lies 150 above the runway elevation. On terrain above the runway elevation, the limiting surface lies 60 feet directly above the ground surface; and

IV. Conical Zone - The limiting surface slopes 20 feet outward for each foot upward, beginning at the periphery of the horizontal zone, 150 feet above the runway elevation and extending to 350 feet above the runway elevation. On terrain above the runway elevation, the limiting surface lies 60 feet directly above the ground surface; in addition

V. No material change shall be made in the use of land, no structure shall be constructed, and no tree shall be planted above the limiting surfaces established in this Section without a permit approved by the Board of County Commissioners that includes all submission requirements listed in Sections 5-418 D. and 5-418 E.; and

VI. Before any structure is permitted to be erected, altered, maintained or allowed to be expanded within an Airport Impact Area, the Board of County Commissioners may require a Notice of Construction or Alteration to be filed with the Federal Aviation Administration for a determination of hazardous or non-hazardous conditions and effect on the airport operational Rules and Regulations.

In such cases, the Board of County Commissioners shall not approve any such development until the Federal Aviation Administration has recommended approval.

5-418 H. Permitted Nonconforming Uses

The regulations prescribed herein shall not be construed to require removal, lowering or other change or alteration or any structure or tree not conforming to this regulation at the date of adoption of this Code, or otherwise interfere with the continuance of any nonconforming use.

5-418 I. Lighting of Nonconforming Structures or Trees

The owner of any structure or tree not conforming to the requirements in Section 5-418 F. shall permit the installation, operation and maintenance of such markers and/or lights deemed necessary by the Telluride Regional Airport Authority to indicate to aircraft operators the presence of such structures or trees. Such markers and lights shall be installed, operated and maintained at the expense of the Telluride Regional Airport Authority.
5-418 J. Prohibition of Increase in Hazards to Air Navigation

No permit shall be approved that would allow the hazard to air navigation of any use, structure or tree to increase.

5-418 K. Abandoned or Destroyed Nonconforming Uses

Whenever a nonconforming tree or structure has been abandoned or more than 80 percent destroyed, deteriorated or decayed, no permit shall be granted that would allow such use, structure or tree to exceed the applicable height limit set forth in Section 5-418 F. or otherwise deviate from any regulation in Section 5-418 of this Code.
SECTION 5-5: ROADS, HIGHWAYS, STREETS AND TRAILS

5-501 Road Development Standards

This section establishes development standards for all public and private rights-of-way in San Miguel County, except non-residential uses in the Forestry, Agriculture and Open Zone District, and except for development in the HCA Zone District. Construction of new roadways and improvements to existing public roads in the HCA Zone District are prohibited. Driveways may be constructed in the HCA but they are subject to the development standards contained in Land Use Code Section 5-321. County Building Department and Planning Department Development Permit Review and County Road and Bridge Department Review are required for all Road Improvements, driveways, driveway improvements and Trails. This Section is intended to maintain uniform road development throughout the County.

5-501 A. Applicability

The provisions herein shall apply to all construction and other work affecting rights-of-way in San Miguel County.

5-501 B. Exemption

The Board of County Commissioners may grant an exemption from any standard in Section 5-501 or 5-502, provided the Board finds such exemption will not adversely affect public health, safety and welfare.

5-501 C. Right-of-Way Dedication

As a condition of the final approval of any development, the Board of County Commissioners shall require each developer to dedicate rights-of-way for public use on and along any and all existing County roads that traverse the development, and those dedicated rights-of-way shall meet all standards in this Section 5.5.

5-501 D. County Road Map

An official San Miguel County Road Map showing all roads accepted for maintenance by the County and their classifications, adopted by the Board of County Commissioners and available at the County Road and Bridge Department shall be updated annually.

5-501 E. Road Development Review and Permits

In addition to all applicable review processes established in Article 3, the County Engineer and County Road Superintendent shall review road development plans and conduct inspections to ensure adherence to the provisions of Section 5-5. A
Permit from the Road and Bridge Department is required prior to performing any work within County Road right-of-way.

5-501 F. Road Classification

Roads are classified as follows (see Figures 5-1A through 5-1G):

I. Local Service Road - not a subdivision road, serves isolated, primarily rural areas with few parcels and little potential for additional development; also serves Open Land Protection Subdivision Exemption developments (see Section 5-1207);

II. Local Access Road - provides direct access from abutting properties to other roads;

III. Collector - vicinity-wide continuous access road connecting local access roads to arterials;

IV. Minor Arterial - links towns and other areas of concentrated development with intra-County service, and provides for relatively high overall travel speeds with minimum interference to through movement; and

V. Principal Arterial - continuous access-controlled road that serves corridor movements with trip length and travel density characteristics indicative of statewide travel; principal arterials in the County typically are administered by the Colorado Department of Transportation (CDOT).

5-501 G. Design Capacities

The maximum allowable capacities for roads (expressed in Average Daily Traffic one-way trips) are:

I. Principal Arterial - 10,000;

II. Minor Arterial - 4,400;

III. Collector - 1,500;

IV. Local Access - 500;

V. Local Service - 150

5-501 H. Additional Submission Requirements

In addition to all applicable submission requirements specified in Article 4, any road development proposal, including addition to and/or realignment of existing...
roadway, relinquishment of State highway, and all road development components of a Sketch Plan submission shall include, pursuant to Section 5-502:

I. Analysis of the population density to be served;

II. Estimates of traffic volumes expected over a 20-year period;

III. Proposed classifications and design speeds;

IV. Preliminary alignments and road grades;

V. A brief review of fiscal impact in relation to County road maintenance; and

VI. Analysis of impacts to existing roadways and adjacent properties.

All detailed plans and specifications, including all road development components of a Preliminary Plan submission, shall be prepared and certified by a Professional Engineer registered in the State of Colorado, sufficiently detailed to facilitate review, and -- when not related to a new subdivision -- submitted for County Engineer and Road Superintendent review at least 60 days prior to desired construction date. If construction doesn't commence within one year following the applicable approval, detailed design must be re-submitted, and any amendments to Land Use code standards made in the interim shall apply. Alternately, a phasing schedule may be submitted for approval. All detailed plans and specifications, including all road development components of a Preliminary Plan submission, shall include:

VII. Profiles for all roads, including existing and proposed sewer and water lines, showing grades; lengths of vertical curves; stationing and elevations of beginning and end of vertical curves and point of intersection of vertical curves; existing grade or ground lines by dashed line; culverts, structures, and other controls. All profile views shall be drawn to a scale of 1" = 50' horizontal, and 1" = 5' vertical on 24"x 36" sheets;

VIII. A description of at least two usable benchmarks within ½ mile; USGS or BLM benchmarks shall be used when possible;

IX. Layout of road showing length of tangents and curves, widths of rights-of-way, slope lines demonstrating sufficient right-of-way width, stationing of beginning and end of curves, curve radii, delta angles, bearings, distances, centerline stationing at 100-foot intervals, dimensions of all road elements, curbs, gutters, utilities easements, and other structures, limits and inclination of cut and fill slopes with new and existing elevation contours, and location and size of culverts designating the type and gauge or
strength classification and the estimated flow along with data assumed in estimating the flow;

X. North arrow, scale, street names, drainage patterns, and typical road cross-sections;

XI. Construction plans for all structures such as bridges, box culverts, and guardrails;

XII. A statement defining scope and work period for each stage of construction and identifying party or parties responsible for construction; and

XIII. Letters from utility companies, ditch companies, fire protection districts, and other interested parties or agencies involved stating their approval of any structure constructed within their right-of-way or that may influence their rights or interests.

5-501 I. Bonding Requirements

All proposed road development not bonded as part of subdivision approval (see Section 3-12) shall be bonded through an escrow account or uncancellable surety secured unto the County and acceptable to the County Attorney in 125 percent of the amount of the estimated construction cost as approved by the County Engineer. Bonds shall be forfeited if work is not completed in accordance with the approved plans and specifications, or if in the opinion of the County Engineer and/or Road Superintendent, work is not progressing satisfactorily. As logical units of work are completed and approved by the County Engineer, application may be made for partial release of bond.

5-501 J. Inspection of Work

During road construction, the project design engineer shall at the expense of the developer inspect the work of the contractor(s) involved, provide status reports to the County Engineer monthly or more frequently (as required by the County Engineer), and review and certify to the County Engineer work completed in conjunction with requests for partial release of bond under the Administrative Review Procedure established in Section 3-4. The County Engineer may at any time at the expense of the developer review work and/or request verification that work is proceeding in accordance with approved plans and specifications.

5-501 K. Upgrading Existing County Roads

Where an existing roadway is planned to serve a new development, the developer shall, at the developer's expense, upgrade the roadway to the minimum standards required by these regulations if the traffic volume projected pursuant to Section 5-501 G.II. is greater than the capacity of the existing road.
5-501 L. Road Vacation

I. Any person wishing to initiate the vacation and/or relocation of a County public roadway or right-of-way shall submit to the County Planning Department an application that includes, at a minimum, the following information:

a. A complete and accurate legal description of the portion(s) of the roadway or right-of-way proposed for vacation;

b. The reason for such vacation;

c. Whether the roadway is to be relocated;

d. The names and addresses of all owners of record whom own land adjacent to the roadway or right-of-way;

e. The names and addresses of all utility companies, or other persons, with easements or other rights in or adjacent to the subject roadway or right-of-way; and

f. A description as to whether the adjacent parcels will have access to a public road upon any such vacation, and if not, any other provision for reasonable access to a public road proposed by the applicant.

II. The County may require the applicant to prepare plat maps and other legal documents for review and consideration by the Planning Commission, pursuant to C.R.S. 30-28-110(1)(d), before review by the Board of County Commissioners, which materials may be necessary to vacate the roadway or right-of-way and vest title to the vacated portions thereof;

5-502 Road Design Standards

This section establishes roadway design standards intended for use by design engineers to ensure the health, safety, and welfare of County residents and to ensure that the County will not need to rectify inadequately designed and constructed facilities.

5-502 A. Design Criteria

Projection of future development and densities, estimates of future traffic volumes, appropriate classifications, design speeds, and terrain category must be determined prior to design of a new road (see also Section 5-501 G.). Road classification and terrain category together shall determine the required geometric cross-section and maximum sustained grades, while design speed shall determine
minimum or maximum standards for elements of alignment such as stopping and passing sight distances, radii of curvature, tangent lengths, and super elevation transition lengths.

5-502 B. Design Period

Roadway design shall be based on the projected needs 20 years after construction. Projections of development over the design period shall be based on the San Miguel County Comprehensive Development Plan, existing or requested zoning as specified in the Land Use Code, existing land use, proximity to developed areas, historic growth, and other factors expected to influence development.

5-502 C. Projected Traffic Volumes

Figure 5-1, below, quantifies traffic generated by various types of development as expressed in average daily traffic (ADT) one-way trips. These per-unit ADT counts shall be applied to the projected development to formulate estimates of the design year traffic volumes. When per-unit ADT counts are not listed for a type of development, the developer shall propose per-unit ADT counts for approval by the County Engineer.
### FIGURE 5-1

**PER UNIT AVERAGE DAILY TRAFFIC (ADT)**

<table>
<thead>
<tr>
<th>Vehicle Trip Generation</th>
<th>Land Use</th>
<th>Unit</th>
<th>Total Person Trips</th>
<th>Strong Transit System</th>
<th>Weak Transit System</th>
<th>No Transit System</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Single Family</td>
<td>Dwelling</td>
<td>15/d.u.</td>
<td>4/d.u.</td>
<td>6/d.u.</td>
<td>7/d.u.</td>
</tr>
<tr>
<td></td>
<td>b. Apartments/Condominiums</td>
<td>d.u.</td>
<td>12/d.u.</td>
<td>3/d.u.</td>
<td>5/d.u.</td>
<td>6/d.u.</td>
</tr>
<tr>
<td></td>
<td>c. Lodges</td>
<td>Unit</td>
<td>8/d.u.</td>
<td>2/d.u.</td>
<td>4/d.u.</td>
<td>4/d.u.</td>
</tr>
<tr>
<td></td>
<td>2. Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Retail Shop</td>
<td>Floor area (sq. ft.)</td>
<td>40/1000 sq. ft.</td>
<td>10/1000 sq. ft.</td>
<td>20/1000 sq. ft.</td>
<td>30/1000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>b. Eat &amp; Drink</td>
<td>(sq. ft.)</td>
<td>60/1000 sq. ft.</td>
<td>15/1000 sq. ft.</td>
<td>25/1000 sq. ft.</td>
<td>30/1000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>c. Business Office</td>
<td>(sq. ft.)</td>
<td>20/1000 sq. ft.</td>
<td>8/1000 sq. ft.</td>
<td>12/1000 sq. ft.</td>
<td>15/1000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>3. Schools</td>
<td>Student</td>
<td>2/student</td>
<td>200/1000 student</td>
<td>250/1000 student</td>
<td>250/1000 student</td>
</tr>
<tr>
<td></td>
<td>4. Ski Areas</td>
<td>Ski Lift Capacity (skiers per hour)</td>
<td>600/1000 skiers per hour of cap.</td>
<td>100/1000 cap.</td>
<td>150/1000 cap.</td>
<td>200/1000 cap.</td>
</tr>
<tr>
<td></td>
<td>5. Other Public/Recreational</td>
<td>Varies</td>
<td>10/1000 s.f. (bldgs) 5/acre (land)</td>
<td>4/1000 s.f. 2/ acres</td>
<td>5/1000 s.f. 2.5/ acres</td>
<td>5/1000 s.f. 2.5/ acres</td>
</tr>
</tbody>
</table>
5-502 D. Surfacing

All subdivision roads in the Telluride Region shall be paved. Other roads may have gravel surface.

5-502 E. Right-of-Way Width

Minimum right-of-way widths are specified in Figures 5-1A through 5-1G. Additional right-of-way shall be provided for drainage improvements, cuts or fills, intersections, curb returns, snow storage and other road appurtenances as specified by the County Engineer.

5-502 F. Cul-de-Sacs

Cul-de-sacs shall be avoided wherever possible. Where cul-de-sacs are the only alternative, turnarounds shall be provided with a minimum road surface 90 feet in diameter and a minimum right-of-way 100 feet in diameter. Adequate snow storage shall be provided at turnarounds. Cul-de-sac streets shall be no longer than 600 feet.

5-502 G. Frontage Roads

Where a subdivision abuts an existing road or highway, parallel service roads may be required, and right of access to the existing road or highway may be limited.

5-502 H. Curbs and Gutters

Concrete curbs and gutters constructed of Class B concrete (as defined by CDOT standards) shall be required along all roads in non-residential areas and along all roads in subdivisions with three or more lots per acre. Standard vertical curbs shall be used on all returns at street intersections, and curb treatment shall be required at driveway entrances.

5-502 I. Sidewalks

Sidewalks constructed of Class B concrete eight-feet wide shall be required along all streets with non-residential uses. Sidewalks four-feet wide shall be required on both sides of all residential streets where population densities proposed exceed three or more dwelling units per acre and where lot or building frontage is less than 65 feet. Sidewalks may also be required through the center of long blocks, to connect cul-de-sac streets, and to provide access to schools, parks, playgrounds, rivers and/or other open space areas.

5-502 J. Route Corridor and Terrain Factors
The entire route corridor of a road shall be considered when establishing terrain factor. Most roads in the County are in mountainous terrain. Some shorter roads, such as those in subdivisions, may exist entirely in level terrain.

I. Level terrain is where road sight distances, as governed by both horizontal and vertical restrictions, are generally long or could be made to be so without construction difficulty or major expense;

II. Rolling terrain is where natural slopes consistently rise above and fall below the road grade line and where occasional steep slopes offer restriction to normal horizontal and vertical alignment; and

III. Mountainous terrain is where longitudinal and transverse changes in ground elevation with respect to the road are abrupt and where the roadbed is obtained by frequent benching or side-hill excavation.

5-502 K. Design Speed

The selection of design speed is influenced principally by the terrain character, traffic volume, and economic considerations. The following table establishes appropriate ranges of design speeds for various conditions:

<table>
<thead>
<tr>
<th>ADT</th>
<th>0-25</th>
<th>25-250-500</th>
<th>500-1000-15000</th>
<th>1500-4400+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level</td>
<td>30</td>
<td>30</td>
<td>50</td>
<td>55</td>
</tr>
<tr>
<td>Rolling</td>
<td>20</td>
<td>25</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Mountainous</td>
<td>15</td>
<td>20</td>
<td>30</td>
<td>40</td>
</tr>
</tbody>
</table>

See Figure 5-1G for a summary of values of roadway physical elements for various design speeds.

5-502 L. Grades

Road grades (expressed in percent) shall not exceed the following values:

<table>
<thead>
<tr>
<th>Design Speed MPH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Terrain</td>
</tr>
<tr>
<td>Level</td>
</tr>
<tr>
<td>Rolling</td>
</tr>
<tr>
<td>Mountainous</td>
</tr>
</tbody>
</table>

Curves with centerline radii of less than 250 feet shall not exceed eight percent. Ten percent grades shall not be allowed for more than 500 linear feet of any 1000 linear feet.
5-502 M. Sight Distance

The following table establishes minimum required stopping sight distance and passing site distance. Criteria for measuring sight distance, both vertical and horizontal, are:

I. For stopping sight distance, height of eye, 3.75 feet, and height of object, 0.5 feet; for passing sight distance, height of eye, 3.75 feet, and height of object, 4.5 feet.

<table>
<thead>
<tr>
<th>Design Speed, MPH</th>
<th>15-20</th>
<th>30</th>
<th>40</th>
<th>50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stopping Sight Distance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Stopping Sight Distance, feet</td>
<td>150</td>
<td>200</td>
<td>275</td>
<td>350</td>
</tr>
<tr>
<td>K value for: *</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crest vertical curve</td>
<td>16</td>
<td>28</td>
<td>55</td>
<td>85</td>
</tr>
<tr>
<td>Sag vertical curve</td>
<td>24</td>
<td>35</td>
<td>55</td>
<td>75</td>
</tr>
<tr>
<td>Desirable Stopping Sight Distance, feet</td>
<td>150</td>
<td>200</td>
<td>300</td>
<td>450</td>
</tr>
<tr>
<td>K value for: *</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crest vertical curve</td>
<td>16</td>
<td>28</td>
<td>65</td>
<td>145</td>
</tr>
<tr>
<td>Sag vertical curve</td>
<td>24</td>
<td>35</td>
<td>60</td>
<td>100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Passing Sight Distance</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Passing distance, feet 2 lane</td>
<td></td>
<td>1100</td>
<td>1500</td>
<td>1800</td>
</tr>
<tr>
<td>K Value for: *</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crest vertical curve</td>
<td>365</td>
<td>686</td>
<td>985</td>
<td></td>
</tr>
</tbody>
</table>

K value is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve that will provide minimum sight distance.

5-502 N. Alignment

Alignment between control points shall achieve a standard commensurate with topography, terrain, design traffic, and reasonably obtainable right-of-way, as determined by the County Engineer. Sudden changes between curves of widely different radii or between long tangents and sharp curves shall be prohibited. Design shall accommodate passing opportunities wherever possible. Where crest vertical curves and horizontal curves occur at the same location, above-minimum sight distance design shall be required to assure that the horizontal curve is visible as drivers approach.

The following table establishes maximum curvature for different design speeds as
dependent on maximum superelevation value:

<table>
<thead>
<tr>
<th>Design Speed (mph)</th>
<th>Maximum E</th>
<th>Minimum Radius (Rounded Feet)</th>
<th>Maximum Degree of Curve Rounded Degrees</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>.06</td>
<td>100</td>
<td>53.5</td>
</tr>
<tr>
<td>20</td>
<td>.06</td>
<td>115</td>
<td>50.0</td>
</tr>
<tr>
<td>30</td>
<td>.06</td>
<td>275</td>
<td>21.0</td>
</tr>
<tr>
<td>40</td>
<td>.06</td>
<td>510</td>
<td>11.5</td>
</tr>
<tr>
<td>50</td>
<td>.06</td>
<td>830</td>
<td>7.0</td>
</tr>
<tr>
<td>20</td>
<td>.08</td>
<td>100</td>
<td>53.5</td>
</tr>
<tr>
<td>30</td>
<td>.08</td>
<td>250</td>
<td>23.0</td>
</tr>
<tr>
<td>40</td>
<td>.08</td>
<td>460</td>
<td>12.5</td>
</tr>
<tr>
<td>50</td>
<td>.08</td>
<td>760</td>
<td>7.5</td>
</tr>
</tbody>
</table>

\( e = \) rate of roadway superelevation, foot per foot

5-502 O. Road Surface Classification

Road surfaces are classified as follows:

I. Low type surfaces are those with surface treated earth surfaces and those with loose surfaces such as gravel;

II. Intermediate type pavements are designed to retain smooth riding qualities and good non-skid properties in all weather under light roads and low traffic volumes; and

III. High type pavements retain smooth riding qualities and good non-skid properties in all weather under heavy traffic volumes and loadings with little maintenance.

5-502 P. Traveled Way Crown

The following table establishes acceptable pavement or surfacing crown adequate to provide proper drainage:

<table>
<thead>
<tr>
<th>Surface Type</th>
<th>Range in Rate of Cross Slope</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Inch Per Foot</td>
</tr>
<tr>
<td>High</td>
<td>3/16 – 1/4</td>
</tr>
<tr>
<td>Intermediate</td>
<td>3/16 – 3/8</td>
</tr>
<tr>
<td>Low</td>
<td>1/4 - 1/2</td>
</tr>
</tbody>
</table>
5-502 Q. Superelevation

Superelevation runoff is the length of highway needed to accomplish the change in cross slope from a normal crown section to a fully superelevated section. For roads where snow and ice conditions prevail the superelevation shall not exceed 0.08 feet per foot. The following table establishes minimum lengths of runoff. Adjustments in design runoff lengths may be necessary, as determined by the County Engineer, for smooth riding, surface drainage, and good appearance.

<table>
<thead>
<tr>
<th>Superelevation Rate</th>
<th>L - Length of runoff in feet for design speed for:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foot per foot:</td>
<td>10 MPH</td>
</tr>
<tr>
<td>.02</td>
<td>50</td>
</tr>
<tr>
<td>.04</td>
<td>50</td>
</tr>
<tr>
<td>.06</td>
<td>50</td>
</tr>
<tr>
<td>.08</td>
<td>50</td>
</tr>
</tbody>
</table>

5-502 R. Number of Lanes

The number of lanes shall accommodate the design volume. The majority of roads in San Miguel County will have two lanes. Where more than two lanes are warranted to accommodate design volumes, determinations of design shall be made as indicated in American Association of State Highway and Transportation Officials (AASHTO) Design Standards for Highways Other Than Freeways.

5-502 S. Width of Driving Surface, Shoulder and Roadway

The following table establishes minimum width of driving surface and of graded usable shoulder for various traffic volumes and design speeds. Graded shoulder width is measured from the edge of surfacing (pavement) to the point of intersection of shoulder slope and side slope. In mountainous terrain, with a minimum two-foot shoulder, the graded width of shoulder in cuts may be decreased 2 feet if guardrail is installed. Guardrail shall not be closer than 2 feet from the driving surface.
The minimum roadway width is the direct sum of the surfacing and graded shoulder widths shown below. Lanes shall be at least 11 feet wide and shoulders 2 feet wider than the minimum shown below.

### Width of Surfacing & Graded Shoulder

<table>
<thead>
<tr>
<th>Design Speed (mph)</th>
<th>0-</th>
<th>25-</th>
<th>250-</th>
<th>700-</th>
<th>1000-</th>
<th>2500-</th>
<th>4400+</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>16</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>20</td>
<td>16</td>
<td>22</td>
<td>22</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>30</td>
<td>16</td>
<td>22</td>
<td>22</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>40</td>
<td>--</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>50</td>
<td>--</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>24</td>
</tr>
</tbody>
</table>

### Width of Driving Surface (Feet)

<table>
<thead>
<tr>
<th>All Speeds</th>
<th>2-</th>
<th>2-</th>
<th>4-</th>
<th>6-</th>
<th>6-</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>4</td>
<td>6</td>
<td>6</td>
<td>8</td>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>

5-502 T. Switchbacks

Switchbacks are not considered a good roadway design solution for gaining elevation, especially on hillsides steeper than 20 percent where switchbacks produce visual heavy impact. No switchback shall have a tangent less than ¼-mile from the last switchback. Grades on switchbacks shall be reduced to zero at the apex of the vertical curve on horizontal curves less than 150 feet, and the horizontal curve shall not begin prior to the end of the vertical curve for these purposes.

5-502 U. Vertical Clearance

Vertical clearance at underpasses, power lines, streetlights, etc., shall be at least 15 feet over the entire roadway width.

5-502 V. Horizontal Clearance

On a road with an ADT volume of 1,000 or more and with a design speed of 50 mph or greater, a clear roadside recovery area at least 10-to-20-feet outside the shoulder shall be provided. Where the design speed exceeds 25 mph, or ADT is less than 1,000, a clear roadside recovery area at least eight-to-12 feet from the edge of the through traffic lane shall be provided. The clear roadside area shall be appropriately flat and rounded in cross-section design, except:
I. in cut sections where fixed objects are located sufficiently up the cut slope such that little likelihood exists that they could be struck; and

II. where guardrail protection is provided.

The recovery area shall be clear of objects such as un-yielding trees, un-yielding sign supports, utility poles, un-yielding light poles and all other fixed objects that might severely damage an out-of-control vehicle. To the extent feasible, where another highway or railroad passes over, the structure shall be designed so that the pier or abutment supports have lateral clearance as great as the clear roadside area on the approach road. Where it is not feasible to carry the approach roadway across an overpass or other bridge, an appropriately transitioned guardrail shall be provided and securely anchored to the bridge rail. At hazardous locations, such as the outside of a sharp curve on low fill, where guardrail is not provided, a much greater horizontal clearance shall be provided, as approved by the County Engineer. Minimum horizontal clearance to manmade objects, such as fences and power poles, shall be 20 feet from centerline.

5-502 W. Intersection Design

Intersection design shall avoid steep-profile grades and ensure adequate approach sight distance. Intersections shall not be located on short crest vertical curves, just beyond short crest vertical curves, or on sharp horizontal curves. Where no practical alternative to such locations exists, cut slopes shall be flattened and horizontal and/or vertical curves lengthened to provide additional sight distance. Sufficient sight distance shall permit a passenger vehicle on the minor leg of an intersection to cross the traveled way without requiring approaching through traffic to slow down. A minimum of six seconds shall be available to the driver crossing the through lanes. The following table establishes corner sight distance for each design speed:

<table>
<thead>
<tr>
<th>Design Speed (mph)</th>
<th>Minimum Corner Intersection Sight Distance, in Feet*</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>500</td>
</tr>
<tr>
<td>40</td>
<td>400</td>
</tr>
<tr>
<td>30</td>
<td>300</td>
</tr>
<tr>
<td>20</td>
<td>200</td>
</tr>
</tbody>
</table>

*Corner sight distance measured from a point on the minor road at least 15 feet from the edge of the major road pavement and measured from a height of eye to 3.75 feet on the minor road to a height of 4.5 feet on the major road. See AASHTO Policy on Geometric Design of Rural Highways Figure VIII-5, Page 398. Intersections shall be designed with a 50-foot minimum corner radius of pavement or surfacing. Where turning volumes are significant, consideration shall be given to speed-change lanes and channelization. Intersection legs operating under STOP control shall be designed at as close to right angles as feasible. Intersections shall be at plus or minus two percent a minimum of 20 feet for each 10 miles per hour of
design speed of the road, prior to the intersection for arterial and collection. In mountainous terrain for Local Access and Access Tracts, all grades shall flatten to 4 percent or less for at least 50 feet approaching intersections and at least 25 feet from cul-de-sacs.

5-502 X. Side Slopes

Cut and fill slopes shall be required as shown in Figures 5-1A through 5-1F. In unstable soils, flatter slopes may be required. Where heavy snowfall is expected, flatter slopes in cuts on the southern side of the roadway may be required to provide maximum sun exposure. Flatter slopes shall be used wherever possible to reduce erosion, to decrease maintenance costs, to facilitate plant growth, and to provide for safer operation.

Transition slopes shall be provided between adjoining cuts and fills. Where cut or fill slopes intersect the original ground surface, the cross-section shall be rounded to blend the slope into the natural ground surface. Any cut or fill slope steeper than 2:1 must be supported by an engineering report certifying the stability of the side slope. Any retaining structures used to stabilize cut or fill sections must be designed by a registered professional engineer.

Benching of side slopes shall be used sparingly and only where justified by sound engineering reasons, such as:

I. unstable material renders benching more economical than flattening;
II. the need to intercept drainage in long and deep cuts; and
III. the need to intercept and store loose material.

Where a cut or fill road slope lies outside the road right-of-way, a slope easement shall be provided of sufficient width to permit slope maintenance.

5-502 Y. Structural Section

The roadway structural section shall be designed on the basis of a qualified engineer's analysis approved by the County Engineer. At a minimum, the structural section elements shall include asphalt, roadbase, and subbase of the depths shown in Figures 5-1A through 5-1F.

5-502 Z. Flexible Pavement Design

The California Bearing Ratio Method (CBR) and the Hveem Stabilometer Method may be used. Supporting test data and calculations shall accompany all requests for approval of a designed structural section.
I. The Hveem Stabilometer Method procedure of the California DOT, or as outlined in the CDOT Roadway Design Manual, may be used. The specific regional factors for San Miguel County are:

a. annual precipitation: 0.5

b. elevation: 
   - up to 9,500 feet: -1.0
   - over 9,500 feet: -1.5

c. local drainage: 
   - very poor: -2.0
   - poor: -1.0
   - fair: -0.5
   - good: -0.25

The required factor used shall be the sum of the three factors selected.

II. The California Bearing Ratio Test shall be performed in accordance with the procedures outlined under AASHTO Designation T193-721.

Regardless of the pavement design method, special consideration shall be given for unusual conditions such as instability of fills and slopes, permeability, capillary and frost heave, elasticity, and permafrost.

5-502 AA. Drainage

The primary objective of drainage design is protection of County roads and property while minimizing possible flood damage to surrounding properties and structures. It should be emphasized that good drainage is one of the most important factors in road design. It preserves appearance as well as the level of road service, while minimizing maintenance costs. Culverts under all roads shall be designed to accommodate 25-year-frequency-storm run-off utilizing the maximum head, as determined by the upper-most ponding elevation chosen to prevent flood damage to upstream properties. Inlets and other facilities draining the road surface shall be designed to accommodate 10-year frequency storm run-off. All roads shall be designed to remain free of ponding.

All drainage installations shall be designed to permit free, unobstructed passage of debris and silt, or to provide for their deflection and/or collection at a point upstream in a manner that will not create an expensive maintenance problem. Settlement basins shall be provided when a silting problem may exist downstream. Modification of natural channels or transfer of run-off from one basin to another shall be prohibited, except where no reasonable alternative exists as determined by the County Engineer. The following methods may be used for estimating peak flows:
I. Run-off from stream records;

II. Soil Conservation Service Method, applicable to watersheds smaller than 1,000 acres, expresses run-off in terms of geographical position, drainage areas and land use (See CDOT Roadway Design Manual);

III. Rational Method, applicable to watersheds smaller than 200 acres, uses the formula:

\[ Q = CiAd, \]

where \( Q \) = run-off, ft3/sec,

\( C \) = a "run-off" coefficient, expressing the ratio of rate of run-off to rate of rainfall,

\( I \) = intensity of rainfall, in/hr, for a duration equal to the time of concentration, and

\( Ad \) = drainage area in acres.

The following table establishes coefficients for the rational formula. Rainfall intensity is obtained from records of nearby weather stations, reduced to a graph showing rainfall intensity vs. rainfall duration for various recurrence intervals. Rainfall intensity is based on estimates of the acceptable frequency of occurrence and the time required for water to reach the outlet from the most remote point in the basin.

<table>
<thead>
<tr>
<th>Type of Drainage Area</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete or Bituminous Pavement</td>
<td>.8 - .9</td>
</tr>
<tr>
<td>Gravel Roadways</td>
<td>.4 - .6</td>
</tr>
<tr>
<td>Bare Earth (high values for steep slope)</td>
<td>.2 - .8</td>
</tr>
<tr>
<td>Turf Meadow</td>
<td>.1 - .4</td>
</tr>
<tr>
<td>Cultivated Fields</td>
<td>.2 - .4</td>
</tr>
<tr>
<td>Forest</td>
<td>.1 - .2</td>
</tr>
</tbody>
</table>

IV. Culverts shall be located at each natural draw or watercourse, as conditions warrant, to prevent excessive accumulation of flow in roadside ditches or along toe of slope. Draws and watercourses shall be cleared of debris for a distance of 100 feet upstream from all culvert inlets, where such clearing doesn't conflict with the provisions of Section 5-22. Inverts at the inlet shall be elevated slightly above the normal flow line in steep or natural draws to avoid plugging by debris. Inlets shall not be elevated where ponding or backwater curves would cause stagnation or obstruct irrigation ditches.

The culvert shall slope downward in the direction of natural flow and be self-cleaning whenever possible. The outlet shall not discharge on unprotected fills or unstable material or at adverse angles to streams or open channels. Headwall, riprap, or other means of protection shall be
required at inlets or outlets where erosion might occur. Velocities of flow in culverts shall be calculated using acceptable design charts or formulas. Where Manning's Equation is used, the following "n" values shall apply:

<table>
<thead>
<tr>
<th>Material</th>
<th>&quot;n&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corrugated Steel Pipe</td>
<td>.027</td>
</tr>
<tr>
<td>Reinforced Concrete Pipe</td>
<td>.013</td>
</tr>
<tr>
<td>Concrete (smooth-rough)</td>
<td>.013 to .020</td>
</tr>
<tr>
<td>Asphalt</td>
<td>.016</td>
</tr>
</tbody>
</table>

Corrugated metal pipe as specified by CDOT M 603-1 shall be used. Steel pipe shall be asphalt coated or paved where soils are corrosive or other conditions exist that may attack the steel. Aluminum and other pipe materials are not permitted for road culverts to be maintained by the County. Minimum diameter for round pipe shall be 18 inches. The minimum rise of arch pipes and box culverts shall be 12 inches. When a battery of pipes is used, a clear spacing of ½ the pipe diameter (1-foot minimum, 4-foot maximum) must be provided between pipes.

V. Open Channels and Ditches. Channels and ditches shall be designed to avoid roadside safety hazards. The minimum flow line slope shall be 0.2 percent if the channel is paved and 0.3 percent for channels or other materials. The following table establishes the maximum permissible velocities that determine maximum allowable slopes. Greater velocities of flow shall require appropriate channel protection as determined by the County Engineer. Manning's Equation shall be used to estimate velocities:

\[ v = \frac{1.1486 R^{2/3} S^{1/12}}{n} \]

where

- \( v \) = velocity of flow in channel in feet per second;
- \( n \) = roughness coefficient;
- \( R \) = hydraulic radius in feet; and
- \( S \) = slope in feet per foot.

<table>
<thead>
<tr>
<th>Channel Material</th>
<th>&quot;n&quot;</th>
<th>Velocity (ft/sec)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silt</td>
<td>.025</td>
<td>2.0</td>
</tr>
<tr>
<td>Sand</td>
<td>.030</td>
<td>2.5</td>
</tr>
<tr>
<td>Smooth, Stiff Clay</td>
<td>.025</td>
<td>4.0</td>
</tr>
<tr>
<td>Fine Gravel</td>
<td>.035</td>
<td>3.5</td>
</tr>
<tr>
<td>Coarse Gravel</td>
<td>.040</td>
<td>4.5</td>
</tr>
<tr>
<td>Small, Sharp-edges Rocks</td>
<td>.070</td>
<td>6.0</td>
</tr>
<tr>
<td>Cobbles and Shingles</td>
<td>.060</td>
<td>6.0</td>
</tr>
<tr>
<td>Shales and Hardpans</td>
<td>.030</td>
<td>6.0</td>
</tr>
</tbody>
</table>

Where the channel is comprised of a combination of materials shown above, the
maximum permissible velocity shall prevent undue scouring of finer materials or silting downstream.

VI. Surface Drainage. Subgrades subject to poor drainage, underground seepage, or high water table shall be adequately drained for roadbed stabilization. Drains shall be installed to prevent high ground water level from coming within 4 feet of roadway pavement. Perforated pipe shall carry away collected water.

5-502 BB. Bridges

Bridges shall conform to CDOT requirements and specifications. Plans shall be prepared by a qualified structural engineer and shall be submitted to the County Engineer for review and approval. Clear deck width must accommodate the full width of the traveled lanes and shoulders of approach roads. Pedestrian walkways and railings shall be required as warranted. Flared approach railings shall be provided on the side opposing traffic flow. The waterway area shall accommodate a 100-year frequency storm. Where flood studies from the U.S. Army Corps of Engineers are available, bridges shall be designed to accommodate the "Standard Project Flood." A minimum of 1 foot of freeboard shall be required. Additional freeboard shall be required when debris-laden flows are anticipated.

5-502 CC. Traffic Control Devices

All signs, striping, markers, delineators, signals, and other traffic control devices shall conform to the requirements of the Manual on Uniform Traffic Control Devices published by the U.S. DOT Federal Highway Administration. In new developments, all required street sign names, speed limit signs, stop signs and other traffic control devices shall be installed and paid for by the developer. Non-standard signs or other traffic control devices shall be subject to rigid State control, and approval by the County Engineer must be obtained for their use based on data to support the requests.

5-502 DD. Driveways

In addition to meeting the following standards, development of a driveway requires issuance of a Development Permit from the Building Department and, if accessed directly from a County-maintained road, a Driveway Permit from the County Road and Bridge Department. These standards shall apply to all driveways within the Telluride Fire Protection District. All driveways serving one or two single-family residences, except in the HCA Zone District, shall have:

I. A driving surface of 16 feet or wider, which may include the shoulders on each side of the 12 foot driving surface, is preferred by the Fire Protection District. If it is not practical or feasible to design and construct a 16-foot
wide driveway because of the location of the property, topography, drainage, non-negotiable grades, or if the improvement would require significant changes to the landscape, or other similar conditions, County staff may consider and administratively authorize a reduced driveway width subject to referral of the application to the Fire Protection District. This authorization of a lesser driveway width may require installation of an approved automatic sprinkler system, driveway turnouts, implementation of measures recommended by the Wildland Urban Interface Code and/or other treatments consistent with the Fire Code regulations. The driveway should have an unobstructed height clearance of 13 feet 6 inches. (See Figure 5-11)

A Single-family Residence shall have a maximum driveway width of 20 feet.

A driveway serving two Single-family Residences shall have a maximum width of 28 feet.

II. Interior radii of at least 32 feet;

III. A driveway opening at least 16 feet wide;

IV. A normal grade not to exceed 8 percent and a transitional grade not to exceed 10 percent, and not exceeding 500 feet in length is preferred by the Fire Protection District. An exception to allow a maximum grade up to 12 percent may be authorized by County staff with a referral to the Fire Protection District because of location on the property, topography resulting in extensive cut and fill or other similar conditions that make it impractical to achieve a normal and/or transitional grade. This authorization to allow a driveway to exceed normal and/or transitional grades may require installation of an approved automatic sprinkler system or other measures recommended by the Fire Protection District.

V. All entrances and exits located and constructed such that vehicles approaching or using them will be able to obtain adequate sight distance in both directions along the roadway necessary to maneuver safely and without interfering with roadway traffic;

VI. An angle of approach from the adjacent roadway of between 60 and 90 degrees;

VII. An entrance/exit approach grade that slopes downward and away from the road surface at the same rate as the normal shoulder slope, but in no case at more than 4 percent for a distance equal to the width of the shoulder, and in no case for less than 15 feet from the pavement edge;
VIII. No features that interfere with the drainage system of the adjacent street or roadway. The developer shall pay for and install drainage structures that will become integral parts of the existing street or roadway drainage system, the dimensions of all which must be approved by the County Road Superintendent prior to installation;

X. Curb treatment, as required in Section 5-502 H.; and

XI. A turnaround if the driveway is longer than 150 feet shall be constructed in accordance with Figure 5-1H.

XII. Driveways shall be surfaced so as to provide all-weather driving capabilities.

Access to all other residential structures shall meet the standards described for roadways.

5-502 EE. Landscaping

Revegetation and reforestation within road right-of-way shall be required utilizing native material, and shall be completed during the first planting season after construction. All areas disturbed by construction operations and not otherwise covered by structures or pavement shall be seeded, fertilized, mulched, planted, and otherwise treated to provide an established stand of native grass. Cut and fill slopes shall be treated to prevent erosion. Areas undisturbed by construction shall be left in their present vegetative state, except that thinning of trees may be required. Rights-of-way shall be cleared to the minimum width necessary to construct the roadway, provide for drainage, and provide adequate snow storage.

5-502 FF. Guardrail

Guardrail shall be installed on the outside of curves as required in this Section or by the County Engineer to prevent accidents by delineating roadbed, reducing accident severity by deflecting vehicles into safer paths, and reducing the rate of deceleration in case of impending collisions with fixed objects. When guardrail is used in conjunction with roadside curb, the face of the guardrail shall be flush with the face of the curb regardless of shoulder width to prevent the take-off ramp effect, which may overturn a vehicle. When no curb is present, the face of the guardrail shall be flush with the edge of the shoulder.

I. On curves requiring a reduction in approach speeds, any of the following conditions shall indicate that guardrail installation may be required on the outside of curves:

a. Height of embankment exceeds 10 feet;
b. Side slopes exceed 4:1;

c. Shoulder or pavement widths are substandard;

d. Roadside hazards exist.

II. Whether on curves or tangents, guardrail may be required if a history of roadway accidents exists or if unusually high embankments or steep terrain give motorists a feeling of insecurity.

III. In areas subject to dense fog or snow and ice conditions, or where traffic speed and volumes are high, guardrail may be required.

IV. An obstruction or sudden constriction on width may require guardrail.

V. An isolated sharp curve on a road otherwise built to higher standards may require guardrail.

VI. Guardrail may be required at approaches to bridge piers, abutments, trees, or other obstructions.

VII. Guardrail shall be placed at the ends of all bridges on the right of approaching traffic. Where pedestrians are expected to use a shoulder, a walkway shall be provided around the end of the guardrail outside the normal shoulder.

5-502 GG. Utilities

At least 18 inches of material shall cover all underground utilities beneath paved roadway, and poles shall be used jointly wherever practical. All utilities must be installed below existing and planned drainage structures, and all gas lines installed in non-paved rights-of-way shall be buried at least 48" and outside the driving surface. Certain facilities may require additional right-of-way, as determined by the County Road Superintendent, paid for by the utility company and/or the developer. A sequence of installation from the deepest utility to the shallowest shall be required.

5-502 HH. Street Names, Addressing and Sign Locations

This section establishes land use standards for street names, addressing and sign locations adopted by San Miguel County (refer to Appendix B for standards). These Standards shall apply to all lands within the unincorporated areas of San Miguel County and any incorporated areas included through intergovernmental agreement.
TYPICAL ROADWAY CROSS-SECTION

* DIMENSION DEPENDENT UPON DRAINAGE CAPACITY

FIGURE 5-IA
MINIMUM RIGHT-OF-WAY 50'
DESIGN CAPACITY 150 ADT.
SUGGESTED DESIGN SPEED 30 MPH.
MINIMUM RIGHT-OF-WAY 50'
DESIGN CAPACITY 500 ADT.
SUGGESTED DESIGN SPEED 35 MPH.

LOCAL ACCESS
FIGURE 5-1C
MINIMUM RIGHT-OF-WAY 80'
DESIGN CAPACITY 4400 ADT.
SUGGESTED DESIGN SPEED 55 MPH.

MINOR ARTERIAL
FIGURE 5-1E
### FIGURE 5-1G
SUMMARY OF VALUES OF ROADWAY PHYSICAL ELEMENTS FOR VARIOUS DESIGN SPEEDS

<table>
<thead>
<tr>
<th>Design Speed Speed Limit</th>
<th>Minimum Stopping Sight Distance</th>
<th>Minimum Passing Sight Distance</th>
<th>Minimum Width of Surface</th>
<th>Usable Shoulder</th>
<th>Suggested Radii</th>
<th>Normal Cross-Slope (Curves) Feet/Foot</th>
<th>% Maximum Grade</th>
<th>Terrain Type</th>
<th>Cape Roadway Width for New and Reconstructed Bridges</th>
<th>Minimum Capacity for Existing Bridges</th>
<th>Minimum Bridge Width (Existing)</th>
<th><strong>C</strong>. Horizontal Distance to Obstacle</th>
<th><strong>S</strong>. Sight Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>150'</td>
<td>---</td>
<td>18'</td>
<td>2'</td>
<td>100'</td>
<td>Level 8</td>
<td>Rolling 8</td>
<td>Rolling 8</td>
<td>Pavement Width = 4'</td>
<td>H-15</td>
<td>20'</td>
<td>15'</td>
<td>200'</td>
</tr>
<tr>
<td>20</td>
<td>160'</td>
<td>---</td>
<td>16' or 22'</td>
<td>2'</td>
<td>500'</td>
<td>Level 8</td>
<td>Rolling 6</td>
<td>Rolling 6</td>
<td>Pavement Width = 4'</td>
<td>H-15</td>
<td>20'</td>
<td>15'</td>
<td>200'</td>
</tr>
<tr>
<td>25</td>
<td>Interpolated 2.75'</td>
<td>---</td>
<td>16' or 22'</td>
<td>2' - 4'</td>
<td>2.75'</td>
<td>Level 7</td>
<td>Rolling 6</td>
<td>Rolling 6</td>
<td>Pavement Width = 4.5'</td>
<td>H-15</td>
<td>20'</td>
<td>15'</td>
<td>250'</td>
</tr>
<tr>
<td>30</td>
<td>100'</td>
<td>100%</td>
<td>16' or 22'</td>
<td>2' - 4'</td>
<td>200'</td>
<td>Intermediate Surface* 0.15 - 0.3</td>
<td>Rolling 7</td>
<td>Rolling 6</td>
<td>Pavement Width = 4'</td>
<td>H-15</td>
<td>20'</td>
<td>15'</td>
<td>300'</td>
</tr>
<tr>
<td>35</td>
<td>Interpolated 240'</td>
<td>1500</td>
<td>22'</td>
<td>4'- 6'</td>
<td>180'</td>
<td>Level 5</td>
<td>Rolling 6</td>
<td>Rolling 6</td>
<td>Pavement Width = 4.5'</td>
<td>H-15</td>
<td>20'</td>
<td>15'</td>
<td>350'</td>
</tr>
<tr>
<td>40</td>
<td>275'</td>
<td>1500</td>
<td>24'</td>
<td>4'- 6'</td>
<td>510'</td>
<td>High Type Surface* 0.15 - 0.32</td>
<td>Level 4</td>
<td>Rolling 6</td>
<td>Pavement Width = 4'</td>
<td>H-15</td>
<td>20'</td>
<td>15'</td>
<td>400'</td>
</tr>
<tr>
<td>45</td>
<td>Interpolated 210'</td>
<td>1700</td>
<td>24'</td>
<td>5'- 8'</td>
<td>170'</td>
<td>Level 4</td>
<td>Rolling 6</td>
<td>Rolling 6</td>
<td>Pavement Width = 4'</td>
<td>H-15</td>
<td>20'</td>
<td>15'</td>
<td>450'</td>
</tr>
<tr>
<td>50</td>
<td>885'</td>
<td>1800</td>
<td>24'</td>
<td>8'- 11'</td>
<td>890'</td>
<td>Level 3</td>
<td>Rolling 4</td>
<td>Rolling 6</td>
<td>Pavement Width = 4'</td>
<td>H-20</td>
<td>20'</td>
<td>15'</td>
<td>500'</td>
</tr>
</tbody>
</table>

**NOTES:**
- * Grade shall be reduced to zero at lake of curve less than 150' or install guard rail 120' apart max.
- **C**. Horizontal distance to obstruction.
- **S**. Sight distance.

**SOURCE:** American Association of State Highway and Transportation Officials—A Policy on Geometric Design for Rural Highways, 1995, as modified by San Miguel County.
5-503 Alleys and Easements

5-503 A. Where Required

Alleys may be required in the rear of all prospective business property, except where topography makes the use of alleys impracticable.

B. Minimum Width

Alleys shall not be less than twenty feet wide.

C. Alley Intersections

Where two alleys intersect, ten-foot corner cut-offs measured along the produced property lines from the point of intersection shall be provided.

D. Public Utilities Easements

Public utility easements ten feet wide may be required along the rear and sides of lots where necessary for the accommodation of public utility, drainage and/or sanitary facilities.

E. Pedestrian Ways

Pedestrian ways may be required across long blocks or where necessary to provide access to public areas.

5-504 Road Acceptance

A. Road Acceptance Signs

When road construction begins, the subdivider or developer shall post at each entrance to the subdivision a sign that states that the roads within that subdivision have not been accepted by the County for maintenance. Such signs shall remain posted until the County accepts the roads for maintenance. The signs shall be obtained from the County at reasonable cost to the subdivider.

B. Subdivision Roads Acceptance

All of the standards in this section shall be met before subdivision roads will be accepted onto the County system for maintenance (snowplowing and grading). The Board shall determine road acceptance with no recommendation required from the Planning Commission.

I. The County will only accept roads for maintenance when the costs
incurred in providing the maintenance service are less than or equal to the revenues received into the Road and Bridge Fund and attributable to properties serviced by the road proposed for acceptance.

a. Revenue shall mean, for the purpose of this section, the sum of the average County Highway User Tax Fund per mile and the total revenue from the Road and Bridge Mill Levy attributed to the property served by the road in question.

II. All roads must be properly and legally dedicated to the public use for road purposes.

III. All roads must connect with a County primary road, a County secondary road or a State maintained highway.

IV. All roads must meet all County engineering specifications in force at the time of construction, including, but not limited to, right-of-way width, roadway and shoulder width, roadway structural section, alignment, grade, adequate and proper drainage and other pertinent subdivision requirements.

V. All required or desired underground utilities to be located within the improved portion of the road right-of-way, including laterals and services, shall be in place and complete prior to acceptance.

VI. Acceptance of roads for County maintenance shall mean that the County will only remove snow and ice, maintain ditches, and repair paved roadways. The County will not be obligated as a result of having accepted a road or having agreed to "maintain" a road, to improve, reconstruct, resurface or rebuild roads, but, at the sole discretion of the Board of County Commissioners, the County may improve, reconstruct, resurface or rebuild a road or a portion thereof.

VII. No road shall be accepted less than two years after the completion of the road in question.

VIII. The County will not accept roads from October 15th through May 15th of each year due to the fact that deficiencies noted in inspections cannot usually be corrected during this period.

IX. The applicant shall provide all required information in verifiable form to San Miguel County and its staff.

X. If a subdivision does not meet the standard for revenue set forth above, the
Board may contract for a one-year term, subject to renewal upon mutual consent of the parties thereto, to provide maintenance with one of the following entities:

a. Homeowners Association. Such contract shall provide for payment to the County for the difference between the cost of the desired level of service (e.g., snowplowing, blading, graveling and new equipment acquisition) and the revenue received by the County attributable to properties serviced by roads within the subdivision.

b. An Improvement District formed under C.R.S. 30-20-502, 30-20-601 or 30-20-701. Such contract shall provide for payment to the County of the costs of maintenance and improvements over and above revenues received.

c. A metropolitan District formed under C.R.S. 32-3-101, where roads are included in the approved Service Plan.

XI If one of the entities in Section 5-504 B.X. fails to contract with the County, following notice to it that revenues received are less than the costs expended, the Board of County Commissioners shall immediately proceed to delete said roads from the County system pursuant to statute.

XII. A resolution accepting the road onto the County road system may not be signed until an Improvement District is formed if the subdivision qualifies under Section 5-504 B.X.

5-505 Highway Setbacks

A. General

This section of the Code designates scenic highways and major highways, minimum setbacks from the highway right-of-way, standards for setback reductions and standards for lawfully created structures located within the setbacks. The purpose of the increased setbacks from scenic and major highways is to preserve the scenic quality and undisturbed, natural beauty of land located contiguous to highways in San Miguel County.

B. Scenic and Major Highways

This section designates scenic highways and major highways. The official zoning map shall reflect the designations.

I. Scenic Highways
The following sections of highways are scenic highways:

a. State Highway 145 Spur from Society Turn to the Town of Telluride;

b. State Highway 145 from Society Turn to Lizard Head Pass;

c. State Highway 145 from Ellerdville to Norwood Hill; and

d. State Highway 62 from Green Mountain Ranch to Dallas Divide.

II. Major Highways

The following sections of highway are major highways:

a. State Highway 145 from Society Turn to Sawpit; and

b. State Highway 62 from Placerville (intersection of State Highways 62 and 145) to Green Mountain Ranch.

C. Setbacks for Scenic and Major Highways

This section establishes the setbacks from the right-of-way line for scenic and major highways designated in Section 5-505 B.

I. Scenic Highways - 200 feet

II. Major Highways - 100 feet

D. Setback Reductions

This section establishes standards to review requests to construct a principal building within the setbacks established by Section 5-505 C. and standards for the construction of parking lots or accessory buildings within the established setbacks.

I. Setback Reductions for Principal Buildings

The setbacks may be reduced pursuant to One-step Planning Commission Review if:
a. An applicant demonstrates that due to existing topography and/or vegetation a proposed development site has minimal visibility from the relevant highway right-of-way;

b. A previously approved subdivision lot or legal parcel is located entirely or substantially within the setbacks established by these regulations. In such a case a building envelope shall be established in the least visible and most reasonable location within the lot and shall necessitate such landscaping and design mitigation as deemed appropriate to preserve the scenic quality of the highway frontage;

c. An applicant owning or controlling both sides of a given right-of-way demonstrates that the intent and purpose of the minimum setback standards could best be achieved by a decreased setback on one side of the right-of-way in exchange for a corresponding increase in the setback on the other side of the right-of-way; or

d. An applicant demonstrates that a specific proposal is consistent with the intent and purpose of the scenic corridor highway setbacks.

II. Setback Reductions for Parking Lots and Accessory Buildings

The setbacks for parking lots and accessory buildings from the right-of-way may be reduced to 100 feet for Scenic Highways and 50 feet for major highways pursuant to One-step Planning Commission Review, if as a result of proposed scenic quality mitigation techniques such as landscaping, screening or site planning, the visual quality of the scenic corridor can be maintained.
5-506 Trails

A. Construction of Trails and Dedication of Trail Easements

A developer seeking final plat, rezoning, or any other site specific development approval shall be required by the Board of Commissioners to dedicate trail easements, pursuant to the Telluride Regional Area Master Plan and the San Miguel County Comprehensive Development Plan, extending 25 feet either side of the proposed trail centerline for construction and maintenance purposes and 10 feet either side of the proposed trail centerline for public use purposes. A developer seeking final plat or rezoning approval also must construct within two years of the date of approval all trail segments required pursuant to the Telluride Regional Area Master Plan and the San Miguel County Comprehensive Development Plan. The Board of County Commissioners, in its sole discretion, may accept an alternative right-of-way width based upon a site-specific request.

B. Trails Designed to Use

Trails in San Miguel County shall be designed specifically for hiking, bicycling, mountain bicycling, horseback riding, nordic skiing or any combination thereof. As a result, the Board of Commissioners may require any specific standards (including less restrictive standards) for a particular proposed trail, or section thereof, based on the design standards set forth in Figure 5-2 and the "Trail" definitions in Article 6.
### FIGURE 5-2

**Trail Design Standards**

<table>
<thead>
<tr>
<th>Access</th>
<th>X-Slope Range</th>
<th>Tread Width</th>
<th>Clearing</th>
<th>Surface Materials</th>
<th>Cross Slope</th>
<th>Max Profile</th>
<th>Sw'back Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>h.</td>
<td>v.</td>
<td>natural</td>
<td>asphalt</td>
<td>concrete</td>
</tr>
<tr>
<td>Disabled</td>
<td>0-10%</td>
<td>7’</td>
<td>+4’</td>
<td>10’</td>
<td>No</td>
<td>No</td>
<td>Pref</td>
</tr>
<tr>
<td>Accessible</td>
<td>0-10%</td>
<td>10’ min</td>
<td>+4’</td>
<td>10’</td>
<td>No</td>
<td>No</td>
<td>Pref</td>
</tr>
<tr>
<td>Hiking</td>
<td>10-70%</td>
<td>24-36”</td>
<td>+4’</td>
<td>10’</td>
<td>Pref</td>
<td>Pref</td>
<td>No</td>
</tr>
<tr>
<td>Standard</td>
<td>10-90%</td>
<td>18-24”</td>
<td>+3’</td>
<td>8’</td>
<td>Pref</td>
<td>OK</td>
<td>No</td>
</tr>
<tr>
<td>Backcounty</td>
<td>10-90%</td>
<td>24-36”</td>
<td>+4’</td>
<td>10’</td>
<td>Pref</td>
<td>Pref</td>
<td>No</td>
</tr>
<tr>
<td>Mtn Bike</td>
<td>10-70%</td>
<td>24-36”</td>
<td>+4’</td>
<td>10’</td>
<td>Pref</td>
<td>Pref</td>
<td>No</td>
</tr>
<tr>
<td>Mtn single track</td>
<td>10-70%</td>
<td>18-24”</td>
<td>+6’</td>
<td>10’</td>
<td>Pref</td>
<td>Pref</td>
<td>No</td>
</tr>
<tr>
<td>Rural double track</td>
<td>0-30%</td>
<td>48-96”</td>
<td>+6’</td>
<td>10’</td>
<td>Pref</td>
<td>Pref</td>
<td>No</td>
</tr>
<tr>
<td>Equest</td>
<td>10-70%</td>
<td>18-24”</td>
<td>+6’</td>
<td>10’</td>
<td>Pref</td>
<td>Pref</td>
<td>No</td>
</tr>
<tr>
<td>Mtn single track</td>
<td>0-30%</td>
<td>48-96”</td>
<td>+6’</td>
<td>10’</td>
<td>Pref</td>
<td>Pref</td>
<td>No</td>
</tr>
<tr>
<td>Rural double track</td>
<td>0-30%</td>
<td>48-96”</td>
<td>+6’</td>
<td>10’</td>
<td>Pref</td>
<td>Pref</td>
<td>No</td>
</tr>
<tr>
<td>Nordic</td>
<td>0-70%</td>
<td>12”</td>
<td>5’</td>
<td>+6’</td>
<td>Pref</td>
<td>Pref</td>
<td>OK</td>
</tr>
<tr>
<td>Single track</td>
<td>0-70%</td>
<td>12”/12”</td>
<td>10’</td>
<td>+6’</td>
<td>Pref</td>
<td>Pref</td>
<td>OK</td>
</tr>
<tr>
<td>Double track</td>
<td>0-70%</td>
<td>12”/12”</td>
<td>10’</td>
<td>+6’</td>
<td>Pref</td>
<td>Pref</td>
<td>OK</td>
</tr>
<tr>
<td>Skate lane</td>
<td>0-70%</td>
<td>8’</td>
<td>10’</td>
<td>+6’</td>
<td>Pref</td>
<td>Pref</td>
<td>OK</td>
</tr>
<tr>
<td>Road Bike</td>
<td>0-10%</td>
<td>5’</td>
<td>+4’</td>
<td>10’</td>
<td>No</td>
<td>No</td>
<td>Pref</td>
</tr>
<tr>
<td>One way</td>
<td>0-10%</td>
<td>8’</td>
<td>+4’</td>
<td>10’</td>
<td>No</td>
<td>No</td>
<td>Pref</td>
</tr>
<tr>
<td>Road Bike</td>
<td>0-10%</td>
<td>10’</td>
<td>+4’</td>
<td>10’</td>
<td>No</td>
<td>No</td>
<td>Pref</td>
</tr>
<tr>
<td>Urban</td>
<td>0-10%</td>
<td>10’</td>
<td>+4’</td>
<td>10’</td>
<td>No</td>
<td>No</td>
<td>Pref</td>
</tr>
<tr>
<td>Rural</td>
<td>0-30%</td>
<td>24-36”</td>
<td>+6’</td>
<td>10’</td>
<td>Pref</td>
<td>Pref</td>
<td>OK</td>
</tr>
<tr>
<td>Mountain</td>
<td>10-90%</td>
<td>24-36”</td>
<td>+6’</td>
<td>10’</td>
<td>Pref</td>
<td>Pref</td>
<td>No</td>
</tr>
</tbody>
</table>

**Notes:**
- **NA** = Not Applicable
- **OK** = Acceptable
- **Pref** = Preferred
- **No** = Not Appropriate
- 35’ @ 15 mph
- 5% avg.
- 8.33% max.
SECTION 5-6: SERVICES

5-601 General

This section of the Code establishes Service standards applicable to land development in San Miguel County.

5-602 Underground Utilities

A. Where feasible, all utility distribution facilities, (including, but not limited to, electric, communication and cable television lines), installed in and for the purpose of supplying service to any subdivision shall be placed underground except as follows: street lights, and equipment normally installed on the surface appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, concealed ducts and similar items.

B. The subdivider is responsible for complying with the requirements of this section, and shall make the necessary arrangements for the installation of all underground facilities, sanitary sewers and storm drains in streets, service roads, alleys or highways. Service connection for all underground utilities and sanitary sewers shall be laid to such length as will obviate the necessity for disturbing street or alley improvements when service connections thereto are made.

5-603 Power

Provision shall be made to supply electric power to all lots or units in a subdivision. Installation of natural gas lines, where such service is available, may be required at the discretion of the Planning Commission.

5-604 Solid Waste

5-604 A. Trash Hauling

I. The developer will contract with a reliable trash company for pick-up and hauling.

II. The cost of this service will be borne by all of the residents, shops and lodges within the development.

III. The trash company will haul the trash to the County dumpsite, provided that the dumpsite is reasonably close to the development. If it is not, then the trash company will provide a compactor that will decrease the trash company's number of hauling trips and the gross volume of trash.

IV. In the event no reliable trash company is willing or able to provide the
above-described service, then the developer shall provide the service to the development.

5-604 B. Impact Fees

In addition to the above provisions, the developer of land located in the R-1 School District shall mitigate the impacts created by the requirements of solid waste disposal pursuant to the following:

I. Fee Rate and Time of Payment

On or before the date when final subdivision plat approval is granted by the Board of Commissioners, the developer shall tender certified funds to the Board in an amount equal to the "current trash impact rate" times the "population level" of the subdivision (see Article 6 for definitions).

II. Use of Funds or Proceeds

All funds received pursuant to this section shall be utilized by the County to mitigate impacts created by solid waste disposal.

5-605 Water Supply

5-605 A. Water Quantity

The quantity of water supplied shall be consistent with the standards in this section:

I. Domestic In-House Demands

Sufficient supply shall be provided to meet an average daily demand of the entire service area of 300 gpd (gallons per day) per residential unit or 75 gpd per capita, whichever is greater.

II. Irrigation demands

Capacity shall exist to provide a sufficient supply of water necessary to irrigate landscaping as planned.

5-605 B. Quality

Water supplies shall be treated by a method determined by the County or state health department to conform to minimum local and state requirements. Test wells may be required in the case of water supplies utilizing wells for a water source.
5-605 C. Water Source

Provisions shall be made for such domestic water supply as may be necessary to protect public health. Such water may be supplied by:

I. Connection to a public utility, in which case a letter from the public utility company shall be submitted showing its ability to serve the proposed subdivision and containing evidence indicating that a satisfactory agreement has been entered into for the installation of such service, which shall provide water connection for each lot.

II. Establishment of a mutual water system that has been determined by the proper health authorities to provide adequate quality and safety of the proposed supply, in which case the subdivider shall give such guarantee or shall post such bond as deemed necessary to insure installation of an adequate and safe system that would provide for water connection for each lot.

III. Wells, springs, and other water rights showing adequate evidence that a water supply sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:

   a. Evidence of ownership, right of acquisition of, or use of existing and proposed water rights;
   b. Historic use and estimated yield of claimed water rights;
   c. Amenability of existing rights to a change in use;
   d. Evidence that public or private water owners can and will supply water to the proposed subdivision, citing the amount of water available for use within the subdivision and the feasibility of extending service to that area; and
   e. Evidence concerning the potability of the proposed water supply for the subdivision.

IV. Cisterns are allowed by administrative review in the WE Zone District with County Environmental Health Department approval, and must meet state public health standards. Cisterns may be approved elsewhere at the discretion of the Board of County Commissioners provided that:

   a. There is no other feasible or reasonable water supply available;
b. A written statement is furnished that shows proof of a potable water supply and sanitary means of delivery which meet the Colorado Department of Health standards; and

c. The proposed cistern shall be designed for storage of potable water.

5-606 Water System

A water system shall be sized hydraulically to meet the initial and future demands of the proposed subdivision. The standards in this section are applicable.

5-606 A. Domestic and Irrigation Demands

The system shall be sized hydraulically for maximum-day-plus-fire demands or peak hour demand, whichever is greater. Maximum day demand may be assumed as 3.0 times average day demand, and maximum hour demand may be assumed to be 6.0 times average day demand unless calculations indicate otherwise and the design is approved by the County Engineer or state health department.

5-606 B. Minimum Residual Pressures

Minimum Residual Pressures shall be 40 psi (pounds per square inch) under maximum-hour demand and 20 psi if direct flow is used. The actual pressure in the supply system under the conditions specified shall be used in designing the distribution system. If future connection to a different supply system is anticipated, critical pressure in that system may be used as the starting design pressure.

5-606 C. Minimum Main Sizes

Mains shall be at least 6 inches in diameter except for short cul-de-sacs. Where the external supply or pressure is not adequate to meet requirements, additional pipe diameter, parallel or looping lines or additional storage or pumping shall be provided to meet the requirements.

5-606 D. Fire Demands

For one- and two-family dwellings not exceeding 2 stories in height, the following Needed Fire Flows (in gallons per minute), in addition to maximum day flow, shall be provided:

<table>
<thead>
<tr>
<th>Distance Between Buildings</th>
<th>Needed Fire Flow</th>
</tr>
</thead>
<tbody>
<tr>
<td>10' or less</td>
<td>1500</td>
</tr>
<tr>
<td>11-100'</td>
<td>1000</td>
</tr>
</tbody>
</table>

Maximum for other residences: 3500 gpm
For all other cases, refer to the Uniform Fire Code, Appendix 3A, Section 4, and/or to the National Fire Protection Association Standards, as administered by the appropriate Fire Protection District.

Fire demands may be met by alternate sources for pumping at the discretion of the Planning Commission and upon recommendation of the affected local Fire District Board. In such cases, the water distribution and storage system need not be sized for fire demands.

5-606 E. Treatment and Storage

New water systems shall be designed with sufficient treatment and storage for a period of six hours, or for a maximum day demand plus the required fire demand for the specified duration.

5-606 F. Quality and Materials Specifications

The Quality and Materials Specifications must be submitted for review and are subject to the approval of the County Engineer, Sanitarian or Building Official. Proposed specifications should include the following:

I. The strength rating for distribution piping and fitting for fire flow demand that will have a minimum safety factor of four times the anticipated internal operating pressure.

II. System design for a minimum service life of 50 years.

III. Sufficient cover to prevent freezing.

IV. Suitable means for flushing dead-end mains.

5-606 G. Insufficient Water Supply

In the event water is not sufficiently available as planned, necessary development approvals and/or building permits may be limited by the County according to the capacity of the supply system.

5-606 H. Up-to-Date Maps

Complete, up-to-date maps of the water system, as installed, shall be provided to the County planning department.
5-607 Sewage Disposal

Sewage disposal methods shall comply with the standards in this section in addition to the San Miguel County Sanitation Regulations.

5-607 A. Connection shall be made to a sanitary sewer when available, in which case a letter from the governing Board of the sewer system shall be submitted showing the ability of the system to handle sewage from the proposed subdivision and evidence that a satisfactory agreement has been entered into for connection to the system. If such connection is found impractical or unnecessary by the Board of County Commissioners, then:

I. Individual or community septic tanks or other approved community disposal systems may be established, in which cases detailed plans shall be submitted to the County Sanitarian. No construction shall commence upon any such systems until they have been approved in writing by the County Sanitarian, provision has been made for future maintenance and the subdivider has given such guarantee or posted a bond as deemed necessary to insure the installation of proper facilities within the proposed subdivision; or

II. Individual absorption systems may be established. Accordingly, minimum lot size standards may be increased in any district where percolation tests show the presence of soil incapable of handling the septic system required for the maximum population of the proposed use.

5-607 B. Engineered Sewage Disposal Systems

Whenever an engineered sewage disposal system is required by the County Sanitarian, such system shall be designed by a State of Colorado Registered Professional Engineer. The Engineer shall perform all necessary site evaluations, percolation tests and requisite associated engineering tasks and, following approval and construction and prior to use, shall certify that the system has been installed as designed.

5-608 Fire Protection

Development shall meet the fire protection standards in this section, as well as those in the Uniform Fire Code and in National Fire Protection Association Standards 1231, 1141 and 224, as administered by the appropriate Fire Protection district.

5-608 A. Fire Hydrants

Fire hydrants shall be installed in all water distribution systems, whether new or extensions of existing systems.
I. Recommended distance between hydrants is 300 feet; maximum distance shall be 500 feet, except along transmission lines where there is no development.

II. Each fire hydrant shall be designed to flow 500 gpm in low density areas and 1000 gpm in high density or non-residential areas. Fire flows shall be assumed to flow from hydrants or groups of hydrants that will achieve the critical pressures on the system.

III. The minimum size of the main on which fire hydrants that will produce the critical pressure on the system are located shall be 6 inches.

IV. All fire hydrants shall be fitted with Mueller National Standard threads (2-1/2" x 5-1/2" sleeves) unless other agreements are reached with the affected fire district.

V. Covered hydrants may be required at the discretion of the affected fire district. Such hydrants shall be covered by wooden boxes having both an upper and lower door and shall be equipped with 150 feet of 1-1/2" hose. Design of such boxes and types of hose, reels, fittings, etc. shall be approved by the local fire district.

VI. All fire hydrants shall be painted or identified so that they are conspicuous. They shall not be obstructed in any way that could interfere with operation.

5-608 B. Other Suction Sources for Fire Protection

Other suction sources for fire protection - streams, ponds, wells, etc. - may be considered or required, especially where the approved water supply consists of individual or small community wells.

I. Storage capacity for pumping shall be equivalent to the estimated fire flow demand for the proposed development.

II. All storage or alternate sources for pumping shall be readily accessible to fire district equipment and personnel and centrally located to buildings in the proposed development. Docks or dikes shall be provided in open storage ponds.

5-608 C. Land reserved for fire station sites and/or housing for fire protection equipment may be required in proposed developments which, because of size and/or location, could not be adequately serviced from existing fire stations.

5-608 D. In all cases, the requirements of the local fire district shall be met in providing fire protection to proposed developments. All applications for Final Plat Subdivision...
Reviews shall include a letter of approval from the appropriate Fire Protection District, as described in Section 4-519 C.

5-608 E. Complete, up-to-date plans and records essential for the proper operation and maintenance of the fire protection system shall be made available to the appropriate fire department. These should include: Plans of the supply works including dams, intakes, wells, pipe lines, treatment plants, pumping stations, storage reservoirs and tanks; and maps of the distribution system showing mains, valves, and hydrants.

5-608 F. Impact Fees in the Telluride Fire Protection District

In addition to the above provisions, the developer of land located in the Telluride Fire Protection District shall mitigate the fire protection impacts created by the development pursuant to the following:

I. Fee Rate and Time of Payment

On or before the date when final subdivision plat approval is granted by the Board of County Commissioners, the developer shall tender certified funds to the Telluride Fire Protection District in an amount equal to 89 percent of the "current impact rate" (rounded up to the nearest dollar) times the "population level" of the subdivision (see Article 6 for definitions).

II. Use of Funds or Proceeds

All funds received pursuant to this section shall be utilized by the Telluride Fire Protection District to mitigate impacts on the District created by the development.
SECTION 5-7: IMPROVEMENTS

5-701 General

This section of the Code establishes improvement standards.

5-702 Parking

5-702 A. Parking Space Description

Each off-street parking space shall be no less than 9 feet wide, 18 feet long, and 7 feet high and shall have vehicular access to a County road, street, or alley.

5-702 B. Screening

Parking lots shall be screened and concealed from arterial highways, major roads or collector streets by earth berms or landscaping.

5-702 C. Surface and Drainage

Parking spaces shall be properly drained and surfaced.

5-702 D. Location of Parking

Required parking spaces shall be located on the same lot as the principal use, unless otherwise stipulated in a Development Plan approved pursuant to these regulations. In all cases, parking shall be provided within convenient walking distance of the principal use for which parking is required, unless adequate ground transportation is provided.

5-702 E. Off-street Parking Standards

Required off-street parking shall be provided for each use as listed in this section in all zoning districts. For all uses requiring parking space in ratio to floor area, at least one space shall be required for any use not meeting the minimum floor area standard.

I. Dwellings

Two spaces per dwelling unit.

II. Home Occupations

The standard shall be determined by the Planning Commission using surveys of similar situations and its own judgment.
III. Hotels and Motels

One space per unit plus one space per every 3 employees.

IV. Rooming and Boarding Houses

Two spaces per every three units plus one space per every 3 employees.

V. Condominiums or Lodges with Kitchen Facilities in Units

One and one-half spaces per unit plus one space per every 3 employees. If the total number of spaces ends in one-half, that number shall be rounded up.

VI. Retail Stores, Offices, Personal Services

One space per 400 square feet of floor area.

VII. Assembly Areas: churches, auditoriums, theatres, etc.

One space per 300 square feet of assembly floor area, or one space per 4 spaces of seating capacity whichever is greater.

VIII. Eating and Drinking Establishments

One space per 4 spaces of seating capacity plus one space per every 3 employees.

IX. Gasoline Stations and Auto Repair Shops

One space per gas pump; two spaces per grease rack; one space per 200 square feet of general repair area.

X. Hospitals and Schools

Spaces shall be provided on-site to satisfy the occupancy characteristics, including at last one space per every 3 employees. The standard may be altered by the Planning Commission using surveys of similar situations and its own judgment.

XI. Industrial and Manufacturing Establishments Including Mining Operations

One space per every 3 employees on two combined shifts. The standard may be altered by the Planning Commission using surveys of similar situations and its own judgment.
XII. Commercial Recreation Areas (Ski areas, golf course, tennis and swimming clubs, etc.):

Once space per 3 potential users of the facility at maximum capacity plus one space per every 3 employees. Capacity shall be related to occupancy characteristics and duration of a normal visit to the facility. The standard shall be determined by the Planning Commission using surveys of similar situations and its own judgment.

XIII. Mixed Use Developments

When a combination of uses exists on a single parcel (such as a planned unit development), the required parking shall be determined by the Planning Commission using its judgment.

XIV. Uses Not Identified

Parking space standards for uses not identified in this section shall be determined by the Planning Commission using surveys of similar situations and its own judgment.

5-702 F. Loading Space

For each use listed in Sections 5-702 E.VI., 5-702 E.VIII., and 5-702 E.XII. loading space at least 12 ft. by 30 ft. shall be provided for each 2500 sq. ft. of floor area. Loading space may be required for certain additional uses at the discretion of the Planning Commission.

5-702 G. Deviation from Guidelines

If for any reason any person feels that the requirements of these parking regulations are excessive or inadequate, he/she may seek to increase or decrease the parking standards pursuant to PUD procedure, based upon the criteria set forth in Section 5-1404 C.

5-703 Drainage and Flood Control

5-703 A. All provisions for drainage and flood control shall be established as a minimum to handle the anticipated 100-year frequency storms for maximum period of intensity over the entire drainage basin that the subdivision serves, and they shall be made in accordance with the approved improvement plan.

5-703 B. Drainage structures and ditches shall be of a size and nature sufficient to carry the calculated storm water from open drainage areas as based on standard engineering principles.

5-703 C. Where free fall of water occurs, satisfactory means shall be provided to prevent
erosion of soil. Culverts shall have concrete head walls and wing walls where conditions require.

5-703 D. Standard drop inlet catch basins shall be constructed.

5-703 E. The Planning Commission may require that improvements be designed by a Colorado registered engineer.

5-703 F. Water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. On-site waste disposal systems shall be located to avoid impairment of them, or contamination from them, during or subsequent to flooding.

5-703 G. Subdivision covenants shall prohibit the storage or processing of materials within a 100-year floodplain that at times of flooding would be buoyant, flammable, explosive or potentially injurious to human, animal or plant life. The subdivision plan must be designed to prevent substantial solid debris from being carried downstream by floodwaters.

5-704 Signs

The purpose of this section is to promote the public health, safety and welfare of the residents and visitors of San Miguel County. These provisions are intended to preserve the natural beauty of San Miguel County by regulating the type, placement and physical dimensions of signs. It is also the intent of these regulations to provide for a reasonable balance between the right to utilize signs for legitimate purposes and the public's right to be protected against visual discord resulting from the unrestricted proliferation of signs.

The goals and objectives of the San Miguel County Comprehensive Development Plan and policy 2-12 of this Land Use Code, regarding preservation of open space, scenic vistas and rural character, are better achieved through the enforcement of these regulations. The public is hereby protected from dangerous traffic hazards caused by proliferation of signs, improper placement, illumination and excessive size.

5-704 A. General

All signs located in San Miguel County shall comply with the standards in this section.

I. Exterior signs shall be permitted only as expressly authorized in these regulations.

II. Signs shall be set back from the right-of-way a distance equal to the front yard requirement for the zoning district in which they are located or as specifically approved on the Final Development Plan of a planned unit development subdivision.
development.

III. Signs shall identify only interests conducted on or uses located on the lot unless the Board of County Commissioners, upon request, determines that, as a special exception, an off-site directional sign is necessary to promote the interests of the use and public safety. A permit from the State Department of Transportation must be obtained prior to installation of an advertising sign within any State Highway right-of-way. In such cases, proof that a State permit has been issued shall be required prior to issuance of a County sign permit.

IV. Pennants, banners, and posters may be erected advertising a special civic event. Such items may be erected two weeks prior to the opening of the event advertised, and must be removed promptly following termination of the event. Banners and pennants erected under this clause may exceed the normal size limitation for temporary signs. Pennants, banners, and posters within any State Highway right-of-way must also be approved by the State Department of Transportation.

V. Signs shall be maintained in good repair.

VI. Signs in the Wright’s Mesa (WM) Zone District shall comply with all standards in this section except:

   a. Temporary Signs (advertising the sale or lease of parcels greater than 100 acres and/or improvements thereon). Identification Signs (other than for residential use and home occupations), Directional Signs and Advertising Signs, may be up to 32 sq. ft.

   b. Directional Signs may be permitted through Administrative Review in accordance with Sections 3-402 and 5-704 D.IV.

   c. Advertising Signs may advertise products not produced or sold on the premises if the signs are located on public property or a public facility for a public purpose. Multiple signs up to 32 sq. ft. may be permitted.

VII. Signs in the West End Zone District are exempt from compliance with this section except that Directional Signs and Advertising Signs for the sale of products not produced or sold on the premises are subject to administrative review and must not be greater than 32 sq. ft.
5-704 B. Illumination

Illumination of all signs shall be in accordance with the standards in this section.

I. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to people in surrounding areas.

II. No sign shall have blinking, flashing or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color. Beacon lights are not permitted.

III. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

IV. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to passing motorists.

V. Gas-filled light tubes shall be allowed only when used for indirect illumination, in such a manner that light tubes are not exposed to public view.

5-704 C. Prohibited Signs

Prohibited signs are signs which:

I. Contain statements, words, or pictures of an obscene, indecent or immoral character subject to constitutional limitations.

II. Are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hides from view any traffic or street sign or signal;

III. Advertise business, activity, product or service not conducted on the premises upon which sign is located, such as billboards;

IV. Have a moving part or are portable or wheeled;

V. Contain or consist of ribbon streamers, strings of light bulbs, spinners, or other similarly moving devices; or

VI. May swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.
5-704 D. Permitted Signs

Signs listed in this section are permitted.

I. Temporary signs.

All temporary signs shall comply with the standards in this section.

a. Purpose: to announce the sale or leasing of a property or building; public events to be held; the builder or tenant of a proposed building or property; election campaigns.

b. Size: 6 sq. ft. per sign.

c. Number: one for each street frontage upon which the property faces, and so placed that only one sign faces each street.

d. Illumination: none.

e. Time limit: three months maximum, with two renewals each of two months duration upon application, except that signs announcing sale or leasing of a property or building may remain in place for seven months and do not require any County permit, provided they meet all other applicable requirements of this Section 5-704 D.I. Once the purpose for which the sign has been erected has been fulfilled, the permit shall be deemed void.

f. Traffic control signs erected by proper authority shall be exempt from these regulations.

II. Identification Signs.

All identification signs shall comply with the standards in this section.

a. Such signs shall identify a residence, business or principal authorized use on the premises where the sign is located. An identification sign may be a wall sign, a projecting or a freestanding sign.

b. A premises is limited to one identification sign per principal use unless otherwise specifically excepted in these regulations.

c. Size: residential use and home occupations - 2 sq. ft. per sign. Other uses - 20 sq. ft. per sign.
III. Advertising Signs

All advertising signs shall comply with the standards in this section.

a. Such signs may advertise the sale of products produced or sold on the premises where the sign is located. Window decals, posters, etc., shall be included in the area allowance for such signs.

b. The total area of all such signs shall not exceed 20 sq. ft. in area per face or faces for each principal use.

c. Such signs shall not be allowed for home occupation uses.

IV. Directional Signs

All directional signs shall comply with the standards in this section.

a. Such signs shall show name, direction, and mileage and may be located adjacent to a public right-of-way. Signs within any State Highway right-of-way require a permit from the State Department of Transportation prior to issuance of a County sign permit.

b. Directional signs will be permitted only when authorized by the Board of County Commissioners, upon determination that, as a special exemption, the same are necessary or convenient to the traveling public to locate distinctive objects, businesses or land uses.

c. Permits for directional signs shall not be issued where such requirements are served by a sign installation provided by the State or County.

d. Directional signs shall not exceed 6 sq. ft. in area per sign and must conform to design standards set by the Board of County Commissioners. No more than two such off-site signs per principal use may be allowed.

e. No sign shall be allowed that prevents the driver of a vehicle from maintaining a clear and unobstructed view of official signs and approaching or merging traffic.

V. Noncommercial Signs

All signs not specifically listed above and announcing the noncommercial and/or ideological views or opinions of the owner of a property shall comply with the standards in this section.
a. Size: 6 sq. ft. per sign.

b. Number: one for each street frontage upon which the property faces, and so placed that only one sign faces each street. Such signs may contain more than one message.

c. Illumination: none.

5-704 E. Structural Characteristics

The structural characteristics of signs shall comply with the standards of this section.

I. Free-standing signs shall not exceed 12 feet in height; and shall be a minimum of 8 feet above grade when located adjacent to or projecting over a pedestrian way and larger than two 2 sq. ft. in area. Each freestanding sign may have two faces, each with the maximum area allowed under Section 5-704 D., provided the two faces are the same size and join back-to-back without any overlap.

II. Projecting Signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of 8 feet above grade when located adjacent to or projecting over a pedestrian way; shall not extend more than 4 feet from the building wall except where such a sign is an integral part of an approved canopy or awning.

III. Wall Signs shall not be higher than the eave line or parapet wall of the principal building and no sign part, including cutout letters, shall project more than 12 inches from the building wall.

5-704 F. Permits

I. It shall be unlawful to erect, construct, reconstruct, alter, paint, or repaint, or change the use of any sign as defined in this section without first obtaining a sign permit; however, a sign permit shall not be required to repaint a sign exactly as it was permitted for the purpose of maintenance.

II. For all sign permits required, a fee determined by the Board of County Commissioners pursuant to Section 3-1410 shall be charged to cover the costs of administration.

III. Off-premise advertising signs within any State Highway right-of-way require a permit from the State Department of Transportation, proof of which must be furnished to the County prior to issuance of a County sign permit. An applicant must obtain conditional approval for such a sign from the County prior to applying for a permit from the State.
5-705 Lots

5-705 A. Minimum Frontage

Lots shall have a minimum frontage on a street equal to the minimum lot width.

5-705 B. Side Lines

Side lines of lots shall be as near as possible to right angles to the street line upon which the lot faces.

5-705 C. Double Frontage Lots

Lots other than corner lots having double frontage with depths of less than 200 feet will not be approved except where necessitated by topographic or other physical conditions, or where ingress or egress to and from one of the streets is prohibited.

5-706 Monuments

5-706 A. Monumenting

I. Monuments shall be set at all corners, angle points, and points of curvature in the exterior boundary of the final plat, at all corners, angle points, and points of curvature within the interior of the final plat, and at all corners, angle points and points of curvature in the right-of-way lines of all streets or other parcels created for dedication for public use.

II. One or more witness corners or reference monuments may be set when a monument position falls on ground not suitable for a permanent monument. It is preferred to have witness corners set along a property line, and “WC” and the distance to the actual corner point shall be stamped on the metal cap. When a witness corner cannot be set along a property line, two or more reference monuments will be set with “RM” and the distance to the actual corner point shall be stamped on the metal cap.

III. Monuments shall not be less substantial than five-eighths-inch (5/8”) iron rebar, eighteen (18) inches long, driven to a depth so that no more than four (4) inches protrudes above the ground. Affixed to the top of the monument shall be a durable metal cap stamped with the registration number of the surveyor.

IV. If a monument position falls in solid rock or concrete, a metal cap with an attached metal stem shall be drilled into the rock or concrete and set with epoxy, or a witness corner may be set in a more practical location along the property line.
5-706 B. Inspection and Installation

All monuments shall be either installed prior to recording of the final plat or included as part of the work to be completed under an Improvement Agreement and improvement bond per Section 3-12, Section 4-508, and Section 5-9.

5-707 Landscaping

5-707 A. The Planning Commission may require the planting of trees and other plant material where natural trees or vegetation are destroyed by grading or other construction work, or where existing vegetation is inadequate to mitigate visual impacts of development.

5-707 B. All existing trees to be preserved, as determined by the action on the preliminary plan, shall be clearly marked prior to any grading or construction work. All existing trees to be preserved shall be protected from damage.

5-707 C. All slash materials, vegetative residues, fallen trees, limbs, roots, etc., shall be removed from the development, or, in the case of large limbs and trees, may be cut for firewood and stacked at appropriate locations.

5-707 D. Substantial disturbances of the land created by construction of structures, roads, water, or sewer facilities, drainage control systems, installation of utilities or other improvements shall be restored by reseeding and/or revegetation of the affected area with native plant materials or appropriate substitutes.

5-708 Filled Lands

Required fill shall be of suitable filling material and placed in such a manner as to insure that the finished elevation of all lots and roadway areas will be adequate to protect the subdivision from flooding and to provide adequately for the passage of storm water run-off after settlement and compaction. No building or construction on filled land shall be commenced until satisfactory evidence has been submitted that the required elevation has been obtained and that the fill will provide a stable base for the construction proposed. Such evidence of satisfactory fill shall be submitted to the Board of County Commissioners, and the approval for construction of improvements upon said fill shall be granted by the County road supervisor.

5-709 Public Utilities Structures and Electricity Transmission and Distribution Lines

All public utility structures and electricity transmission lines more than 115 kilovolts shall comply with the standards in this section. Additionally, all above ground electricity transmission or distribution lines in excess of 1,000 linear feet in length in San Miguel County are subject to compliance with the standards in this section. These standards do not apply to the normal construction of local service natural gas lines.
5-709 A. The proposed development poses no significant threat to the health, welfare and safety of the citizens of San Miguel County or the citizens of the region.

5-709 B. Construction and operation of the facility will not unreasonably impact the physical, economic, or social environment of San Miguel County or this region, including agricultural land and water.

5-709 C. Adverse impacts to the County and/or region have been identified, and the applicant has presented a satisfactory program of mitigation, including assurances of implementation.

5-709 D. Alternative sites and routes and methods to reduce the impact to the land such as combining new lines with existing lines, placing new lines underground, etc., have been identified and approved by the San Miguel County Board of County Commissioners.

5-709 E. All costs associated with the construction of new distribution lines, including any costs resulting from mitigation of visual impacts, shall be paid by the utility provider and/or the individual property owners who will connect to the new lines.

5-709 F. The benefits of the development outweigh the unavoidable and unmitigatable impacts upon the physical, social, and economic environment of San Miguel County and this region.

5-709 G. Proposed uses in Airport Reservations shall be for use by the facility and these and any other allowed facility shall meet the navigable airspace requirements of AC No. 70-7460-2-E, dated 7/5/73 and issued by the U.S. Federal Aviation Administration, Department of Commerce, as may be amended.

5-709 H. All proposed above ground extensions are routed wherever possible to:
   
   I. Avoid paralleling of major transportation routes;

   II. Cross any transportation route at as close to a right angle as possible;

   III. Avoid "tunnel" effect of clearing areas visible from a population concentration or major transportation route;

   IV. Avoid clear-stripping of right-of-way;

   V. Avoid corrosive soils;

   VI. Avoid creation of access way scars visible as above;

   VII. Avoid historic and archaeological sites; natural phenomenon;

   VIII. Avoid impact on wildlife and wildlife habitat;
IX. Preserve as much as possible the natural landscape;

X. Minimize conflict with existing and planned uses shown on the County Master Plan Map;

XI. Maximize the natural screening potential of vegetation and topography; and

XII. Avoid crossing or use interference with a fishery.

5-709 I. All proposed extensions of central service plant whose curvature, grade or other constraint inherent in such facility tends to require alignment along valley floors or public ways, shall avoid impacts listed in C. above; provide for recompaction to restore the original density of disturbed irrigated ground; provide for restoration of the original slope of hillsides and ridge cuts; and by innovative construction techniques minimize the width of clearing and cuts, including those required for installation of normally buried facilities above ground where such might be less disturbing to the sum of criteria of this plan.

5-709 J. These regulations shall not apply to the normal construction of individual telephone subscriber service, distribution and feeder cables, including the delivery of cable television, toll service, and extended area service telephone lines.

5-709 K. Approval shall not be considered until such time as the Public Utilities Commission has granted a Certificate of Public Necessity and Convenience, if such Certificate is required from the Public Utilities Commission.

5-710 Exterior Lighting

5-710 A. Exterior Lighting Standards

I. The purpose of this Section is to provide standards for outdoor nighttime lighting design that preserves, protects, and enhances the County’s night sky while conserving energy, permitting reasonable and safe nighttime use of properties, minimizing glare and obtrusive light, and helping to protect the natural environment and wildlife from the impacts of night lighting. These standards are based on the requirements of the International Dark-Sky Association (IDA) Dark Sky Reserve guidelines.

II. Exterior Lighting Standards for all Zone Districts.

The following lighting standards shall apply in all county zone districts.

a. High-intensity sodium-vapor and similar lighting; floodlighting; lasers; or light that dynamically varies its output by intermittent flashing, blinking, rotating, or strobing shall be prohibited.
b. Lighting Design and Shielding:

i. All exterior lighting installations subject to this Code shall be fully shielded as described by the International Dark-sky Association (IDA) and directed toward the ground or downward, shielded by roof elements, or effectively recessed.

ii. Use lighting that has a low color temperature (less blue in its spectrum), with a maximum allowed Correlated Color Temperature of no more than two thousand seven hundred (2,700) degrees Kelvin.

iii. In residential areas, lights shall be shielded such that the bulb is not directly visible outside the property perimeter.

iv. Parking lots and other background spaces shall be illuminated as unobtrusively as possible with fully shielded fixtures while meeting the functional needs of safe circulation and protection of people and property. The height, number, placement and fixture type shall suit the purpose of the lighting, e.g. using bollards to illuminate walking surfaces instead of pole-mounted lights.

v. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. In no case shall exterior lighting directly illuminate any point off-site.

vi. Whenever possible, use IDA-certified dark sky friendly outdoor lighting products.

c. Exterior lighting shall be limited to functional uses such as illumination of doorways, garage doors, decks, terraced levels, or walkways, and recreational areas when in use.

d. Motion Sensor lights are encouraged for commercial, industrial or residential access but shall be designed so the sensor will be triggered by activity only within the owner’s property lines.

e. No exterior lighting shall be installed or used in any way that interferes with the safe movement of motor vehicles.

f. Applications for Building Permits and Development Permits shall include an exterior lighting plan that shows the following:

i. The locations of exterior lights on the building(s) and/or other activity or use on the property for which the application is submitted.

ii. Description(s) of the lighting fixtures, demonstrating how lighting fixtures will comply with this section.
III. Exempt Lighting

The following uses are exempted from the requirements of this Section:

a. Outdoor lighting fixtures existing or legally installed prior to the effective date of this Section; however, when existing lighting fixtures are replaced, they will be subject to the provisions of this Section.

b. Outdoor lighting fixtures that are essential for worker’s safety and efficient functioning of farms, ranches, dairies, or commercial / industrial operations. Fully shielded fixtures are encouraged.

c. Outdoor lighting for stairs, ramps, exit signs, and other illumination required by building code. Fully-shielded fixtures are required.

d. Outdoor lighting necessary for public safety, such as runway lighting of airports, traffic control signals, and construction projects.

e. Holiday or temporary lighting (less than sixty (60) days use in any one year). All temporary lighting shall conform to the code to the greatest practical extent.

f. Emergency lighting used by police, fire fighters, or medical personnel and that is in operation as long as the emergency exists.

g. Any lighting required by federal or state regulations.

5-711 Storage Sheds

5-711 Accessory Storage Shed Standards

I. Accessory Storage Shed Standards for all Zone Districts.
The following accessory storage shed standards shall apply in all county zone districts.

a. Development permits are required for sheds two hundred (200) square feet or larger in unincorporated San Miguel County (unless classified as agricultural and being used for agricultural purposes).

b. One (1) exempt shed less than two hundred (200) square feet may be constructed on a property prior to establishment or construction of the principal use, provided the shed is used solely for storage,
does not have utilities and is not placed on a permanent foundation. Exempt sheds may only be used for the storage of equipment and cannot be occupied.

c. Storage containers are considered accessory structures, as defined herein, and are subject to the requirements of the Code.
SECTION 5-8: DEDICATIONS

5-801 General

This section of the Code establishes dedication standards.

5-802 Surface and Storm Waters

A subdivider shall dedicate a right-of-way for storm drainage purposes substantially conforming to the lines of any natural watercourse or channel, stream or creek that traverses the subdivision.

5-803 Parks and Public Areas

The County shall require adequate provisions for suitable areas for parks, playgrounds, schools and other public building sites, as well as for such measures that preserve and enhance the scenic values of the County and the conditions making for excellence of residential, commercial or industrial development. Such provision shall not be construed as an obligation on the part of the County to maintain such park or playground areas.

5-804 School Land Dedication Requirements

5-804 A. Condition of Final Approval

The Board of County Commissioners shall require as a condition of approval of a final subdivision plat the dedication of land, cash payment in lieu of land or a combination of land and cash, for the purpose of acquiring land for school sites to serve the proposed subdivision and future residents thereof.

5-804 B. Method of Land Dedication

Dedication requirements shall be accomplished by dedicating to the County land, by a duly recorded legal instrument, upon final plat approval, in accordance with the limitations, principles and standards of this section.

I. The land dedicated is to be used only for the purposes of providing school sites or funding growth-related planning functions by school districts for education purposes.

II. All fees paid or land dedicated shall be held in trust by the County, to be administered by the Board of County Commissioners, for the acquisition of school sites or for funding growth-related planning functions by school districts for education purposes.
5-804 C. Suitability and Function of Dedicated Land

The location, topography, environmental characteristics and development potential of land to be dedicated for school purposes must be deemed suitable by the Board of County Commissioners.

5-804 D. Access and Utility Requirements

All lands to be dedicated must have access via a minimum 50-foot public right-of-way and also must accommodate connection of all utilities necessary to operate the dedicated land as a school site.

5-804 E. Amount of Land to be Dedicated

At the time and place of the signing of the final subdivision plat, the person seeking final plat approval shall deed to the Board of County Commissioners lands for school sites and facilities in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Land Dedication (Sq. Ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>524</td>
</tr>
<tr>
<td>Condominium, Detached</td>
<td>524</td>
</tr>
<tr>
<td>Condominium, Attached</td>
<td>224</td>
</tr>
<tr>
<td>Duplex</td>
<td>224</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>224</td>
</tr>
<tr>
<td>Mobile Home</td>
<td>224</td>
</tr>
</tbody>
</table>

5-804 F. Cash in Lieu of Land

I. With the approval of the Board of County Commissioners, the developer may pay cash in lieu of the land dedication required in Section 5-804 E.

II. All fees paid shall be held in trust by the County, to be administered by the Board of County Commissioners, for the purpose of acquiring land for school sites to serve the proposed subdivision and future residents thereof.

III. The appraised value of the land shall be determined by a qualified appraiser chosen by the Board of County Commissioners and paid by the developer; or the appraised value of the land may be determined by mutual agreement between the Board of County Commissioners and the person seeking subdivision approval.

IV. For purposes of calculating land value, land shall be given its current market value without improvements, except site improvements (including curb, gutter, street sidewalk and utilities) installed and in place at the time of filing of the application for preliminary subdivision approval. Market
value may be substantiated by a documented purchase price (of an arm's length transaction no more than one year old) or by any other recognized means, provided, however that assessed valuation shall not be relied on as evidence of current market value.

5-804 G. Recalculation of Deferred Land Dedication Requirements

If land dedication requirements for developments approved prior to Feb. 10, 1993 were deferred, the amount of the required dedication shall be recalculated prior to the acceptance of the land dedication that was deferred. The recalculated dedication amount shall be based on the dedication standards of Section 5-804 E.

5-804 H. Credit for Past Excess Land Dedications

Credit for past excess land dedications shall be due to the individual who made the dedication or paid cash in-lieu of the dedication; it shall not run with the land. Credit shall be given for land dedications made by a developer prior to Feb. 10, 1993 if the amount of such dedication was based on land dedication standards in excess of those required by Section 5-804 E. The amount of credit due as a result of excess land dedication shall be determined by subtracting the land dedication required pursuant to Section 5-804 E. from the land dedication made by the developer and accepted by the Board of County Commissioners on behalf of the Telluride R-1 School District Board prior to Feb. 10, 1993. The basis for this calculation shall be the cumulative total land dedication for all filings in the subdivision or PUD.

<table>
<thead>
<tr>
<th>Excess Land Dedication Credit</th>
<th>Previous Land Dedication</th>
<th>Land Dedication Required by Sec. 5-804.E</th>
</tr>
</thead>
</table>

I. Form of Credit

Credit for excess land dedication shall be provided in the form of certificate entitling the owner of the development who made the excess dedication to (1) a proportionate reduction in land dedication requirements for future subdivision filings or (2) a refund of excess cash in-lieu payments, if any.

II. Transfer of Credit

Credits may be transferred to other projects and/or other project owners by filing a transfer of credit application with the County Planning Director.
III. Notice of Credit Availability

When the right to a credit for excess land dedication exists, the County shall provide written notice of entitlement to a credit to the individual who made the land dedication at the address shown on the subdivision plat application or to the individual's successor in interest who has given notice to the County of a legal property transfer or assignment of the right to entitlement to a credit and who has provided the County Planning Office with a mailing address. Such notice from the County shall be provided within ninety (90) days of the date that it has been determined that the right to a credit exists.

IV. Waiver and Expiration of Credit

An application for excess land dedication credit shall be made in writing to the County Planning Office within two (2) years of the date that notice of entitlement to a credit is provided by the County Planning Director. A credit not applied for within that time period shall be deemed waived. Credits granted in the form of certificate of excess land dedication credit shall be used within eight (8) years of the date of issuance, unless an extension of time for use of credits is granted by the Board of County Commissioners, for good cause shown.

5-805 Public Park Dedication Requirements

5-805 A. Condition of Final Approval

The Board of County Commissioners shall require as a condition of approval of a final subdivision plat the dedication of land, cash payment in lieu of land or a combination of land and cash, for the purpose of acquiring land for active and passive park, recreation and trail purposes or for capital improvements to any park and recreational lands or trail system to serve the proposed subdivision and future residents thereof.

5-805 B. Method of Land Dedication

Dedication requirements shall be accomplished by dedicating to the County land, by a duly recorded legal instrument, upon final plat approval, in accordance with the limitations, principles and standards of this section.

I. The land dedicated is to be used only for the purpose of providing public park and recreation sites and facilities.

II. All fees paid or land dedicated shall be held in trust by the County, to be administered by the Board of County Commissioners, for the acquisition of sites and land areas reasonably necessitated by the proposed subdivision
or for capital outlay supporting parks, including the development of said sites and land areas for public park purposes.

5-805 C. Suitability and Function of Dedicated Land

The location, topography, environmental characteristics and development potential of land to be dedicated for park and/or recreational purposes must be deemed suitable by the Board of County Commissioners. Such land shall function to provide recreational opportunities including, but not limited to: neighborhood parks, playgrounds, play fields, community or district parks and recreational trails in accordance with any adopted trails plan.

5-805 D. Access and Utility Requirements

Except for lands to be dedicated for public trail purposes, all lands to be dedicated must have access via a minimum 50-foot public right-of-way and also must accommodate connection of all utilities necessary to operate the dedicated land as a public park or recreation site.

5-805 E. Amount of Land to be Dedicated

At the time and place of the signing of final subdivision plat, the person seeking final plat approval shall deed to the Board of County Commissioners lands for public park and recreation facilities totaling 300 square feet times the total "population level" of the subdivision (see Article 6 for definition).

5-805 F. Cash in Lieu of Land

I. With the approval of the Board of Commissioners, the developer may pay cash in lieu of the land dedication required in Section 5-805 E.

II. All fees paid shall be held in trust by the County, to be administered by the Board of County Commissioners, for the acquisition of sites and land areas reasonably necessitated by the proposed subdivision or for capital outlay supporting parks, including the development of said sites and land areas for public park purposes.

III. The appraised value of the land shall be determined by a qualified appraiser chosen by the Board of County Commissioners and paid by the developer; or the appraised value of the land may be determined by mutual agreement between the Board of County Commissioners and the person seeking subdivision approval.

IV. For purposes of calculating land value, land shall be given its current market value without improvements, except site improvements (including curb, gutter, street sidewalk and utilities) installed and in place at the time
of filing of the application for preliminary subdivision approval. Market value may be substantiated by a documented purchase price (of an arm's length transaction no more than one year old) or by any other recognized means, provided, however that assessed valuation shall not be relied on as evidence of current market value.
SECTION 5-9: IMPROVEMENTS AGREEMENTS AND PERFORMANCE GUARANTEES

5-901 Intent

The purposes of an improvement agreement are to stipulate the:

5-901 A. Conditions placed on a land development;

5-901 B. Schedule for public and private improvements that a developer will adhere to;

5-901 C. Amount of collateral to be provided by a developer to insure construction of public and or private improvements; and

5-901 D. Conditions under which the collateral will be forfeited.

5-902 Form of Financial Guarantees

Acceptable financial guarantees include: letters of credit from a commercial bank, savings and loan institution, insurance company or other qualified lending institution licensed or authorized to do business in the State of Colorado, or a letter from the Federal Housing Administration or Veterans Administration or other forms of financial guarantees acceptable to the County Attorney and Board of County Commissioners.

5-903 Landscape Guarantee

In order to insure implementation and maintenance of a landscape plan, the Board of County Commissioners may require an applicant to provide a financial guarantee pursuant to Section 5-902 for no less than 125 percent of the current estimated cost of landscaping improvements for a development as estimated by the County Engineer. The guarantee shall be used to insure installation and continued maintenance and replacement (if necessary) of the landscaping for a period of two (2) years after installation. The agreement shall give the County the unconditional right upon demand to partially or fully complete landscaping or to pay for any improvements or any outstanding bills for work done thereon by any party.

5-904 Public Facilities Guarantee

In order to insure installation of necessary public facilities planned to accommodate a development, the Board of County Commissioners shall require an applicant to provide a financial guarantee pursuant to Section 5-902 for no less than 125 percent of the current estimated cost of such public improvements as estimated by the County Engineer.
5-905 Improvements Maintenance Agreements

All improvements intended or designated for common use by all lot owners within a subdivision and not accepted for dedication and ownership by the Board of County Commissioner for public use, including, but not limited to, streets, street signs, street resurfacing, widening, improvements and overlay curbs, gutters, curb cuts, pans, aprons, drains, drainage facilities common water and sewer systems, easements and common open space, shall be maintained in perpetuity by the subdivider or an association of homeowners. Prior to granting Final Plat approval, the Board of County Commissioners shall require proof that said homeowners association has been formed and is legally binding to future homeowners.
SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes the application submittal requirements and review standards applied to review Special Use permit applications for land uses designated as an allowed use in a zoning district. An allowed use may be established if approved subject to Special Use permit review to assure the use is located, designed and operated in harmony with neighboring properties and the surrounding area and does not adversely affect the public health, safety and welfare. Special Uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards and policies. For certain Special Uses these standards may supplement special standards for specific uses. Refer to Section 3-5 for one-step review procedures, Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1002 Review Procedures

I All applications for Special Uses and other uses that require special review are subject to either a One-step Planning Commission or Board of County Commission review or Two-step Planning Commission and Board of County Commission review, as designated in the zoning district standards.

II All Special Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (pursuant to Section 5-26), shall comply with the standards in this section.

III. All uses that may be established in a zoning district can be permitted by Special Use permit review but only if the proposed use meets the following criteria as applicable and upon approval of the reviewing board(s), subject to any additional conditions and mitigation measures.

5-1002 A. Application Requirements

All applications for Special Uses shall include at a minimum, the information and materials specified in Land Use Code Section 4-2.

I. The following must also be addressed as part of any application:

a. Site plan, photos and/or drawings accurately representing existing conditions and proposed conditions, specifying the location and dimensions of buildings, accessory structures, setbacks from property lines, identification of recorded and apparent easements, specifying areas for all proposed types of land uses, identification
of specific land uses, streets and rights-of-way, driveways and access points of ingress and egress, parking, fences, signs, topography, existing and proposed landscaping, and lighting, as well as all adjacent land uses;

b. Elevation drawings showing the heights of buildings, or before and after simulations/drawings specifying the height and location of buildings and support structures, and any accessory uses, fences and signs, and proposed materials and colors;

c. Written Narrative explaining why the proposed site has been chosen, regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., communication plan, as applicable, and describe how the proposal meets all applicable Standards and Review Criterion;

d. Detailed plans, reports and specifications.

1) Traffic and parking plan;
2) Grading, drainage and stormwater management plan;
3) Water/sewer plan: must meet state standards, may include verification of a commercial well permit, and water savings plan;
4) Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;
5) Signage: see Section 5-704 standards;
6) Dust control plan;
7) A noxious weed control plan;
8) Wildlife Plan: see Section 5-407 A.XII.;
9) Additional permits as necessary from other agencies.

9) Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;

5-1002 B. Review Criteria

A Special Use will be permitted only if the reviewing body finds the proposed use meets all relevant requirements. Applicants shall demonstrate through competent evidence that the proposed use meets the following criteria as applicable:

I. All Applicable Standards. The proposed use shall comply with the minimum requirements of the zone district in which the use is to be established, and will also comply with all applicable requirements of the Code.
II. Consistency with Master Plan, Land Use Policies, and Zone District.

The proposed Special Use shall be:

a. In accordance with the County Master Plan;

b. Consistent with County Land Use Policies in Article 2;

c. Consistent with the purpose of the Zone District in which it is proposed to be located;

III. Consistent and compatible with Neighborhood Character. The proposed Special Use shall be consistent, compatible, and not in conflict with the character of the neighborhood and surrounding land uses. It may be an enhancement of the mixture of complementary uses and activities in the Neighborhood of the Parcel proposed for Development;

IV. Essential for public convenience at the proposed location; and

V. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

VI. Impacts on Surrounding Area

Consistency and compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed control, as well as, the control and minimization of adverse impacts including noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

VII. Cumulative Impacts.

If multiple Special Use Permits have been issued for the same property, the uses permitted under the existing permits shall be considered in reviewing the new permit application. If there are other Special Use Permits in the geographic area, the cumulative impacts shall be evaluated. The application may be denied or appropriate conditions may be required on the proposed uses to address or mitigate any incompatibility or cumulative impacts.

a. The proposed uses must be compatible with the existing uses.

b. Cumulative impacts of all Special Use Permits on the property and in the geographic area must be considered.
5-1002 C. Public Facilities

Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

5-1003 Commencement of Approved Special Uses

I. All approved Special Uses subject to either one-step Planning Commission or Board of County Commissioner review or two-step Special Permit Review shall commence within three (3) years of the date of approval.

a. If the permittee has not obtained a Development Permit for the approved Special Use and/or commenced the use or activity, in accordance with the terms and conditions of the approval, within this three (3) year time period, the Special Use shall be subject to review at a duly noticed Public Hearing by the entity that approved the Special Use.

b. The purpose of this review is to determine if there has been a change in circumstances since the Special Use Permit was granted and to determine if the Special Use meets or complies with the review standards for Special Uses set forth in Land Use Code Section 5-1002 A. Standards for all Special Uses and Section 5-1002 B. Impacts on Surrounding Area.

c. Upon or prior to the expiration of the three (3) year period, the owner/applicant may provide a written statement withdrawing the Special Use application and requesting the Special Use approval be terminated.

d. If upon expiration of the three (3) year period the owner/applicant does not provide a written statement withdrawing the application, the matter shall be noticed and scheduled for Public Hearing by the County. The applicant is encouraged to provide a written statement, prior to the Public Hearing, indicating why the approved Special Use has not been granted a development permit and/or
commenced, and identifying any changes that may have occurred in the surrounding land uses and explaining how the proposed Special Use meets the review standards in Land Use Code Sections 5-1002 A. and 5-1002 B.

5-1004 Review of Approved Special Uses

5-1004 A. Annual Review.

I. An annual review by the designated review body shall be held one (1) year after the date of approval or amendment of a Special Use Permit.

II. Prior to the annual review, notice will be provided to the neighbors and individuals who have commented on the Special Use Permit application.

III. The review body may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the Special Use permit in the future.

5-1004 B. Extension of Approvals.

Prior to the expiration of the Special Use Permit, a request for extension of the approval may be submitted. Review of a request for an extension of an approved Special Use shall be conducted in accordance with the applicable provisions of Article 3 Procedures for one-step reviews and shall include posting and sending written notice of the Public Hearing for review of the Special Use to adjacent property owners.

The Planning Commission and/or Board of County Commissioners in reviewing the Special Use Permit, at a duly noticed Public Hearing, may extend the Special Use Permit approval, extend the approval subject to modifications or additional conditions, or they may rescind and terminate the approval if a finding is made that the Special Use no longer meets the review standards for Special Uses pursuant to Section 5-10 Special Uses.

5-1004 C. Discontinued or Abandoned Use.

If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be considered to be no longer in effect. If a Special Use is discontinued or abandoned for twelve (12) consecutive months, and the Special Use is re-established or resumed by the owner, the use shall be subject to review prior to resumption in accordance with the provisions of this section and subject to review by either the Planning Commission and/or Board of County Commissioners, at a duly noticed Public Hearing, where the permitting entity may rescind or terminate, recognize and extend the original approval, or extend subject to additional conditions or modifications. The
procedures and standards for review of discontinued or abandoned Special Uses are the same as those for Review of Approved Special Uses set forth in 5-1003 I.

5-1005 Minor Amendments to Special Use Permits

The Planning Director may approve, approve with conditions or disapprove minor amendments to approved Special Uses and Special Use permits subject to consideration of the standards in this Section. Refer to Section 3-4 for procedures and Section 4-7 for submission contents.

5-1005 A. Standards

As requirements for approval, the proposed activity shall not:

I. Change the basic character of the use of land on which the activity occurs, including basic visual appearance and method of operation;

II. Violate any Land Use Code standard;

III. Substantially increase the need for on-site parking or utilities, or affect affordable housing generation; and

IV. Increase the floor area of the use by more than two (2) percent or decrease the open space on the site by more than three (3) percent.

5-1006 Violations

Violation or noncompliance with any Special Use Permit or applicable Land Use Code requirement may result in suspension and/or revocation of the Permit by the Board of County Commissioners (BOCC) following a duly noticed public hearing, held with no less than fifteen (15) days prior written notice to the permittee, upon the BOCC determination that there is competent evidence of such alleged violation or noncompliance.

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5-1007 Standards for Golf Courses in all Zone Districts

In addition to complying with all the standards for Special Uses in Section 5-1001 to 5-1006, golf courses shall also comply with the standards in this section.

Prior to Planning Commission and BOCC Conceptual Work Session, a written statement of the following is required (conceptual shall mean description of the projects look and feel prior to detailed information. A Conceptual Work Session does not constitute an approval, either preliminary or final, of the proposal):

• Familiarize yourself with all standards of Sections 5-319 K. (WM Zone), 5-307 (F Zone), 5-10 (Special Uses), and 5-1007
• Conceptual Site statement that shows the proposed location and general layout of the golf course and any structures, including clubhouses
• Conceptual design statement for management of storm water runoff and water quality, percentage of cleared area proposed for all development during construction and after completion
• Conceptual grading statement showing topography
• Conceptual design statement of irrigation, drainage and retention systems that provide for efficient use of water
• Conceptual clearing and landscaping statement
• Description of sewage disposal and water supply
• Conceptual wildlife inventory and management statement
• Existing conditions statement including location of streams, ponds, wetlands, 100-year floodplain, topography with slopes differentiated, existing land cover, significant plant and/or animal habitat
• Conceptual management statement with a monitoring schedule for water quality, quantity, wetland health and wildlife preservation
• Conceptual affordable housing mitigation statement
• Identify the land uses on the surrounding adjacent parcels

Required prior to Planning Commission Review
• Affordable housing mitigation plan
• Traffic analysis
• Air quality plan
• Final wildlife review and mitigation and monitoring plan
• 1041 Geohazard Review and Soils Report
• U.S. Army Corps permits
• Final management plan with a monitoring schedule for water quality
• Final management plan with monitoring schedule for wildlife preservation
• Final management plan with monitoring schedule for pests and weeds, including chemical & pesticide use
• Outdoor lighting plan, including location and time of use. All exterior lighting shall comply with the standards of Section 5-710;
• Final Site Plan, including parking plan and location of all structures
• Physical and legal adequate water rights must be demonstrated (water use must not deplete minimum in stream flows), but need not have final approval by the Colorado Division of Water Resources
• Design of irrigation, drainage and retention systems that provide for efficient use of water
• Final operating plan which should include days and hours of operation, months of the year, number of golfers to be accommodated at peak times, number of employees
County and State Permits that must be acquired prior to Board of Commissioner Review:
• Certification of state Storm Water Management Plan
• Engineering for roads and structures (Refer to Section 5-5 for requirements)
• Final Grading Plan including detail for each hole and fairway and contour intervals
• Engineer Sewage Disposal Plan prepared by a registered Colorado Professional Engineer
• Dust Suppression Plan (State Permit if required)

5-1007 A. Purpose

The purpose of this section is to provide standards that ensure that golf courses in San Miguel County will not be situated in environmentally sensitive areas (as defined in Article VI), will have adequate water supplies, and will be held to the highest environmental standards. Golf courses should not negatively affect wildlife habitat areas and should blend into the natural environment. Courses shall use water conservation methods that protect water quality and quantity, drought tolerant grasses and strive to use integrated pest management and integrated weed management practices. Golf courses are encouraged to provide public recreation besides golf (e.g. walking, roller blading and/or Nordic ski trails).

Golf course related uses that are not for the benefit of nor primarily serve the purpose of the golf course users, shall not be reviewed through this golf course Special Use permit process, but through a separate process (e.g. conference centers, restaurants, swimming pools, tennis courts).

Potential golf course sites should be analyzed for suitability prior to an application being submitted. Potential sites may not be suitable for golf courses without mitigation if:

I. wetlands or other sensitive species (as defined by the Colorado Parks and Wildlife or the Colorado Heritage Program) would be disturbed or adversely affected on site or downstream;

II. water pollution on site or off site is unavoidable;

III. the proposed development would adversely affect Critical Wildlife Habitat areas; or

IV. compatibility with the neighborhood is not demonstrated.
5-1007 B. Preservation of existing vegetation and important trees

I. Existing Vegetation:

   a. An area equal to at least 60 percent of that disturbed by the golf course construction shall be preserved as passive open space (or improved to its native conditions), calculated by the area of disturbance for all fairway, hole and green construction along with club house and cart path construction (example: if 100 acres is disturbed for the golf course, 60 acres outside of the golf course disturbance must be preserved as open space for a total 160 acres);

   b. The undisturbed area shall include wetlands, natural drainages, steep hillsides, important wildlife habitat and other environmentally sensitive areas identified under other sections of the Land Use Code;

   c. The open space acreage is to be contiguous wherever possible and provide a buffer between the golf course and environmentally sensitive areas;

   d. The undisturbed area is to be identified on the construction drawings and flagged in the field prior to construction to prevent accidental disturbance; and

   e. The proposed development shall, maintain the existing topography to the extent feasible.

II. Important Trees:

   a. Conservation of healthy, vigorous and diverse tree groupings containing aspen, ponderosa pine, cottonwoods or spruce is required;

   b. All spruce and pines over 12-inch diameter, measured at a point 1-foot from the ground, shall be preserved within their existing grouping equivalent to 50-feet in all directions. (The County may make exceptions if the specimen tree is diseased or compromised by other natural conditions); and

   c. In the event that a tree is not preserved due to hardship, a replacement tree of the same or similar species, or several replacement trees, shall be planted, such that the total diameter of the replacement tree(s) equals the diameter of the tree that was removed. All replacement trees must have a minimum caliper of 4-inches and be planted within preserved passive open space areas.
San Miguel County Land Use Code

5-1007 C. Preservation of wetland, riparian and natural drainage areas

All proposed development shall conform to County requirements (Section 5-22) for Wetland Areas.

I. A permanent untouched vegetative buffer shall be provided between all golf course construction and any wetland, riparian area or natural drainage;

II. A buffer strip will be 100-foot in width unless important habitat or species are identified, in which case the buffer strip will be increased to 250-feet in width;

III. No direct drainage from developed areas to wetland or riparian areas shall be permitted; drainage to these areas shall be in a manner that will prevent point discharge and promote sheet flows;

IV. Wetland and stream crossings should be avoided. If unavoidable, bridges should be spaced no closer than 1,000 feet and span over streams and wetlands; and

V. Irrigation wells and/or ponds constructed for irrigation water supply or as hazards shall not be located in streams or wetlands.

5-1007 D. Protection of wildlife habitat areas and fish habitat

All proposed development shall conform to County requirements (Section 5-407) for Wildlife Habitat Areas.

Prior to design, the applicant shall consult with the Colorado Parks and Wildlife to delineate important wildlife habitat, including but not limited to migratory routes, production areas, winter range, nesting areas, forage areas, fish habitat and the presence of species of special concern.

5-1007 E. Protection of surface and groundwater quality

I. The applicant shall identify all natural drainage channels (see Appendix I) and areas of seasonally high groundwater less than 10-feet from the surface;

II. Tees, greens and ponds shall not be located in areas of seasonally high groundwater unless measures are taken to prevent groundwater contamination (such as using an impermeable liner);
III. Recapture of irrigation water for reuse is required to minimize usage and prevent contaminants reaching waterways; recaptured water shall be stored in a lined pond;

IV. Baseline water quality, see Appendix I, (including thermal data) for shallow groundwater and adjacent surface waters shall be obtained from existing data or a monitoring program one year prior to construction as described in the Golf Course Standards Appendix;

V. Where golf course improvements are within 100 feet of residential drinking wells, the applicant must conduct water quality tests prior to development and continue monitoring annually for nitrates and any chemicals used on the course;

VI. A certified State Storm Water Management Plan (SWMP) shall be provided;

VII. All vehicle and equipment maintenance areas and chemical storage facilities shall be paved and surface runoff contained for appropriate disposal; and

VIII. Water quality monitoring, through an approved water quality management and monitoring plan, as described in Appendix I, is to be provided each year to the County.

5-1007 F. Water conservation

I. Turf grass shall be selected to utilize drought tolerant, pest and disease resistant species;

II. Turf areas and fairway widths shall be minimized and native vegetation retained in adjacent areas;

III. Irrigated areas shall be limited to fairways, tees and greens and immediate clubhouse surroundings, and shall not exceed 100 acres for the total golf course development; and

IV. A pressurized computer controlled irrigation system shall be constructed for all irrigated areas with soil moisture detection capabilities to ensure efficient application of irrigation waters.

5-1007 G. Control of erosion and sediment transport

I. Slopes in excess of 30 percent shall be delineated on the engineering drawings. Any development on slopes greater than 30 percent shall
comply with Section 5-404 E. No construction or grading shall take place on slopes in excess of 50 percent;

II. The area of disturbance (exposed soils) shall be limited to a maximum of 20-acres at any one time until temporarily stabilized; disturbed areas shall be considered temporarily stabilized when mulch and vegetation coverage is in place that will prevent surface erosion; permanents vegetation shall be established within 60 days of the start of initial grading; and

III. A proportional amount of the construction bond may be withheld if areas are not permanently stabilized.

5-1007 H. Pest management, fertilizers, and weed control

I. Applicant must submit an initial pest and weed control plan that minimizes chemical use and emphasizes drought and disease resistant grass species; biological controls must be used when available (a list of permitted and/or prohibited pesticides, insecticides, fertilizers and other chemicals will be available from the County Environmental Health Department);

II. Fertilizers to be used on the site must be proven to not leach from the subsoil layer;

III. Chemicals must be specified and submitted to the County for review and approval prior to use;

IV. Chemical plan must minimize use of chemicals and their effects on the environment; and

V. A pest and weed plan shall be established, including pesticide selection and screening of materials to be used and avoided at the golf course. The plan shall also include local problems and treatment methods including disease control, insect control and weed control. The plan shall include the following:

a. monitoring of potential pest populations

b. determining injury level

c. developing and integrating biological, cultural and chemical control strategies that ensures protection of water quality and long term monitoring

d. educating golf course personnel on biological and chemical control strategies
e. timing and spot treatment preferences using chemical, biological and cultural methods

f. evaluating results on an ongoing basis and annual updating of the plan

g. a chemical safety program including storage, handling and application considerations as well as disposal. A pesticide application and storage record shall be kept by the person in charge of the pesticide program and shall be available to the County and posted for public review at the treatment area for a time in accordance with manufacturer’s recommendations

h. establish a spill prevention and response plan and provide a method for prevention, training and containment of pesticides and other chemicals

i. evaluation of long-term use of pesticides on water quality

5-1007 I. Long term management and monitoring program

I. All management and monitoring plans as described in this section shall be approved by the Board of Commissioners and shall include an agreed upon process and person or agency to conduct the monitoring;

II. The County shall have the right to access the property to obtain water samples as necessary to be analyzed at the applicant’s expense;

III. Residential well monitoring, if necessary, shall be submitted to the County for annual review;

IV. Pest, fertilizer, and weed monitoring plans shall be submitted, and yearly evaluations and updates shall be provided to the County;

V. A wildlife monitoring plan must be approved by and submitted to the County and results provided to the County annually; and

VI. An on-going water quality-monitoring plan shall be submitted and implemented to measure the impact of the construction activities and long-term golf course operations. Monitoring reports will be submitted annually to the County during construction and for three years from the start of full golf course operation, and then as requested by the County; such reports will also include an on-going water monitoring plan that monitors water quality and quantity before and after each season, for each stream entering and leaving the property.
5-1007 J. Multi-use of open space

I. Multi-use recreational opportunities are encouraged in development of golf courses; such uses shall be monitored for resource damage and uses restricted as necessary to protect natural resources; and

II. The playing areas may be used for development of groomed Nordic ski trails during winter months with limited clubhouse operation allowed to support this activity with Colorado Parks and Wildlife approval.

5-1007 K. Waste management

I. All grass clippings and organic waste shall be composted on site and the resultant compost reused;

II. A composting site shall be identified with procedures to ensure the composting eliminates weed seeds and promotes a healthy compost product;

III. No on-site dumping, burial or burning of waste shall be allowed; and Composting and waste storage facilities shall be located so runoff from these facilities will not reach any drainage structures, natural drainages or environmentally sensitive areas including designated buffer strips.

5-1007 L. Air Quality

I. No on-site burning of waste and/or vegetation shall be allowed; and

II. For initial construction activities and reconstruction activities, adequate dust control, approved by the County Environmental Health Director, shall be provided.

5-1007 M. Design

All proposed development shall conform to County requirements (Section 5-4 and 5-21) for Areas of Local and State Interest and Scenic Quality.

I. A Site Plan that includes location of tees, greens, fairways, driving range and practice green, golf cart path, ponds, irrigation wells and roads and plans for removal and addition of vegetation must be submitted during the preliminary work session;

II. A Site Plan for Clubhouse lot must be submitted that includes but is not limited to: building sizes and height, uses accessory to the primary golf course use (restaurant, bar, pro shop, gym), roads, parking lots, lighting, employee housing (number of employees for clubhouse and golf course),
maintenance facilities, outdoor restaurant seating areas, outdoor storage of equipment;

III. Equipment storage and maintenance areas shall be screened from adjacent residential units and public roads; and

IV. No lighting for nighttime use shall be permitted on golf course, practice green or driving range; an outdoor lighting plan, including location and time of use, shall be submitted and approved by the County.

5-1007 N. Financial Security for Required Environmental Remediation

I. Applicant shall provide adequate financial security, in a form and amount acceptable to the Board of County Commissioners (BOCC), to guarantee that sufficient funds are available to the county for the cost of any required revegetation, soil stabilization, and erosion controls. The amount of such financial security shall be determined based upon a cost estimate prepared by a qualified professional acceptable to the county and subject to the County Environmental Health Department’s review and approval. Such financial security shall remain in effect for a period of time after completion of the development as specified in the project approval. Financial security for any required environmental remediation may be eligible for release by the BOCC, in whole or in part, upon the Environmental Health Department’s written determination that such security is no longer required, in whole or in part, to guarantee satisfactory completion of revegetation, soil stabilization, and/or erosion controls. The County may draw upon such financial security, in whole or in part, should the BOCC find and determine that the revegetation, soil stabilization, and/or erosion control requirements have not been satisfied within the specified time period.

II. The applicant will be responsible for paying a fee to be determined by the Board of County Commissioners that covers the cost of all monitoring as detailed in Section 5-1007 I, during construction and for a predetermined amount of time following construction.
APPENDIX I

NATURAL DRAINAGE CHANNEL

A defined channel created by naturally occurring flows from a watershed area.

WATER QUALITY MONITORING

Baseline and long term water quality monitoring shall be conducted for:

A. Shallow groundwater (within 10-feet of surface) identified within 100-feet horizontally of any proposed golf course improvements including irrigated landscaping or turf.

B. Drinking wells within 100-feet horizontally of any proposed golf course improvements including irrigated landscaping or turf.

C. Determine well yields on adjacent residential wells if golf course is to be serviced by wells.

D. Adjacent surface waters (within 250-feet of any property line).

PARAMETERS OF CONCERN

Biological Oxygen Demand (BOD5)
Chemical Oxygen Demand (COD)
Total Suspended Solids (TSS)
Total Dissolved Solids (TDS)
Nitrate/Nitrite Nitrogen (as N)
Total Ammonia (as N)
Total Kjeldahl Nitrogen (as N)
Organic Nitrogen
Total Phosphorus (as P)
Orthophosphate Phosphorus
Oil and Grease
Total Cadmium (Cd)
Total Copper (Cu)
Total Lead (Pb)
Total Zinc (Zn)
Hardness (CaCO3)
Turbidity
Alkalinity
Sulphate
Salinity
Mercury
E-coli
BASELINE WATER QUALITY

Baseline measurements shall consist of:

A. Monthly sampling of temperature, pH, dissolved oxygen, conductivity, depth to groundwater or flow rate for surface waters, for a minimum of 6 months (April through September) in the year preceding construction.

B. Two sampling events (a minimum of 3 months apart) for parameters of concern and semi-volatile scan (EPA method 8270) in the year preceding construction.

C. Number and location of sampling points shall be determined based on project specific conditions and shall be approved by the County.

D. A minimum of one up-gradient and one down-gradient sampling point shall be established during baseline measurements for long-term monitoring.

LONG TERM WATER QUALITY MONITORING PLAN

During construction and the first three years of full operation, water quality monitoring shall consist of:

A. Monthly sampling of temperature, pH, dissolved oxygen, conductivity, depth to groundwater or flow rate for surface waters, from April through September.

B. Two sampling events (spring and fall) for parameters of concern, semi-volatile scan (EPA method 8270), and herbicides/pesticides (method to be based on specific use).

C. Number and location of sampling points shall be determined based on project specific conditions and shall be approved by the County.

D. Annual report to be provided to County.

E. If any significant change to baseline water quality is observed, the agreed upon person or agency conducting monitoring shall take immediate actions to notify County, identify source, provide mitigation and increase frequency of monitoring until problem is resolved.

After the first 3 years of full operation, provided no significant changes to baseline water quality has been observed, water quality monitoring shall consist of:

A. Monthly sampling of temperature, pH, dissolved oxygen, conductivity, depth to groundwater or flow rate for surface waters, for 3 months between April and
September.

B. One fall sampling event for parameters of concern, semi-volatile scan (EPA method 8270), herbicides/pesticides (method to be based on specific use).

C. Number and location of sampling points shall be determined based on project specific conditions and shall be approved by the County.

D. Annual report to be provided to County.

E. If any significant change to baseline water quality is observed, the agreed upon person or agency conducting monitoring shall take action to notify County, identify source, provide mitigation and increase frequency of monitoring until problem is resolved.

This plan may be modified to address site-specific concerns.
SECTION 5-11:  CONDITIONAL USES ON FEDERAL LANDS

5-1101 General

This section of the Code establishes standards for review of conditional uses on Federal lands. Refer to Section 3-6 for two-step review procedures and Section 4-7 for submission contents. This Section does not apply to Minor Facility Oil and Gas Exploration and Development on Federal Lands.

5-1102 Standards

5-1102 A. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibrations and odor on surrounding properties; and

5-1102 B. The conditional use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
SECTION 5-12: SUBDIVISION EXEMPTIONS

5-1201 General

This Section establishes standards for the following subdivision exemptions:

- 5-1202 Correction of Survey Errors;
- 5-1203 Lot Line Adjustments;
- 5-1204 Parcels for Essential Community Facilities;
- 5-1205 Reversion to Acreage Plats;
- 5-1206 Agricultural Lands Lot Split;
- 5-1207 Open Land Protection;
- 5-1208 Fully Developed Residential Property;
- 5-1209 Single Lot Split in an Existing Subdivision;
- 5-1210 Wright’s Mesa Subdivision Exemption;
- 5-1211 West End;
- 5-1212 Wright’s Mesa Open Land Protection;
- 5-1213 Wright’s Mesa Essential Community Facilities & Parks; and
- 5-1214 Vacation of Lot Lines

5-1202 Correction of Survey Errors

A subdivision exemption to correct surveying or engineering errors may be permitted subject to compliance with standards in this section (refer to Sections 3-5 and 4-6 for procedures and submission contents).

5-1202 A. The correction shall be made to a recorded plat that has been approved by San Miguel County;

5-1202 B. The correction(s) increase(s) or do(es) not affect the degree of compliance with Code standards; and

5-1202 C. The revised final plat shall comply with the final plat submission contents of Section 4-5.
5-1202 D. Nature and Purpose. The revised final plat shall have a statement explaining the reason for the revised plat to be prepared and filed.

5-1203 Lot Line Adjustments

A subdivision exemption to adjust a lot line between separately deeded adjacent parcels or lots may be permitted (refer to Section 3-5 and 4-6 for procedures and submission contents) provided that:

5-1203 A. The adjustment creates not more than the original number of lots or parcels.

5-1203 B. The purpose or effect of the lot line adjustment is not the creation of a new lot or parcel (that is, one substantially different in size or dimensions), or renders a previously buildable lot unbuildable.

5-1203 C. In the case of conforming lots and parcels, any resulting lot or parcel shall conform to the minimum requirements for area and width established by the provisions of the Code.

5-1203 D. In the case of a nonconforming size lot or parcels, any resulting lot or parcel shall not increase in nonconformity.

5-1203 E. The applicant shall prepare a subdivision exemption lot line adjustment map (final plat).

I. The requirements for a final plat will vary according to whether all of the lots, tracts or streets in the application meet the definition of “Platted Subdivision” per C.R.S. 38-51-102(15).

II. For an application that has all of the lots, tracts or streets that meet the definition of “Platted Subdivision” per C.R.S. 38-51-102(15), the applicant shall prepare a final plat in compliance with Sections 4-502, 4-503 and 4-504, and comply with the additional requirements in Section 5-1203 F.

III. For an application that has one or more of the lots, tracts or streets that does not meet the definition of “Platted Subdivision” per C.R.S. 38-51-102(15), the applicant shall prepare a final plat in compliance with the requirements in Sections 4-502 A. through 4-502 I, inclusive; Section 4-504; Section 5-1203 F; and comply with the additional requirements of Section 5-1203 G.

5-1203 F. Lots, Tracts and Streets that are a “Platted Subdivision” per C.R.S. 38-51-102(15):

I. Tract Border
The new agreed-upon common boundary lines of the final plat shall be designated by a heavy solid line and labeled as “Boundary Line by Agreement of Adjoiners” or similar language. The previous common boundary lines that are no longer applicable should be indicated by a less prominent dashed or background line type and labeled as “vacated lot line” or similar language. Such lines shall not interfere with the legibility of figures or other data.

II. Lot Numbering

All lots or tracts of the final plat that are part of an approved and recorded plat in the office of the Clerk and Recorder shall be indicated with a new lot number that is a slight variation to the old lot number. For example, Lots 1 and 2 can be redesignated as Lots 1A and 2A.

III. Streets

a. All streets having a lot line adjustment on the final plat shall be named exactly with the same name as existed previous to the lot line adjustment.

b. All County Roads that are within the legal description being finally platted shall be dedicated to San Miguel County on the final plat. All public roads within the legal description being finally platted shall dedicate an easement for public road right-of-way.

IV. Monument Data

Monuments that marked the previous common boundary and are no longer applicable after the lot line adjustment is approved and recorded shall be tied to the survey with dimensions and be indicated on the plat as removed from the ground. Monuments so indicated shall be actually removed.

V. Owner’s Certificate (to be used in lieu of Section 4-503 A)

A certificate signed and acknowledged by all parties having any record title interest in the land described in the legal description per Section 4-502 L., consenting to the preparation and recording of said plat, shall be worded substantially as follows:

Owner’s Certificate

Know all persons by these presents:
That (name of owner(s) of record), being the owner(s) of the land described at Reception No. _____ in the office of the Clerk and Recorder, further described as follows:
(insert legal description of the first parcel, previous to the lot line
adjustment)

That (name of owner(s) of record), being the owner(s) of the land described at Reception No. _____ in the office of the Clerk and Recorder, further described as follows:
(insert legal description of the second parcel, previous to the lot line adjustment),
(repeat as necessary for each owner)

under the name of (Title of final plat per Section 4-502 E., in capital letters), do hereby agree upon the property lines as set forth hereon and do further grant, sell and convey to the other owners such of their real property as may lie on the other party’s side of the boundary lines set forth on this plat and do hereby agree that the boundary lines as shown on this plat are the boundary lines by agreement of adjoiners pursuant to the provisions of C.R.S. 38-44-112.

VI. Licensed Surveyor (to be used in lieu of Section 4-503 C)

A certificate by the Colorado licensed surveyor responsible for the survey and final plat, to which shall be affixed the surveyor's official seal:

Land Surveyor’s Certificate

I, (printed name of Land Surveyor, indicating firm affiliation, if any) being a Colorado Licensed Surveyor, do hereby certify that this plat and survey of (Title of final plat per Section 4-502 E., in capital letters) was made by me or under my responsible charge in compliance with the applicable provisions of the San Miguel County Land Use Code and Title 38, Article 51, C.R.S., and that both are true and accurate to the best of my knowledge and belief. I further certify that all monuments were set in the ground as required by San Miguel County Land Use Code section 5-1203 and Article 51 of Title 38, C.R.S. and that all monuments were removed from the ground as required by San Miguel County Land Use Code section 5-1203 F. III.

(signature)_________________________________
P.L.S. No. ___   Date

VII. Nature and Purpose

The final plat shall have a statement explaining the reason for the final plat to be prepared and filed.

5-1203 G. Lots, Tracts and Streets that are not a “Platted Subdivision” per C.R.S. 38-51-
102(15)

I. Land Survey Plat

A complete land survey and monumentation of the final plat boundary for any of the lots, tracts or streets that meet the definition of “platted subdivision” per C.R.S. 38-51-102(15) is required, which shall include all information necessary to comply with the requirements of C.R.S. 38-51-106. A complete land survey and monumentation of the boundary for any of the lots, tracts or streets that do not meet the definition of “platted subdivision” per C.R.S. 38-51-102(15) is not required, and the survey of such lots, tracts or streets does not need to comply with the requirements of C.R.S. 38-51-106. A complete land survey and monumentation of the new agreed-upon boundary line is required. Final plats shall include all information listed in the requirements of C.R.S. 38-51-106 (a),(e),(g) (h) and (l).

II. Legal Description

A legal description of the land to be final platted shall be indicated in the Owner’s Certificate (see Section 5-1203 F. V.). The description may utilize generally accepted methods to describe the land being final platted such as aliquot, proportional, metes and bounds, or lot, block and subdivision formats.

III. Lot Numbering

All lots or tracts of the final plat which are part of an approved and recorded plat in the office of the Clerk and Recorder shall be indicated with a new lot number that is a slight variation to the old lot number. For example, Lots 1 and 2 can be redesignated as Lots 1A and 2A. Parcels that are not part of an approved and recorded plat in the office of the Clerk and Recorder shall be labeled with the owner’s name and deed recording information. Patented mining claims shall also indicate the claim name and mineral survey number.

IV. Monument Data

a. The accurate location and description of all monuments, both found and set, which mark the boundaries of any of the lots, tracts or streets that meet the definition of “platted subdivision” per C.R.S. 38-51-102(15) shall be shown on the final plat. The accurate location and description of all monuments, both found and set, which mark the boundaries of the new agreed-upon common boundary lines shall be shown on the final plat, and all control monuments used in conducting the survey shall be shown.
b. Monuments shall comply with the requirements pursuant to C.R.S. 38-51-104 and 38-51-105 and to Rules of the State Board of Registration for Professional Engineers and Professional Land Surveyors, and conform to the standards of Section 5-706 of the Land Use Code.

c. Monuments shall be set at all corners, angle points, and points of curvature on the boundaries of any of the lots, tracts or streets that meet the definition of “platted subdivision” per C.R.S. 38-51-102(15), and at all corners, angle points, and points of curvature of the new agreed-upon boundary line of the final plat.

d. Any conflicting boundary evidence for the boundaries of any of the lots, tracts or streets that meet the definition of “platted subdivision” per C.R.S. 38-51-102(15) shall be shown. Any conflicting boundary evidence for the terminus at each end of the new agreed-upon boundary lines shall be shown.

V. Lot Dimensions

a. Sufficient data must be shown to readily determine the dimensions of lots, tracts or streets that meet the definition of “platted subdivision” per C.R.S. 38-51-102(15), and for the new agreed-upon common boundary line with respect to each of the lots, tracts, parcels or streets being modified.

b. Dimensions of lines shall be shown in feet and hundredths of a foot. All bearings and central angles shall be shown to the nearest second. The dimensions shown around the perimeter of all lots, tracts and streets that meet the definition of “platted subdivision” per C.R.S. 38-51-102(15) must close within a tolerance of 0.02 feet.

c. New agreed-upon common boundary lines and boundary lines for lots, tracts or streets that meet the definition of “platted subdivision” per C.R.S. 38-51-102(15), must show ties to any controlling monuments used in the boundary survey.

d. Sufficient data for all curves that are dimensioned shall be shown to enable establishment of curves on the ground. Such data shall include radius, central angle and arc length for each tangential circular curve. In addition, non-tangential circular curves that are dimensioned shall be indicated as such and shall also include the long chord bearing and chord length. Inclusion of a curve data chart is optional.
VI. Easements

a. For lots, tracts or streets that meet the definition of “platted subdivision” per C.R.S. 38-51-102(15), the final plat shall show the location, width and dimensions of all recorded easements to which such lots, tracts or streets are subject, and also show any apparent easements, not of record. For lots, tracts or streets that do not meet the definition of “platted subdivision” per C.R.S. 38-51-102(15), the final plat does not need to show recorded or apparent easements to which such lots, tracts or streets are subject.

b. Apparent easements, not of record, which intersect the new agreed-upon common boundary line shall be noted on the plat.

c. Easements shown that are recorded must be clearly labeled with a reference to the document of record.

d. If an easement is being created by the final plat, proper language for the creation of such easement including the beneficiaries and purposes for said easement shall be set out in the Owner’s Certificate.

e. Easements shall be indicated with dashed or other broken line types, not as a solid line type similar to lot or boundary lines.

f. Dimension and tie all easements that are being created by the final plat. Sufficient ties are required to definitely locate the easements with respect to each lot, tract or right-of-way on the final plat. Easement ties along the sidelines of lots must be shown in a manner that will not cause confusion with lot dimensions.

VII. Certificates and Acknowledgements

At a minimum, the certificates and acknowledgements from Section 5-1203 F. V., VI. and VII., and Section 4-503 B., D., F., G., H., I., L. and J. shall be required on the final plat, shall be placed on the first page of the final plat and shall be worded substantially as described in each Section.

5-1203 H. Waiver of Requirements

If unusual circumstances warrant, a waiver of any of the requirements of Sections 5-1203 E., 5-1203 F. or 5-1203 G. can be obtained if approved by the Planning Director and the County Surveyor.
5-1204 Parcels for Essential Community Facilities

The subdivision of land for essential governmental and community facilities is exempt from the subdivision regulations of this Code, provided that development occurs in compliance with the standards in this section and prepare a final plat in compliance with the requirements in Section 4-5. (Refer to Sections 3-5 for procedures and 4-6 submission contents).

5-1204 A. To qualify for an exemption the proposed use or activity must:
   I. Provide a basic or fundamental public service upon which the community is dependent for support;
   II. Be available to the general public;
   III. Serve primarily the local community; and
   IV. Provide facilities in response to growth, while not generating growth.

5-1204 B. Mitigation of Service Demands

An applicant for the exemption shall demonstrate the mitigation of demands for:
   I. Additional affordable housing;
   II. Transportation services and parking; and
   III. Basic services such as water supply, sewage treatment, fire and police protection and solid waste disposal.

5-1204 C. Mitigation of Environmental Impacts

An applicant shall demonstrate the development has negligible adverse impacts on:
   I. Air quality;
   II. Water, land and energy resources; and
   III. Scenic quality.

5-1205 Reversion to Acreage Plats

Reversion to Acreage Plats are exempt from subdivision provided they are in compliance with the standard in this section (Refer to Sections 3-5 for procedures and 4-6 submission contents):

5-1205 A. The lots, tracts, parcels or streets being reverted to acreage will permanently be
removed from the platted subdivision that it was a part of. All previous development rights associated with the parcel according to the previous subdivision will be extinguished, and the new parcel will have the development rights associated with one parcel in the zone district to which it will revert. A reversion to acreage is permanent and cannot be undone at a later date.

5-1205 B. An applicant must prepare a final plat in compliance with the requirements in Section 4-5 and comply with the following additional requirements:

I. Lot Numbering

(Replaces 4-502 M.) The lots, tracts, parcels or streets being reverted acreage shall indicate a new parcel name that is different than the former subdivision lot, tract, parcel or street name. The former subdivision lot, tract, parcel or street name shall also be indicated in parenthesis and designated as “former lot (or tract, parcel, street)”.

II. Streets

Any private streets that will become public roads upon being reverted to acreage, shall dedicate an easement for public road right-of-way.

5-1206 Agricultural Land Lot Split

Land in the Forestry, Agriculture and Open (F) Zone District may be subdivided once to create one (1) single-family residential building lot, provided such development occurs in compliance with the standards in this section:

5-1206 A. The land must have been continuously held in the same ownership since April 6, 1972;

5-1206 B. The parcel to be created will not be less than two (2) acres in size;

5-1206 C. The fathering parcel has not been subdivided since April 6, 1972;

5-1206 D. The exemption parcel has a reasonable building site;

5-1206 E. The site will be served with electric power, an approved water system, waste disposal and a public access road at least thirty (30) feet in width;

5-1206 F. The fathering parcel contains at least seventy (70) acres;

5-1206 G. The parcel shall constitute a bona fide and on-going agricultural operation; and

5-1206 H. The applicant has prepared a final plat in compliance with the requirements in Section 4-5.
5-1207 Open Land Protection (OLP)

5-1207 A. Purpose and Intent

The purpose and intent of OLP is to provide landowners with an alternative way to obtain equity from their land and encourage a more compact form of development that retains rural character, scenic views, productive agricultural lands and biological diversity. OLP employs an expedited review process that is easier to use than the standard subdivision process. OLP encourages a pattern of development that retains San Miguel County's rural character by encouraging smaller lots in a concentrated pattern while maintaining in perpetuity the rest of the land in its open, natural and productive condition. OLP encourages the sensitive location of home sites and careful design of roads, structures and fences to protect important scenic rural landscapes, agricultural and ranching lands, riparian areas, wetlands, wild flora and critical wildlife habitats. Finally, OLP minimizes the cost of rural services to the County.

5-1207 B. Applicability

OLP is limited to single-family residential uses permitted in the Forestry, Agriculture and Open (F), and West End (WE) Zone Districts in San Miguel County and is an alternative to conventional 35-acre development. A minimum of 70 acres is required for use of OLP. OLP shall not apply to any land already encumbered by any conservation easement or other permanent restriction prohibiting development or otherwise eliminating density.

5-1207 C. Allowed Density

I. Allowed density is based upon the percentage of protected open space land set aside on the parcel. The more land that is kept open, the greater the allowed density bonus as follows:

<table>
<thead>
<tr>
<th>Protected Open Land</th>
<th>Lot Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>60%</td>
<td>20%</td>
</tr>
<tr>
<td>70%</td>
<td>30%</td>
</tr>
<tr>
<td>80%</td>
<td>50%</td>
</tr>
<tr>
<td>90%</td>
<td>70%</td>
</tr>
</tbody>
</table>

II. No fraction of a residential lot may be counted in the bonus calculation. For example, the minimum amount of land needed to obtain a lot bonus is 70 acres if 80 percent or more of the land is protected, which would result in 56 acres protected and 1 bonus lot. The minimum amount of land needed to obtain a lot bonus with only 60 percent of the land protected is 175 acres, which would result in 105 acres protected and 1 bonus lot.

III. Caretaker units are permitted in OLP only if a central water and sewer system and/or water augmentation plan is used.
IV. The total density of all residential units on a parcel, including caretaker units, shall not exceed 2 units per 35 acres.

5-1207 D. Review Standards

I. The site plan and layout shall to the maximum extent feasible:
   a. minimize development on open, exposed portions of the landscape;
   b. locate development in one or more compact area(s) and utilize a design character compatible with the rural landscape;
   c. protect irrigated hay and pasture land;
   d. protect wetlands, riparian areas, unique plant communities, critical wildlife habitat, and natural features and landmarks;
   e. minimize development on ridgelines and in principal highway corridor view sheds;
   f. minimize road and utility infrastructure and potential burden on County services;
   g. minimize tree, vegetation and soil disturbance or removal and avoid scarring of hillsides with roads/utilities;
   h. minimize visual and noise impacts on neighbors; and
   i. demonstrate that any individual cluster greater than 15 units is compatible with the natural topography and landscape and will not cause adverse impacts on surrounding areas in accordance with 5-1002 B.

II. The minimum lot size is 2 acres unless a state approved community water supply system is utilized. In such cases, the Board of County Commissioners may establish a smaller minimum lot size and setbacks.

III. A single open space parcel shall be designated. Such open space parcel may be owned by private landowner(s), a homeowners association, non-profit organization or government entity. Activities permitted by right on the open space parcel shall be limited to agricultural and ranching operations and associated structures, and non-commercial hiking, cross-country skiing, hunting, fishing, horseback riding and sleigh rides. The following commercial activities may be considered for a special use permit on the open space parcel pursuant to Land Use Code Section 5-10, and each permitted use would replace one residential lot in the cluster:
hiking, cross-country skiing, hunting, fishing, horseback riding, sleigh rides and associated shelters.

IV. The application shall meet all basic water system, sewage system, access and survey requirements set forth in this Land Use Code.

V. If a well water supply system is proposed, the application must comply with Sections 30-28-101, 30-28-401 et seq. and 37-92-602 C.R.S. (concerning water well permits in cluster developments), including demonstration of at least two-thirds contiguous open space.

VI. Development of an OLP may be phased in accordance with an approved plan submitted by the applicant.

5-1207 E. Submittal Requirements

I. In addition to the minimum contents of all Land Development Applications in Section 4-2, an applicant shall submit:

   a. A site plan, as required by Section 4-208, that identifies:
      i. property boundaries;
      ii. lot lines for developed parcels;
      iii. open space parcel boundaries;
      iv. existing structures;
      v. roads and driveways that comply with the applicable standards of Section 5-5;
      vi. site constraints including flood plains, streams, wetlands, slopes over thirty (30) percent, wildlife habitat, unique plant communities and irrigated lands; and (vii) building envelopes, if necessary to demonstrate compliance with applicable review standards.

   b. A final plat in compliance with the requirements in Section 4-5.

   c. Either plans for a well water supply and sewage disposal plan that complies with Sections 30-28-101, 30-28-401 et seq. and 37-92-602 C.R.S. or, if applicable, a community water supply system;

   d. Identification of the entity (entities) (private landowner(s), a homeowners association, non-profit organization or government
entity) that will have legal responsibility for managing and maintaining private roads and the restricted open land parcels; and

e. A copy of both a plat note and either a conservation easement, deed restriction, or other covenant that restricts development on the open space parcel and names San Miguel County as a beneficiary. The restriction shall apply in perpetuity; however, after a minimum of forty (40) years, the owner of the open space parcel may request through two-step Planning Commission and Board of County Commissioners review to remove or modify the restriction. The Board of Commissioners may only release the restriction upon a finding that the purposes of the restriction can no longer be fulfilled either due to Land Use Code and/or Master Plan amendments or to change in surrounding development patterns and the Planning Commission and the Board of Commissioners shall consider any testimony offered by homeowners in the vicinity of the subject parcel. If the restriction is released, use of the subject parcel shall be governed by all applicable County regulations for the underlying Zone District.

5-1207 F. Review Process

I. Projects with four or fewer lots shall be reviewed administratively and projects with five or more lots will require a one-step Board of County Commissioners review.

a. Administrative Review (four or fewer lots):

i. Pre-application Conference Summary prior to submittal to review OLP concept and site-specific information;

ii. Application may be referred to the County Road Superintendent, County Environmental Health Official, County Engineer, Colorado Division of Water Resources, Colorado Parks and Wildlife and/or other applicable agencies;

iii. Notification by the applicant of all landowners within 300 feet of the subject property pursuant to Section 3-9; and

iv. Planning Director action.
b. One-Step Board of Commissioners Review (five or more lots):
   
   i. Pre-application Conference Summary (see above);

   ii. Application referred (see above);

   iii. Optional conceptual work session with the Board of County Commissioners and staff prior to applicant submitting engineering and survey drawings;

   iv. Notification of adjacent landowners; and

   v. Board of Commissioner review at a scheduled public meeting.

5-1208 Fully Developed Residential Property

The Board of Commissioners may grant a subdivision exemption for the purpose of subdividing property already developed for residential uses to or in excess of the maximum density allowed under current zoning. Such exemptions may be granted regardless of whether development occurred under existing zoning or prior zoning, provided that the lots and uses are now nonconforming, and provided that the development was achieved legally, in conformance with zoning at the time of development and not for the purpose of avoiding subdivision or other land use regulations. The maximum number of lots that may be created by such exemption may not be greater than the total number of existing detached structures containing housing units on the property.

The applicant shall prepare a final plat in compliance with the requirements in Section 4-5.

5-1209 Single-lot Split in an Existing Subdivision

The Board of Commissioners may grant a Subdivision Exemption for the purpose of splitting an individual lot in an existing County approved Subdivision and/or Planned Unit Development under which such lot was approved for multiple units. Such exemption may be granted only for the purpose of creating separate parcels; no change of zoning, use, density, mass and scale and/or other applicable lot restriction may be considered. The lot split must meet all basic water system, sewage system, access, survey and final plat requirements set forth in the Land Use Code.

The applicant shall prepare a final plat in compliance with the requirements in Section 4-5.
5-1210 Wright's Mesa Subdivision Exemption

5-1210 A. Purpose

The Wright’s Mesa Subdivision Exemption is intended to encourage and retain agriculture on Wright’s Mesa by allowing a landowner to create a small parcel and home site for a family member or long-time employee, or to generate cash to finance an on-going agricultural operation. The exemption provides an alternative to creating or dividing a 35-acre parcel from the larger agricultural or ranch parcel.

5-1210 B. Applicability

A person or landowner is entitled to one (1) exemption on a parcel from the San Miguel County Subdivision Regulations for the purpose of creating a lot for one (1) single-family residence and allowed accessory uses, provided the applicant demonstrates to the satisfaction of the Board of County Commissioners that the exemption is consistent with the purpose statement in 5-1210 A. and if applicable, the review standards in 5-1210 C.

I. Such exemption may be granted by the BOCC through the one-step review process for parcels one hundred fifty (150) acres or greater in size with an existing single-family dwelling; or

II. Such exemption shall be reviewed for compliance with the applicable standards through the two-step review process for parcels that are greater than thirty seven (37) acres in size but less than one hundred fifty (150) acres in size.

5-1210 C. Review Standards

I. The review standards for a subdivision exemption on parcels less than one hundred fifty (150) acres include the following:

a. An existing single-family dwelling exists on the property;

b. The proposed parcels may not be less than thirty five (35) acres and two (2) acres, respectively; and the smaller proposed parcel shall not be larger than five (5) acres;

c. The water supply for the new parcel shall be connected to and be served by a tap provided by the Norwood Water Commission;

d. The new parcel shall be located within non-productive agricultural land (i.e., a dry land area);
e. The proposed subdivision exemption will promote continued crop irrigation and/or viable agriculture;

f. Neither of the parcels shall be dependent on water hauled from off-site;

g. The dwelling on the new parcel shall be located within three hundred (300) feet of the dwelling on the original parcel; and

h. The subdivision shall be consistent with the purpose and intent of the Wright’s Mesa Subdivision Exemption.

II. The review standards for a subdivision exemption on parcels one hundred fifty (150) acres or greater include the following:

a. The smaller proposed parcel shall not be less than two (2) acres and shall not be larger than five (5) acres;

b. The adequacy of water supply for the single-family residential use to be located on the new parcel shall be demonstrated;

c. The new parcel shall be located within non-productive agricultural land (i.e., a dry land area);

d. The proposed subdivision exemption will promote continued crop irrigation and/or viable agriculture;

e. The subdivision shall be consistent with the purpose and intent of the Wright’s Mesa Subdivision Exemption.

5.1210 D. Submittal Requirements

The application shall include a statement demonstrating the adequacy of the water supply for the single-family residential use to be located on the new parcel, and compliance with all applicable review standards. The applicant shall prepare a final plat in compliance with the requirements in Section 4-5.

5-1211 West End

5-1211 A. Recognizing that the continued viability of agriculture hinges on a complex array of technical skills, long and intense periods of physical effort by entire families, and a high level of financial risk, and recognizing that the number of full-time farm and ranch families are declining resulting in the need for ranchers and farmers to hold additional jobs, with agriculture being practiced on smaller parcels, the Board of Commissioners may grant a Subdivision Exemption in the West End (WE) Zone District for the purpose of creating four (4) or fewer
additional new parcels, each three (3) acres or larger, from a single original parcel. None of these parcels are eligible for further subdivision or subdivision exemption.

5-1211 B. The applicant shall prepare a final plat in compliance with the requirements in Section 4-5.

5-1211 C. The plat must include a note citing the guidelines listed in LUC Section 5-320 J. II. a., b. and c.

5-1211 D. The applicant must show proof of adequate water supply.

5-1212 Wright’s Mesa Open Land Protection (WMOLP) Subdivision Exemption

5-1212 A. Purpose and Intent

The purpose and intent of the WMOLP subdivision exemption is to provide landowners in the WMRA zone district with an alternative way to obtain equity from their land and encourage a more compact form of development that retains rural character, scenic views, productive agricultural lands, and biological diversity. The WMOLP subdivision exemption employs an expedited review process that is easier to use than the standard subdivision process. This subdivision exemption encourages a pattern of development that retains the rural character of Wright’s Mesa by encouraging smaller lots in a concentrated pattern while maintaining in perpetuity the rest of the land in its open, natural, and productive condition. The process is an alternative to conventional 35-acre development that is exempt from state and county subdivision regulations. It encourages the sensitive location of lots and home sites and careful design of roads, structures, and fences to protect important scenic landscapes, agricultural and ranching lands, riparian areas, wetlands, wild flora, and critical wildlife habitats.

Above examples: (a) Standard 35-Acre subdivision with four 40-acre lots carved out of a 160-acre parcel, and (b) Amended OLP with four 5-acre lots within 160-acre parcel with 140 acres conserved. (Note: This example does not show the extra bonus lot.)
5-1212 B. Applicability
   I. The WMOLP subdivision exemption is limited to the WMRA zone district.

   II. A minimum of seventy (70) acres is required for use of this WMOLP subdivision exemption.

   III. This WMOLP subdivision exemption shall not apply to any land already any conservation easement or other permanent restriction prohibiting development or otherwise eliminating density.

   IV. The WMOLP subdivision exemption shall not apply for parcels located entirely within the Gunnison Sage-grouse Habitat Overlay or within the Wright’s Mesa Source Water Protection Area Overlay.

5-1212 C. Allowed Density
   I. Allowed density is based on the percentage of protected open space land set aside on the parcel. The more land that is conserved, the greater the allowed lot bonus as follows.

<table>
<thead>
<tr>
<th>Protected Open Land</th>
<th>Lot Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>70%</td>
<td>50%</td>
</tr>
<tr>
<td>80%</td>
<td>100%</td>
</tr>
<tr>
<td>90%</td>
<td>150%</td>
</tr>
</tbody>
</table>

   II. No fraction of a residential lot may be counted in the bonus calculation.

   III. Secondary dwelling units are permitted in WMOLP only if a central water and sewer system and/or water augmentation plan is used.

   IV. The total density of all residential units on a parcel, including secondary dwelling units, shall not exceed three (3) units per thirty five (35) acres.

5-1212 D. Review Standards
   I. The site plan and layout shall, to the maximum extent feasible:
      a. Minimize development on open, exposed portions of the landscape;
      b. Locate development in one or more compact area(s) and utilize a design character compatible with the rural landscape;
      c. Protect irrigated hay and pasture land;
      d. Protect wetlands, riparian areas, unique plant communities, critical wildlife habitat, and natural features, and landmarks;
      e. Minimize development on ridgelines and along Highway 145 in the view corridor;
      f. Minimize development in high fire hazard areas;
g. Minimize road and utility infrastructure and potential burden on County services;
h. Consolidate driveways to minimize driveway cuts along county roads;
i. Minimize tree, vegetation, and soil disturbance or removal and avoid scarring of hillsides with roads/utilities;
j. Minimize visual and noise impacts on neighbors; and
k. Demonstrate that any individual cluster greater than ten (10) units is compatible with the natural topography and landscape and will not cause adverse impacts on surrounding areas.

II. The minimum lot size is two (2) acres unless Norwood water and sewer are utilized.

III. A single open space parcel shall be designated. Such open space parcel maybe owned by private landowner(s), a homeowners association, non-profit organization or government entity. Activities permitted by right on the open space parcel shall be limited to agricultural and ranching operations and associated structures, and non-commercial outdoor recreation Special Use Permit activities may be considered on the open space parcel pursuant to the Table of Allowed Uses and general and use-specific standards

IV. The application shall meet all basic water system, sewage system, access and survey requirements set forth in this Land Use Code.

V. If a well water supply system is proposed, the application must comply with Sections 30-28-101, 30-28-401 et seq., and 37-92-602 C.R.S. (concerning water well permits in cluster developments), including demonstration of at least two-thirds contiguous open space.

VI. Development of a WMOLP may be phased in accordance with an approved plan submitted by the applicant.
5-1212 E. Submittal Requirements

I. In addition to the minimum contents of all Land Development Applications in Section 4-2, an applicant shall submit:

a. A site analysis map that identifies:
   i. Roads, trails, all apparent easements existing and recorded, and rights-of-way;
   ii. Topography (slopes over 30 percent and ridgelines);
   iii. Streams, floodplains, ditches, source water protection area, and wetlands;
   iv. Gunnison Sage-grouse habitat;
   v. Geologic hazard areas;
   vi. Irrigated lands;
   vii. Adjacent public lands;
   viii. Existing conservation easements or protected lands;
   ix. Adjacent property lot sizes, setbacks, and building sizes;
   x. Built features, including driveways, farm roads, buildings, fences, walks, barns or sheds, drainage fields, utilities and utility easements; and
   xi. Historically and culturally significant sites or structures.

b. A site plan, as required by Section 4-208, that identifies:
   i. Property boundaries;
   ii. Lot lines for developed parcels;
   iii. Open space parcel boundaries;
   iv. Existing structures;
   v. Roads and driveways that comply with the applicable standards of Section 5-5;
   vi. Site constraints listed in subsection a above; and
   vii. Building envelopes, if necessary to demonstrate compliance with applicable review standards.

c. An open space parcel map that includes:
   i. Contiguity with adjacent open lands, conservation areas, and agriculture lands;
   ii. Unique natural, historic, or cultural site features (including wildlife habitat area, watershed protection);
   iii. A minimum buffer of 100 feet between any residential structure and adjacent agricultural activities or open lands; and
   iv. A minimum buffer for residential lots of 100 feet along county roads or along Highway 145.

d. Either plans for a well water supply and sewage disposal plan that complies with Sections 30-28-101, 30-28-401 et seq., and 37-92-602 C.R.S., or if applicable, a community water supply system;
e. Identification of the entity (entities) (private landowner(s), a homeowners association, non-profit organization or government entity) that will have legal responsibility for managing and maintaining private roads and the restricted open land parcels; and

f. A copy of both a plat note and either a conservation easement, deed restriction, or other covenant that restricts development on the open space parcel and names San Miguel County as a beneficiary. The restriction shall apply in perpetuity; however, after a minimum of 40 years, the owner of the open space parcel may request through two-step Planning Commission and Board of County Commissioners review to remove or modify the restriction. The Board of Commissioners may only release the restriction upon a finding that the purposes of the restriction can no longer be fulfilled either due to Land Use Code and/or Master Plan amendments or to change in surrounding development patterns and the Planning Commission and the Board of Commissioners shall consider any testimony offered by homeowners in the vicinity of the subject parcel. If the restriction is released, use of the subject parcel shall be governed by all applicable County regulations for the underlying Zone District.

g. The applicant shall prepare a final plat in compliance with the requirements in Section 4-5.

5-1212 F. Review Process

I. Projects with ten (10) or fewer lots shall be reviewed administratively, and projects with eleven (11) or more lots will require one-step Board of County Commissioners review.

a. Administrative Review (10 or fewer lots):
   i. Pre-application Conference Summary prior to submittal to review WMOLP concept and site-specific information;
   ii. Application may be referred to the County Road Superintendent, County Environmental Health Official, County Engineer, Colorado Division of Water Resources, Colorado Parks and Wildlife and/or other applicable agencies;
   iii. Notification by the applicant of all landowners within 300 feet of the subject property pursuant to Section 3-9; and
   iv. Planning Director action.

b. One-Step Board of Commissioners Review (more than 10 lots):
   i. Pre-application Conference Summary (see above);
   ii. Application referred (see above);
iii. Optional conceptual work session with the Board of County Commissioners and staff prior to applicant submitting engineering and survey drawings;
iv. Notification of adjacent landowners; and
v. Board of Commissioner review at a scheduled public meeting.

5-1213 Wright’s Mesa Essential Community Facilities & Parks

A parcel thirty-five acres in size, or larger, a portion of which is to be used for an Essential Community Facility, as defined in Section 5-319 K., is eligible for an exemption from the San Miguel County Subdivision Regulations for the purpose of creating and/or acquiring a less than 35-acre parcel for essential governmental and community services within the Norwood Master Plan Area as identified in the Wright’s Mesa Master Plan. This Essential Community Facility Subdivision Exemption for property within the Norwood Master Plan Area may also allow the seller to retain the development rights on a fifteen (15) acre or larger parcel but less than 35-acre parcel, that is not the parcel on which the essential community facility is to be located, where San Miguel County recognizes such parcel of property for development purposes, zoning, and under Colorado law as if it were 35-acres.

The subdivision of land for a Park, as defined in Article 6, is exempt from the San Miguel County Subdivision Regulations for the purpose of creating and/or acquiring a less than 35-acre parcel for a Park site. The minimum lot area for a Park in the WMRA Zone district shall be established through the One-step Special Use Permit Review for the proposed Park use.

The subdivision exemption for a WM Essential Community Facility or Park is subject to compliance with Section 3-5 procedures, preparation of a Subdivision Exemption Plat pursuant to Section 4-5, and the submission contents in Section 4-6.

5-1213 A. To qualify for a Wright’s Mesa Essential Community Facilities & Park Subdivision Exemption the applicant must also apply for and obtain approval of the proposed Essential Community Facility or Park in accordance with the applicable Wright’s Mesa Zone District Standard set forth in Land Use Code Section 5-319 Wright’s Mesa Zone Districts and must meet the General Standards in 5-319 as well as the Use-Specific standards for the proposed use.

5-1213 B. The applicant shall prepare a final plat in compliance with the requirements in Section 4-5.

5-1214 Vacation of Lot Lines

A subdivision exemption to vacate lot lines may be permitted subject to compliance with standards in this section.

5-1214 A. To vacate a lot line(s), two or more lots, tracts, parcels or streets will permanently merge into one parcel. All previous development rights for two or more parcels
will be extinguished, and the new parcel will have the development rights associated with one parcel. A lot line vacation and merger of lots, tracts, parcels or streets is permanent and cannot be undone at a later date unless approved as a Subdivision pursuant to Section 3-7.

5-1214 B. To vacate a lot line(s), the lots, tracts, parcels or streets need to be in the exact same ownership name.

5-1214 C. To vacate lot lines, contiguity between the lots, tracts, parcels or streets being merged must exist with no gaps between them.

5-1214 D. Final Plat

I. The requirements for a final plat will vary according to whether all of the lots, tracts or streets in the application meet the definition of “platted subdivision” per C.R.S. 38-51-102(15).

II. For an application that has all of the lots, tracts or streets that meet the definition of “Platted Subdivision” per C.R.S. 38-51-102(15), the applicant shall prepare a final plat in compliance with Sections 4-502, 4-503 and 4-504, and comply with the additional requirements in Section 5-1214 E.

III. For an application that has all of the lots, tracts or streets that do not meet the definition of “Platted Subdivision” per C.R.S. 38-51-102(15), the applicant shall prepare a final plat in compliance with the requirements in Sections 4-502 A. through 4-502 I, inclusive; Section 4-503 A., B., D., E., F., G., H., and J.; Section 4-504; Section 5-1214 E. I.; Section 5-1214 E. III. through 5-1214 E. VI., inclusive; and comply with the additional requirements of Section 5-1214 F.

5-1214 E. Lots, Tracts and Streets that are a “Platted Subdivision” per C.R.S. 38-51-102(15)

I. Tract Border

The perimeter boundary lines of the new parcel shall be designated by a heavy solid line. The previous boundary lines which are being vacated and are no longer applicable, should be indicated by a less prominent dashed or background line type and labeled as “vacated lot line” or similar language. Such lines shall not interfere with the legibility of figures or other data.

II. Lot Numbering

The new merged lots or tracts of the final plat which are part of an approved and recorded plat in the office of the Clerk and Recorder shall be
indicated with a new lot number that is a slight variation to the old lot number. For example, the new lot created by the vacation of the common lot line between Lots 1 and 2 can be redesignated as Lot 1A. The former lot numbers shall be indicated in background text or parenthesis and labeled as “Former Lot ____.”

III. Streets

All streets having a lot line vacation on the final plat shall be named exactly with the same name as existed previous to the lot line vacation.

IV. Monument Data

Monuments that marked the vacated lot line and are no longer applicable after the lot line vacation is approved and recorded, shall be tied to the survey with dimensions, indicated on the plat as removed from the ground and actually removed from the ground.

V. Owner’s Certificate

(Replaces Section 4-503 A. I.) A certificate signed and acknowledged by all parties having any record title interest in the land described in the legal description per Section 4-502 L., consenting to the preparation and recordation of said plat, shall be worded substantially as follows:

Know all persons by these presents:
That (name of owner(s) of record), being the owner(s) of the land described at Reception No. _____ (or Book and page No.) in the office of the Clerk and Recorder, further described as follows:

(insert legal description of the first parcel, previous to the lot line vacation)

AND

(Insert legal description of the second parcel, previous to the lot line vacation),

(repeat as necessary for each parcel)

under the name of (Title of final plat per Section 4-502 E., in capital letters), has vacated the common parcel lines and merged the parcels as shown on this plat.
VI. Licensed Surveyor

A certificate by the Colorado licensed surveyor responsible for the survey and final plat, to which shall be affixed the surveyor's official seal:

Land Surveyor’s Certificate:

I, (printed name of Land Surveyor, indicating firm affiliation, if any) being a Colorado Licensed Surveyor, do hereby certify that this plat and survey of (Title of final plat per Section 4-502 E., in capital letters) was made by me or under my responsible charge in compliance with the applicable provisions of the San Miguel County Land Use Code and Title 38, Article 51, C.R.S., and that both are true and accurate to the best of my knowledge and belief. I further certify that all monuments were set in the ground as required by San Miguel County Land Use Code section 5-1203 and Article 51 of Title 38, C.R.S. and that all monuments were removed from the ground as required by San Miguel County Land Use Code section 5-1214 E. IV.

(signature)___________________________
P.L.S. No. ___________ Date

5-1214 F. Lots, Tracts and Streets that are not a “Platted Subdivision” per C.R.S. 38-51-102(15)

I. Land Survey Plat

Final plats do not need to meet the requirements of a Land Survey Plat per C.R.S. 38-51-106, but shall include all information listed in the requirements of C.R.S. 38-51-106 (a),(e),(g),(h) and (l).

II. Legal Description

A legal description of the land to be final platted, shall be indicated in the Owner’s Certificate (see Section 5-1214 E.V.). The description may utilize generally accepted methods to describe the land being final platted such as aliquot, proportional, metes and bounds, or lot, block and subdivision formats.

III. Lot Numbering

Parcels that are not part of an approved and recorded plat in the office of the Clerk and Recorder shall be labeled with the owner’s name and deed recording information. Patented mining claims shall also indicate the claim name and mineral survey number. The former lot numbers or designations shall be indicated in background text or parenthesis and
labeled as “Former ____.”

IV. Monument Data

a. Monuments are not required to be set around the perimeter boundary of the newly merged parcel(s).
b. Monuments that demonstrate the contiguity of two lots, tracts, parcels or streets may be required to show or clarify this situation.
c. Monuments that marked the vacated lot line and are no longer applicable after the lot line vacation is approved and recorded, shall be indicated on the plat as removed from the ground, and actually removed from the ground.

V. Lot Dimensions

a. If needed, sufficient data must be shown to readily determine the contiguity of the lots, tracts, parcels or streets being merged. Measured dimensions of lines shall be shown in feet and hundredths of a foot. All measured bearings and central angles shall be shown to the nearest second.
b. When available, record deed or survey plat dimensions shall be shown around the perimeter of each lot, tract, parcel or street being merged, with reference to the document of record. Unsurveyed aliquot parts of sections and other unusually large parcels may omit this requirement.

VI. Easements

a. Recorded and/or apparent easements are not required to be shown on the final plat. If the owner wishes not to show recorded and/or apparent easements on the final plat, a statement must be made on the final plat that indicates the owner did not want rights-of-way and easements shown.
b. Recorded and apparent easements may be shown on the final plat, and if research for recorded rights-of-way and easements is done by someone other than the professional land surveyor who prepares the final plat, a statement is required which states the source from which such recorded rights-of-way and easements were obtained.
c. Easements shown that are recorded must be clearly labeled with a reference to the document of record.
d. Easements shall be indicated with dashed or other broken line types, not as a solid line type similar to lot or boundary lines.

VIII. Certificates and Acknowledgements

At a minimum, the certificates and acknowledgements from Section 5-1214 E. V. and VI, and Section 4-503 A., B., D., F., G., H., J., and L. shall
be required on the final plat. The certificates and acknowledgements shall be placed on the first page of the final plat and shall be worded substantially as described in each Section.

5-1214 G. Waiver of Requirements

If unusual circumstances warrant, a waiver of any the requirements of Sections 5-1214 D., 5-1214 E. or 5-1214 F. can be obtained if approved by the Planning Director and the County Surveyor.
SECTION 5-13: ACCESSORY DWELLING UNITS AND AFFORDABLE HOUSING

5-1301 General

This section of the Code establishes standards for accessory dwelling and affordable housing.

5-1302 Accessory Dwelling Units

5-1302 A. Applicability

One accessory dwelling unit per lot or parcel may be approved in the HD, MD and LD Zone Districts (only within the Telluride Region as defined in the Telluride Regional Area Master Plan) subject to compliance with the standards in this section. Refer to sections 3-4 and 4-7 for procedures and submission contents.

5-1302 B. Standards

I. An accessory dwelling unit shall not be:

a. Rented for a term less than six (6) months.

II. An accessory dwelling unit shall:

a. Provide off-street parking in compliance with Section 5-702;

b. Be limited to a maximum size of eight hundred (800) square feet;

c. Be built in accordance with the County's adopted Building Code;

d. Be attached to the main residence, unless either no higher than sixteen (16) feet or located within a customary residential accessory building, such as a garage;

e. In combination with the principal residence not exceed the maximum allowable floor area of the applicable zone district; and

f. Comply with the San Miguel County Sanitation Regulations.

III. Accessory dwelling units (ADU) that are voluntarily deed-restricted in exchange for an Employee Housing Impact Fee credit shall be subject to the County R-1 Housing Deed Restriction (see Sections 5-1304 and 5-1305) and ADU Deed Restriction Covenant.

5-1303 Affordable Housing in the Telluride R-1 School District

To promote affordable housing, impact mitigation shall be required as a condition of approval pursuant to this Code for the following types of development in the Telluride R-1 School
District: office, restaurant and retail, hotel, residential, multi-family, ski area, and other commercial uses, based on the formulas in this section. “Fee” refers to a monetary amount paid for Residential (single-family and duplex) Development. “Mitigation” refers to required construction of an employee housing unit(s) for Commercial Development, Multi-family and Residential Development if required.

5-1303 A. Office, Restaurant, Retail and other Commercial Development

Office, restaurant, retail and other commercial development has been found to generate 3 employees per 1,000 gross square feet (gsf). Developers of these use types shall mitigate 15 percent of this impact based on the amount of gsf approved pursuant to this Code, as follows:

I. Each new office, restaurant and retail development shall be required to build deed-restricted housing for one employee for every 2,250 gsf;

II. No mitigation shall be required for developments of less than 2,250 gsf.

5-1303 B. Hotel Development

The number of employees that need to be housed as impact mitigation for hotel development shall be determined using the following formula (based on the definition of "population density"):

I. Divide the total number of hotel units by two (2) (to get the equivalent number of condominium units);

II. Multiply that number by three (3) (to get the residential density equivalent in number of persons; 3 persons per condominium unit); and

III. Calculate 15 percent of the residential density equivalent (and round down to the nearest whole number) to determine how many employees shall be housed to mitigate 15 percent of the impact of the hotel development.

5-1303 C. Residential Subdivision or Multi-family Development

I. One of every three lots in each new residential Subdivision shall be deed-restricted using the R-1 Housing deed restriction specified in Section 5-1304 or as approved by the BOCC.

II. One of every three units in each new Multi-family Development shall be deed-restricted using the R-1 Housing deed restriction specified in Section 5-1304 or as approved by the BOCC.

III. Subdivisions that previously mitigated their impacts through the provision of deed restricted lots or cash-in-lieu shall be exempt from further mitigation.
5-1303 D. Ski Area Development

I. Each ski area development that creates new base facilities in San Miguel County shall provide housing for 15 percent of its employees during all seasons; and

II. For each new ski lift added to an existing ski area, the ski area operator shall provide housing for two ski area employees.

5-1303 E. Size, Location and Occupancy of Mitigation Units

Deed restricted housing constructed as affordable housing may be occupied by any person(s) qualifying under the deed restriction established by these County regulations or as approved by the Board of Commissioners. Families may occupy larger units or portions thereof if at least one member of the family qualifies under the deed restriction, and additional occupants also must qualify under the deed restriction.

I. Deed restricted housing constructed as affordable housing impact mitigation shall provide:

a. At least four hundred (400) square feet of space; and

b. Full living, kitchen and sanitation facilities for each employee required to be housed.

II. Affordable housing units shall be constructed on the site of the primary development, except as allowed by the Board of County Commissioners.

III. Affordable housing units shall be constructed simultaneously with or prior to the primary development. In residential subdivisions, the required affordable housing lots platted shall be available to qualified employees at the same time that free market lots are offered for sale.

5-1303 F. Summary of Impact Mitigation Standards for Affordable Housing

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Employees Generated</th>
<th>Mitigation Level</th>
<th>Mitigation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>3/1,000 gsf</td>
<td>15%</td>
<td>1 / 2,250 gsf</td>
</tr>
<tr>
<td>Restaurant</td>
<td>3/1,000 gsf</td>
<td>15%</td>
<td>1 / 2,250 gsf</td>
</tr>
<tr>
<td>Retail</td>
<td>3/1,000 gsf</td>
<td>15%</td>
<td>1 / 2,250 gsf</td>
</tr>
<tr>
<td>Hotel</td>
<td>1.5/unit</td>
<td>15%</td>
<td>0.225 / unit</td>
</tr>
<tr>
<td>Ski Area</td>
<td>Year-round &amp; Seasonal</td>
<td>15%</td>
<td>All Seasons</td>
</tr>
<tr>
<td>Residential Subdivisions</td>
<td>37%</td>
<td></td>
<td>1 / 3 lots</td>
</tr>
<tr>
<td>Multi-unit Projects</td>
<td>37%</td>
<td></td>
<td>1 / 3 units</td>
</tr>
</tbody>
</table>
5-1303 G. Employee Housing Impact Fee/Mitigation

I. The employee housing Impact Fee/Mitigation applies to all Development for which a Building Permit application is applied for and approved by the County, unless exempted from payment of the employee housing Impact Fee/Mitigation pursuant to Section 5-1303. G. XI of this Code, or that has otherwise fully mitigated its Employee Housing Impacts in accordance with the applicable LUC provisions. The employee housing Impact Fee/Mitigation applies to:

a. the new construction of a Building for which a Building Permit is required under the County’s Building Codes;

b. the construction of an addition to an existing Building for which a Building Permit is required under the County’s Building Code; or

c. a change in use where the new use generates more employees than the previous use generated.

II. The purpose of the employee housing Impact Fee/Mitigation is to require the applicable development to pay to mitigate the impacts of development and land use to the employee housing stock managed or controlled by the County or its authorized designee, the San Miguel Regional Housing Authority.

III. The employee housing Impact Fee is based on the difference between the free market price of housing in the Telluride Region and the price that is affordable to households with incomes equivalent to the Area Median Income. The method used in calculating the employee housing Impact Fee has been adopted by the Board of County Commissioners based upon research conducted by Planning staff and is contained in Appendix E of this Code.

IV. The employee housing Impact Fee constitutes a fee of general applicability within the County and as such shall be applicable to all property located within the Telluride R-1 School District in the unincorporated County.

V. Responsibility for Administration and Collection of Employee Housing Impact Fee. The employee housing Impact Fee will be determined by the County’s Building Department or any other entity determined by the Board of County Commissioners to collect such employee housing Impact Fee. The Building Department will determine the Square Footage of Floor Area of a project for purposes of calculating the required employee housing Impact Fee. The Planning Office will make all other determinations and interpretations regarding employee housing Impact Fee administration required to properly implement these regulations,
including, but not limited to, the calculation of any applicable credit as defined in this Code. The County intends to use the money solely for defraying the cost of capital facilities for deed-restricted, affordable housing pursuant to State of Colorado Statute 29-20-104.5.

VI. When Employee Housing Impact Fee is Calculated and Due. The employee housing Impact Fee shall be a condition of a receipt of a Development Permit and shall be calculated and paid at time of issuance of a Building Permit.

VII. Calculation of Employee Housing Impact Fee. The employee housing Impact Fee shall be calculated based upon the type of Development authorized to be constructed by the Building Permit, the number of employees generated by the development, and the total Square Footage of Floor Area proposed to be constructed as authorized by the Building Permit.

VIII. Determination of Square Footage of Floor Area subject to Employee Housing Impact Fee. The determination of the Square Footage of Floor Area of a Building that is subject to the employee housing Impact Fee will be calculated based on the San Miguel County Land Use Code, and the Department’s policies, procedures and methods of calculating Square Footage of Floor Area under this Code.

IX. Mixed Use Buildings. For Buildings that are mixed use (e.g., Commercial/Industrial/Residential Buildings) the employee housing Impact Fee/Mitigation will be applied as follows:

a. Residential area (two (2) units or fewer) will be charged the employee housing Impact Fee for Residential Development.

b. Commercial area will be required to provide employee housing Impact Mitigation for that Commercial Development, Hotel Development, and Ski Area Development which ever applies.

c. Multi-Family Development (three (3) units or more) will be required to provide employee housing Impact Mitigation.

X. Multiple Types of Buildings on One Lot. All Buildings constructed on the same Lot or Parcel will be charged the employee housing Impact Fee or be required to provide employee housing Impact Mitigation based on the Building Permit issued for each Building.

XI. Exemptions to the Employee Housing Impact Fee/Mitigation. An employee housing Impact Fee/Mitigation will not be required to be paid or constructed for the following categories of Development:
a. Any Single-family Residence, Duplex, Multi-family unit or Lot that is Deed-Restricted under the County R-1 Housing Deed Restriction, Covenant or other restriction approved by the Board of County Commissioners is exempt from paying the Impact Fee.

b. Change of Use. Change of use without adding additional Square Footage of Floor Area or without increasing employee generation as determined herein will not result in the assessment of an employee housing Impact Fee/Mitigation.

c. Residential or Commercial Remodels. Commercial or Residential interior remodels that do not involve the construction of additional Square Footage or do not increase employee generation as determined herein will not result in the assessment of an employee housing Impact Fee/Mitigation.

d. Affordable Housing in Subdivisions. Existing or proposed subdivisions that include deed-restricted affordable housing units properly restrained through deed-restrictions from open market sale or use to ensure that it is properly characterized as affordable housing, as such term is defined by this Code, may be given a level of credit to offset or mitigate the total employee housing Impact Fee assessed, unless there is an increase in the density or a change in use that increases employee generation. To evaluate and determine the level of credit assessed, the percent of deed-restricted, affordable housing units will be evaluated in relation to the impact mitigation required of that Development when approved.

e. Single-family Dwelling two thousand (2,000) square feet or less of Floor Area. The Board of County Commissioners finds that residential improvements two thousand (2,000) sq. ft. or less are presumed to be occupied by local employees, and only residential improvements with a Floor Area of greater than two thousand (2,000) sq. ft. should pay employee housing Impact Fees. This is based on the fact that residential improvements greater than two thousand (2,000) sq. ft. of Floor Area have a strong tendency for non-resident occupancy, and the employee generation for non-resident occupied residential structures (second homes) is significantly greater than that for resident-occupied improvements creating impacts beyond the County’s ability to mitigate without a fee assessed for the development.

f. Other Exemptions. The Board of County Commissioners may grant additional exemptions and waivers of the employee housing Impact Fee/Mitigation when deemed to be in the public interest.
due to special circumstances or unique situations where the Development provides community benefit(s), or where the value of such benefit(s) meets or exceeds the mitigation that would otherwise be required.

XII. Right to Appeal Employee Housing Impact Fee Determination to Board of County Commissioners. Any person aggrieved by the decision of the Planning Office with respect to the administration of the employee housing Impact Fee under this Code will have the right to appeal such decision to the Board of County Commissioners pursuant to the Section 1-1903 of this Code. In addition, a developer may present alternative calculations of employee generation to the Board of County Commissioners for review and consideration.

XIII. Future Revisions to Employee Housing Impact Fee Regulations. The employee housing Impact Fee regulations may be reviewed periodically and relevant mitigation requirements adjusted as determined appropriate by the Board of County Commissioners.

XIV. Employee Housing Impact Fee Calculation for Residential Development. The employee housing Impact Fee shall apply to the Development of Residences, as defined in this Code, whose housing impacts have not previously been mitigated. The employee housing Impact Fee also applies to:

a. New additions to existing detached Single-family Buildings. The fee shall be assessed only for the additional square footage where the total Floor Area is greater than the two thousand (2,000) s.f. exemption threshold;

b. New additions to existing Multi-Family Buildings that are two (2) units or less;

c. Accessory Dwelling Units (regardless of size), unless the unit is subject to the County R-1 Housing Deed-Restriction (see Sections 5-1304 and 5-1305) and ADU Deed Restriction Covenant; and

d. Caretaker units (regardless of size), unless the unit is subject to the County R-1 Housing Deed-Restriction (see Sections 5-1304 and 5-1305) and ADU Deed Restriction Covenant.

XV. Employee Housing Impact Mitigation Rate. All new Residential Development shall be assessed the Impact Mitigation Rate as set forth in the table below based on the size (square feet of Floor Area) of the unit approved for each Development to mitigate for the employees generated, as shall be amended from time to time by the Board of County Commissioners.
a. Impact Mitigation Rate summary table.

<table>
<thead>
<tr>
<th>Square Footage</th>
<th>Mitigation Rate</th>
</tr>
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<tbody>
<tr>
<td>0</td>
<td>2,000</td>
</tr>
<tr>
<td>2,001</td>
<td>5,000</td>
</tr>
<tr>
<td>5,001</td>
<td>12,000</td>
</tr>
</tbody>
</table>

XVI. Generation rate of Employees for Single Family Residential and Duplex Dwellings.

a. Generation Rate = 0.070174(e^{0.000322 \times New\ Floor\ Area} + 0.11(New\ Floor\ Area/1000)

XVII. Market-Affordability Gap Fee. The formula to calculate the market-affordable price gap involves a three-step process:

a. Calculate the amount that households in a certain income category can afford to pay for housing.

b. Determine the market price for housing using available previous home sales data.

c. Compare market price to the affordable amount calculated to determine the gap. Use conversion factors to express the gap in per-unit, per employee and per square foot amounts.

d. Appendix E of this Code sets forth the procedures that shall be used by County Planning staff to calculate the Employee Housing Impact Fee, which shall be calculated by April 30 of each calendar year.

e. Appendix E, Table 2, of this Code sets forth the Impact Fee Calculation each year for residential development.

XVIII. Calculation for the Residential Employee Housing Impact Fee. The amount of Impact fee shall be calculated using the following formula, based on (A) the number of Employees generated by the development, as determined under XVI above (“Employees Generated”), multiplied by (B) the provision of four hundred (400) square feet of space per employee generated by the development as determined under 5-1303 E. I above (“Minimum Mitigation Unit Size”), and multiplied by (C) the Required Employee Housing Mitigation Rate as determined under XV above for single-family and duplex uses, multiplied by (D) the Market-Affordability Gap Fee per square foot.
Employees Generated X 400 sq. ft. X Required Percentage Mitigation Rate X Market-Affordability Gap Fee Per Square Foot

XIX. Credit for the construction of a Deed-restricted Accessory Dwelling Unit (ADU) / Caretaker Units that is subject to the County R-1 Housing Deed-Restriction (see Sections 5-1304 and 5-1305) and ADU Deed Restriction Covenant will be granted as follows: Affordable Housing Unit Floor Area to be constructed X Impact Fee/SF. The amount of credit shall not exceed the amount of impact fee owed by residential developer.

XX. Commercial Development is not required to pay an Impact Fee but is required to provide Affordable Housing Units as determined in Section 5-1303 A., 5-1303 B. and 5-1303 D.

XXI. Multi-Family Development is not required to pay an Impact Fee but is required to provide Affordable Housing Units as determined in Section 5-1303 C.

The San Miguel County Building Department is responsible for determining the impact fee per Section 5-1303 F. V. above.

5-1304 R-1 Housing Deed Restriction

The following deed restriction shall be imposed on each parcel of real property designated as Affordable Housing pursuant to Section 5-1305 of the San Miguel County Land Use Code.

5-1304 Deed Restriction

Subject Property: (Legal Description) ("Property")

The ownership of the Property is hereby limited exclusively to Employees and their spouses maintaining primary and sole Residence in San Miguel County, Montrose County, Ouray County or Dolores County, Colorado, and to certain other persons and entities as permitted in Section 5-1305 of the San Miguel County Land Use Code, and the use and occupancy of the Property is hereby limited exclusively to such Employees who earn their incomes primarily within the Telluride R-1 School District and their spouses and children. Ownership, use and occupancy of the Property is subject to such definitions, exceptions and qualifications specified in Section 5-1305 of the San Miguel County Land Use Code, including but not limited to the following:

In the event Affordable Housing is sold, transferred and/or conveyed without compliance with Section 5-1305 of the San Miguel County Land Use Code, such sale, transfer and/or conveyance shall be wholly null and void and shall confer no title whatsoever upon the purported transferee. Each and every conveyance of Affordable Housing, for all purposes, shall
The foregoing restriction on ownership, use and occupancy constitutes a covenant that runs one hundred (100) years from the date of purchase of the Property as a burden thereon for the benefit of the Board of County Commissioners of San Miguel County, Colorado, or its designee, and shall be binding on the Owner, and on the heirs, personal representatives, assigns, lessees and licensees and any transferee of the Owner. The 100-year term shall begin anew upon each sale, transfer, and/or conveyance. This restriction and covenant shall be administered by the Board of County Commissioners of San Miguel County, Colorado, or its designee, and shall be enforceable by any appropriate legal or equitable action, including but not limited to specific performance, injunction, abatement or eviction of non-complying Owners, users or occupants, or such other remedies and penalties as may be specified in Sections 1-16 and 5-1305 of the San Miguel County Land Use Code, or under law.

Notwithstanding the foregoing, this Deed Restriction shall automatically terminate upon the failure to exercise the Option to Purchase the Property granted in any Option to Purchase Affordable Housing by and between the San Miguel County Housing Authority and the holder of a first mortgage and subsequent issuance of a public trustees deed to the holder of a promissory note or governmental agency guaranteeing, insuring or acquiring the note (except San Miguel County, the Housing Authority or any successor, a Project Developer as defined in the Land Use Code or any non-profit affordable housing corporation) secured by a first deed of trust encumbering the Property. The date of termination shall be the date of recording the Public Trustee's Deed conveying the Property.

In addition, San Miguel County expressly reserves the right to terminate this Deed Restriction as to the Property upon recording a Termination Agreement in the office of the Clerk and Recorder of San Miguel County executed by all of the then owners of the Property and the Board of County Commissioners.

5-1305 Guidelines, Rules and Regulations Governing Affordable Housing in the Telluride R-1 School District

5-1305 A. Purpose

This Section shall govern the ownership, use and occupancy of Affordable Housing in the Telluride R-1 School District of San Miguel County, including all "Employee Apartment" and "Employee Dormitory" dwelling units (defined on the Final Plat for Filing 1, Telluride Mountain Village) platted prior to the adoption of the Land Use Code. These guidelines, rules and regulations are intended to help preserve a sufficient supply of Affordable Housing to meet the needs of locally employed residents in the Telluride R-1 School District while allowing customary...
free-market (unrestricted) practices to influence sale and rental of Affordable Housing as much as possible. The Housing Authority may adopt less restrictive regulations than those that follow in this Section 5-1305, on a temporary basis only, to address extenuating circumstances as necessary to achieve the purpose of the County R-1 Housing Deed Restriction.

5-1305 B. Definitions

I. "Acknowledgement of Deed Restriction" shall mean that document executed by the Owner of Affordable Housing in which the Owner acknowledges and agrees to comply with the Deed Restriction (see Section 5-1305 F.V.).

II. "Acquisition Costs" shall mean the aggregate of:
   a. "Original Purchase Price," which is the gross amount paid by the Owner to acquire the Property; plus
   b. "Initial Construction Costs," which is the gross amount paid by the Owner both to construct a dwelling unit on unimproved Affordable Housing Property and to obtain a certificate of occupancy for such dwelling unit; plus
   c. "Home Improvements Costs," which is the gross amount paid by the Owner for improvements to such dwelling unit after issuance of certificate of occupancy, not to exceed 10 percent of the aggregate of the Original Purchase Price plus Initial Construction Costs.

III. “Affordable Housing” shall mean residential dwelling units in the Telluride Region that are permanently deed restricted by the County’s R-1 Housing Deed Restriction to limit use and occupancy to persons (and their families) who live and earn their livings primarily in the R-1 School District of San Miguel County, or such other deed restriction as approved by the BOCC.

IV. "Affordable Housing Project" shall mean all the Affordable Housing granted approval by a single preliminary plat approved by the San Miguel County Board of Commissioners.

V. "Certificate of Qualification" shall mean that document in which the Housing Authority certifies an Owner as a Qualified Owner or an occupant as an Employee according to the Deed Restriction (see Section 5-1305 F.V.).

VI. "Deed Restriction" shall mean Land Use Code Section 5-1304.
VII. "Employee" shall mean a person who has earned his living primarily within the Telluride R-1 School District by having worked there an average of 30 hours per week for at least eight months of the past year and maintains primary and sole Residence in San Miguel County, Montrose County, Ouray County or Dolores County. The Housing Authority shall determine whether a person qualifies as an Employee based on criteria including, but not limited to, percent of income earned within the Telluride R-1 School District, place of voter registration, place of automobile registration, drivers license address, income tax records and public service involvement within the Telluride R-1 School District community. A person not otherwise meeting the definition of Employee may be qualified as an Employee by the Housing Authority or its designee if that person is more than 60 years of age and has been employed in the Telluride R-1 School District for at least five out of the previous eight years. Determination of Employee eligibility by the Housing Authority’s designee may be appealed to the Housing Authority.

VIII. "Home Improvement Costs" shall mean only those costs associated with improvements or fixtures erected, installed or attached as permanent, functional, non-decorative features of the Property, for purposes of conserving energy or water, benefiting seniors or disabled persons, protecting health and safety, or adding to or finishing permanent storage or living space. Home Improvement Costs shall not cover repair, replacement or maintenance; landscaping, hot tubs, steam showers, saunas or similar features; modifying decks or balconies; upgrading appliances, plumbing, mechanical fixtures, carpets or other interior items included in original construction; and installing or upgrading decorative features including lights, window coverings and similar items. The Housing Authority must approve all items proposed for inclusion under Home Improvement Costs.

IX. "Housing Authority" shall mean the San Miguel County Housing Authority established by the San Miguel County Board of Commissioners or its successors.

X. “Live-work Housing” shall mean a multi-family structure located within the Low Intensity Industrial (I) Zone containing Affordable Housing dwelling units, and industrial space. The number of industrial units may not exceed the number of Affordable Housing dwelling units in each structure.

XI. "Non-occupant Owner" shall mean a person, group or entity that owns one or more Affordable Housing Multi-family Units pursuant to Land Use Code Section 5-1305 C.IX.

XII. "Option to Purchase" shall mean the Option to Purchase Affordable
Housing agreement which may be entered into by and between San Miguel County, the Owner and the holder of a first mortgage that grants the Housing Authority the right to acquire the Subject Property in event of a foreclosure (see Section 5-1305 F.V.).

XIII. "Owner" shall mean an Employee, Project Developer or Housing Authority holding fee title to Affordable Housing.

XIV. "Project Developer" shall mean a person, group, organization, agency or other entity holding fee title to Affordable Housing and to which either:

a. Final Plat approval for Affordable Housing is granted by the San Miguel County Board of Commissioners;

b. Development Permit approval for an entire Affordable Housing project is granted by the San Miguel County Planning Director;

c. An entire Affordable Housing Project is wholly sold, conveyed or otherwise transferred by a Project Developer in accordance with the provisions of the Section 5-1305;

d. Fee title to an "Employee Apartment" or "Employee Dormitory" unit in the Telluride Mountain Village has been legally conveyed;

e. Land zoned for Affordable Housing is sold, conveyed, or otherwise transferred for the purpose of constructing Affordable Housing for resale to qualified Employees in conformance with a contractual agreement with the Housing Authority executed prior to such sale, conveyance or transfer; or

f. Land zoned for Affordable Housing is sold, conveyed, or otherwise transferred for the purpose of constructing Affordable Housing for resale to qualified Employees in conformance with a contractual agreement with the Housing Authority executed prior to such sale, conveyance or transfer. Notice is hereby given that if the Housing Authority has reasonable cause to believe that a Project Developer under this definition is not actively developing and marketing lot(s) and/or unit(s) in conformance with such contractual agreement, the Housing Authority may purchase the lot(s) and improvements at the same price the Project Developer paid, plus any other remedies included in a specific contractual agreement. In the event the original lot has been subdivided and partially sold, the Housing Authority may pay a prorated amount based on the price the Project Developer paid.

XV. "Property" shall mean the real estate subject to the R-1 Housing Deed
XVI. "Qualified Owner" shall mean:

a. an Employee, Project Developer, or Non-occupant Owner whose right to own Affordable Housing has been certified by the Housing Authority, or
b. the Housing Authority, San Miguel County or the Town of Telluride.

XVII. "Residence" shall mean the principal or primary home or place of abode of a person, meaning that home or place of abode in which a person's habitation is fixed and to which he, whenever absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of such absence. A Residence is a permanent building, or part thereof, including a house, condominium, apartment, room in a house or mobile home. No vacant lot shall be considered a Residence.

a. In determining what is the principal or primary place of abode of a person, the following circumstances relating to such person may be taken into account: Business pursuits, employment, income sources, residence for income or tax purposes, age, marital status, Residence of parents, spouse and children, if any, leaseholds, situs of personal and real property, voting registration and motor vehicle registration.

b. A person shall not be considered to have gained residence in San Miguel County, Montrose County, Ouray County or Dolores County, Colorado while retaining his home or domicile elsewhere. If a person moves to any location outside San Miguel County, Montrose County, Ouray County or Dolores County, Colorado he shall be considered to have lost his Residence in San Miguel County, Montrose County, Ouray County or Dolores County, Colorado.

5-1305 C. Ownership, Use and Occupancy Regulations

I. The ownership of Affordable Housing shall be limited exclusively to Employees and their spouses and to Project Developers and Non-occupant Owners, the Housing Authority or its designee, the San Miguel County Board of Commissioners and the Town of Telluride.

a. The ownership restriction shall not apply to accessory dwelling units or caretaker units that are accessory to a principal single-family dwelling and deed-restricted pursuant to the requirements of LUC Section 5-1303 G. XIX.
II. No Employee shall be permitted to own or occupy Affordable Housing if such Employee, such Employee's spouse or such Employee's dependent owns any material interest, direct or indirect, in a "Single-family Residence," "Condominium" or "Lot" zoned for "Residential Use" (as such terms are defined in Article 6 of this Land Use Code) located elsewhere in San Miguel County, Montrose County, Ouray County or Dolores County. This prohibition includes partial or full corporate ownership established for the purpose of evading this provision or to provide beneficial interest sufficient to permit use and occupancy by the owner or part owner. In addition, Affordable Housing Single-family Residences and Duplexes must be owner-occupied and may not be rented, except as permitted by the Housing Authority pursuant to Section 5-1305 G.I.

III. The use and occupancy of Affordable Housing shall be limited exclusively to Employees, their spouses and children and other immediate family members.

IV. An Affordable Housing unit shall be the primary and sole Residence of the occupying Employee(s).

V. A Qualified Owner shall sell Affordable Housing only to a Qualified Owner and shall rent or otherwise limit occupancy of Affordable Housing only to Employees.

VI. An Employee shall not engage in any business activity in Affordable Housing other than Home Occupations, as defined in this Code.

VII. An Owner shall occupy or rent Affordable Housing only in accordance with this Section 5-1305 and shall not allow Affordable Housing to be used, sold or otherwise transferred for use in a trade or business.

VIII. The terms of this Section 5-1305 of the San Miguel County Land Use Code shall constitute covenants running with the Property, as described in the R-1 Housing Deed Restriction (Section 5-1304 A.), as a burden thereon, for the benefit of, and shall be specifically enforceable by, the San Miguel County Board of Commissioners or its designee, by any appropriate legal action including but not limited to specific performance, injunction, eviction of non-complying owners and/or occupants, and/or by any of the enforcement and remedy provisions of Section 1-16 of this Land Use Code.

IX. Any person, group, organization, agency or other entity may own one or more Affordable Housing "Multi-family Units" (as defined in Article 6 of this Land Use Code). Ownership of Multi-family units shall be subject to the Owner limiting occupancy of the Affordable Housing Multi-family
Unit only to qualified Employees. On or prior to assuming ownership of an Affordable Housing Multi-family Affordable Unit, the Owner shall execute and record an Acknowledgement of Deed Restriction in the property records of San Miguel County.

X. Free Market Property owned by an applicant shall not be transferred to any other person or persons or other entities for the purpose of evading these regulations.

5-1305 D. Procedure for Qualifying Affordable Housing

Property becomes designated as Affordable Housing when the San Miguel County Board of Commissioners or its designee and the Owner of the Property execute and record with the Office of the Clerk and Recorder of San Miguel County a final plat containing the County R-1 Housing Deed Restriction (Section 5-1304) or a separately recorded document imposing the County R-1 Housing Deed Restriction on the Property. Prior to the issuance of a certificate of occupancy for each "Employee Apartment" and "Employee Dormitory" unit, the Owner shall subject the unit to the County R-1 Housing Deed Restriction through proper execution and recordation of that document, as described in this Section 5-1305 D.

5-1305 E. Procedure for Purchasing and Occupying Affordable Housing

An Employee may not purchase or occupy Affordable Housing until he has:

I. Submitted a standard application provided by the Housing Authority with all required documentation to the Housing Authority or its named designee;

II. Appeared before the Housing Authority or its designee to testify as to the veracity of evidence of employment supplied to the Housing Authority or its designee in a manner proscribed by the Housing Authority or its named designee;

III. In the case of intended purchase, recorded a copy of the Housing Authority's written certification of the Owner's qualification with the Office of the Clerk and Recorder of San Miguel County. In the case of intended rental occupancy, delivered a copy of the Housing Authority's written certification of the Employee's qualification to the Owner;

IV. Provided a signed copy of a lease or other occupancy agreement, if the Affordable Housing is rented, to the Housing Authority or its named designee; and

V. Paid an application fee in an amount set by Board of County
Commissioners resolution, to the Housing Authority for processing his qualification application.

5-1305 F. Procedure for Selling and Renting Affordable Housing

I. No Affordable Housing may be sold or rented without submission of written notice of intent to sell or rent the Affordable Housing to the Housing Authority. Such written notice must be submitted to the Housing Authority or its designee at least 30 days prior to offering or listing for sale or five days prior to leasing of the Property.

II. In the event an Owner desires to sell Affordable Housing, the Owner may sell the unit himself or list and sell the unit through a real estate broker licensed in the State of Colorado. The Owner or broker, if any, shall promptly advertise the Affordable Housing for sale to qualified Employees. The seller shall upon closing of a sale pay a fee to the Housing Authority in an amount equal to one percent of the sales price. This one-percent fee shall include a Deed Restriction Administration fee in an amount set by Board of County Commissioners resolution. If the one-percent fee imposed by this section is not paid when due, that fee, all costs of collection of that fee and interest shall constitute a perpetual lien on the property. The County may foreclose this lien in the same manner as other property tax liens of the County.

The seller shall not be required to pay the one-percent Deed Restriction Administration fee if the seller has already purchased another County Deed-Restricted Unit or if the seller purchases another County Deed-Restricted Unit no more than six months after closing on the sale of the County Deed-Restricted Unit that the seller is selling. If the seller has not yet purchased another County Deed-Restricted Unit, the seller shall make arrangements, to the satisfaction of the Housing Authority’s Designee, to place the one-percent Deed Restriction Administration fee in escrow. The one-percent Deed Restriction Administration fee shall remain in escrow until the first to occur of the following two events:

(1) The seller purchases another County Deed-Restricted Unit, and has not purchased any material interest in any other residential property in San Miguel, Montrose, Ouray or Dolores County in the interim, in which case the one-percent Deed Restriction Administration fee shall be refunded to the seller; or

(2) The end of six months after the seller closes on the sale of the County Deed-Restricted Unit that the seller is selling, and the seller has not purchased another County Deed-Restricted Unit, in which case the one-percent Deed Restriction Administration fee shall be paid to the Housing Authority.
III. In the event an Owner desires to rent Affordable Housing, the Owner may rent the unit himself or rent the unit through a real estate broker licensed in the State of Colorado. The Owner or broker, if any, shall promptly advertise the Affordable Housing for rent to qualified Employees. The Owner shall pay a Deed Restriction Administration fee set by Board of County Commissioner resolution for each Employee signing a lease for an Affordable Housing unit. If the administration fee is not paid promptly upon execution of a lease, that fee, all costs of collection of that fee and interest shall constitute a perpetual lien on the property. The County may foreclose this lien in the same manner as other property tax liens of the County.

IV. For rentals of Affordable Housing only, the Housing Authority shall qualify an Employee for occupancy based upon demonstration of intent to be employed for at least eight months within the next 12 months. In making a determination about the applicant's intent, the Housing Authority may rely upon evidence including but not limited to: work patterns and written references, income tax records, current employment within the Telluride R-1 School District, percent of income earned from employment sources and public service involvement.

V. As part of all sales and other transfers of Affordable Housing, the following documents shall be executed and recorded in the Office of the Clerk and Recorder of San Miguel County (in addition to recordation of the Deed Restriction on the appropriate plat for the Subject Property):

   a. an Acknowledgement of Deed Restriction, in which the Owner acknowledges and agrees to abide by all terms and conditions of the Deed Restriction;

   b. a Certificate of Qualification, in which the Housing Authority certifies that the Owner is a Qualified Owner under the provisions of the Deed Restriction;

   c. any other contractual agreements that apply to the Affordable Housing unit that are necessary to evidence the Housing Authority's conditions of approval of the sale.

VI. If Fannie Mae (FNMA)-type financing is used to purchase an Affordable Housing unit, as determined by the Housing Authority, the Housing Authority shall permit the Owner and the holder of the first deed of trust an Option to Purchase agreement which grants an option to the Housing Authority, San Miguel County, or the Town of Telluride to purchase the Affordable Housing in the event of a default in financing. FNMA-type financing is limited to commercial banking and lending institutions licensed to engage in mortgage lending practices in the State of Colorado.
5-1305 G. Rental Regulations

I. An Owner may not rent Affordable Housing for any period of time without the written approval of the Housing Authority, as evidenced by a written certification signed by the Housing Authority or the Board of Commissioners or its designee, and such rental shall be subject to the Housing Authority's conditions of approval.

II. Prior to occupancy of Affordable Housing by an Employee, or any renter, the Employee must be approved by the Housing Authority pursuant to all qualification requirements set forth in this Section 5-1305.

III. A signed copy of the lease or other occupancy agreement must be provided to the Housing Authority prior to occupancy by an Employee, pursuant to Section 5-1305 E.IV.

IV. In no case shall the rental deposit required by an Owner exceed twice the monthly rental, and in no case shall an Owner require that the rent for more than one month be paid in advance.

V. Nothing herein shall be construed to require the Housing Authority or any other entity to protect or indemnify an Owner against any loss attributable to rental, including but not limited to non-payment of rent or damage to Affordable Housing, nor shall the Housing Authority or any other entity be responsible for locating an Employee to occupy Affordable Housing in the event that no Employee occupant is found by the owner.

5-1305 H. Violations

I. The Housing Authority may require at any time that an Owner verify within five days of such request by the Housing Authority that:

a. The Owner is a Qualified Owner and/or

b. Any particular tenant is a qualified Employee.

II. In the event an occupant of Affordable Housing does not or no longer qualifies as an Employee, the Housing Authority may require that occupant to:

a. Vacate rental Affordable Housing within 60 days, or re-qualify as an Employee within that period; or

b. Vacate Affordable Housing he owns and cause it to be listed for sale pursuant to Section 5-1305 F. within one year, or re-qualify as an Employee within that period.
III. In the event a violation is discovered, the Housing Authority shall provide a written notice of violation to the Owner detailing the nature of violation. Said notice shall state that the Owner may request a hearing before the Housing Authority within 15 days from the date of notice of violation to determine the merits of the allegations and to discuss remedies of the violation. In addition, said notice shall advise the alleged violator of the fine associated with each alleged violation as required by the Schedule of Violations and Fines and any additional opportunity to cure before the fines or consequences escalate. If the Owner fails to request a hearing, the violation is considered to be conclusively determined against the Subject Property Owner and/or Occupant and fines shall continue to accrue until the violation is cured or the maximum fine has been reached.

IV. Default by an Owner in payments or other material obligations due or to be performed under a promissory note secured by a deed of trust encumbering Affordable Housing ("Secured Obligations") by an Owner shall constitute a violation of this Section 5-1305 and of Section 1-1504 of the San Miguel County Land Use Code. Each Owner shall notify the Housing Authority in writing immediately upon receipt by the Owner or his agent of any notification received from a lender, or its assigns, of past due payments or default in payment or other obligations due or to be performed under a promissory note secured by a first deed of trust, as described herein, within five calendar days of the Owner's notification from lender, or its assigns, of said default of past payments.

5-1305 I. Remedies

I. There is hereby reserved to the Housing Authority any and all remedies provided by law and by Section 1-16 of this Land Use Code for violation of this Section 5-1305 or any of its terms. In the event of litigation with respect to any or all provisions of this Section, the prevailing party in such litigation shall be entitled to recover damages and costs, including reasonable attorney's fees.

II. In the event Affordable Housing is sold, transferred and/or conveyed without compliance with this Section 5-1305, such sale, transfer and/or conveyance shall be wholly null and void and shall confer no title whatsoever upon the purported transferee. Each and every conveyance of Affordable Housing, for all purposes, shall be deemed to include and incorporate by this reference all terms of this Section 5-1305, including but not limited to those provisions governing the sale, transfer or conveyance of Property.

III. In the event an Owner fails to remedy any violation, the Housing Authority may resort to any and all available legal action, including but not limited to injunction or specific performance of this Section 5-1305
requiring the sale of Affordable Housing by the Owner. The costs of such sale shall be charged against the proceeds of the sale, with the balance being paid to the Owner.

a. In addition to the remedies provided for in this Section 5-1305 I. Remedies, the Housing Authority shall impose fines for violations as outlined in the Schedule of Violations and Fines as adopted pursuant to Resolution 2021-21 and attached hereto as Exhibit A. Said Schedule of Violations and Fines may be amended from time to time and shall be reviewed every five years or more frequently as determined by the Housing Authority. A copy of the current Schedule of Violations and Fines shall be available at SMRHA and posted on the SMRHA website.

IV. Nothing herein to the contrary withstanding, if an Employee Owner of Affordable Housing no longer qualifies to own Deed Restricted housing, based on the definition of Employee in Section 5-1305 B. and/or the Ownership Use and Occupancy Regulations in Section 5-1305 C. and fails to requalify within one year but continues to make all required principal and interest payments on an Affordable Housing ownership unit, he must offer the property for sale, and he must accept a bid equal to or exceeding, the aggregate of his (i) Original Purchase Price, plus (ii) Initial Construction Costs, if any, plus (iii) Home Improvements Costs, if any, not to exceed 10 percent of the aggregate of the Original Purchase Price plus Initial Construction Costs, if any. As used in this Section 5-1305 L.I.V., "Original Purchase Price" means the gross amount paid by such Employee Owner to acquire the Affordable Housing ownership unit; "Initial Construction Costs" means, if and only if the Affordable Housing ownership unit when acquired by such Employee Owner was an unimproved lot, the gross amount paid by such Employee Owner to construct a dwelling unit on such unimproved lot and to obtain a certificate of occupancy for such dwelling unit, and "Home Improvement Costs" means the gross amount paid by such Employee Owner for improvements to such dwelling unit after issuance of a certificate of occupancy for such dwelling unit. Real estate commissions, the Real Estate Transfer Assessment (RETA), closing costs, appraisals, and any other costs not approved by the Housing Authority shall not be allowed to be incorporated into the listing price once the one year requalification period has ended. The Owner shall not be required to accept a bid that requires the Owner to carry back any portion of the purchase price by a note. If no bids are submitted that equal or exceed his original purchase price plus proven home improvements, he does not have to accept any, and he, his spouse and/or his children may continue to occupy the unit (without violating the provisions of Section 5-1305 H.II.b.), provided that the Property continues to be offered for sale through a real estate broker licensed in the State of Colorado and any bid equal to or exceeding the
Original Purchase Price plus Initial Construction Costs plus Home Improvements Costs is accepted.

5-1305 J. Foreclosure

I. The Housing Authority may require the Owner to sell Affordable Housing that becomes subject to a default in order to avoid commencement of any foreclosure proceeding against the Affordable Housing, regardless of whether the Housing Authority has received notice pursuant to Section 5-1305 H.IV. In the event the Housing Authority determines that sale of the Property is necessary, the Owner shall immediately offer the Property for sale or enter into a Standard Exclusive Right to Sell Listing contract, with price and terms not to exceed prevailing price and terms for similar lots or units in the then-current Affordable Housing market, on forms approved by the Colorado Real Estate Commission. The seller shall promptly advertise the Affordable Housing for sale to qualified Employees. The seller shall upon closing pay a fee to the Housing Authority of one percent of the sales price. In the event of a listing of Affordable Housing pursuant to this Section, the Housing Authority may require the Owner to sell the Affordable Housing unit or units to an Employee who submits the highest bid that satisfies the owner's Secured Obligations received at least 10 days prior to the expiration of the redemption period.

II. Pursuant to the specific terms of an Option to Purchase (if this agreement has been offered, accepted and executed between the Owner, the holder of the first deed of trust and the Housing Authority), with and recorded Pursuant to the specific terms of an Option to Purchase, to be executed simultaneously with and recorded immediately subsequent to the first deed of trust, the terms of which are incorporated into this Section 5-1305 by this reference as if fully set forth herein, the Deed Restrictions contained herein shall terminate in the event of foreclosure by the holder of the promissory note secured by a first deed of trust on the respective Affordable Housing and subject to the issuance of a public trustee's deed to the holder of the promissory note or governmental agency guaranteeing, insuring or acquiring the note from the holder, provided that the Housing Authority, the San Miguel County Board of Commissioners and/or the Telluride Town Council is granted an option to acquire the public trustee's certificate of purchase within 30 days after the issuance thereof for an option price not to exceed the sum for which the property was sold at foreclosure sale with interest from the date of sale, together with any taxes paid or other proper charges as provided by law, with interest from the date such expense was paid. Such interest shall be charged at the default rate if specified in the original instrument or, if not so specified, at the regular rate specified in the original instrument. If applicable, in the event the Housing Authority exercises its option to purchase, the Housing Authority may resell or hold, own or rent the Affordable Housing, subject
Notwithstanding the event of foreclosure by the holder of the promissory note secured by a first deed of trust on the respective Affordable Housing, if an Option to Purchase agreement was neither offered nor executed between the Owner, the holder of the first deed of trust, and the Housing Authority, then the deed restrictions contained herein shall not terminate and the property will maintain its restricted status.

III. In the event that the Housing Authority exercises the option pursuant to the terms of that certain Option to Purchase, described above, and thereafter acquires title to the Property, the Housing Authority and/or its designee may sell the Affordable Housing or rent it to qualified Employees until sale is affected.

5-1305 K. Notices

Any notice, consent or approval required under this Section 5-1305 shall be provided in writing by certified mail, return receipt requested, properly addressed and with postage fully prepaid, to the Housing Authority address provided below or to the Owner at an address provided by that Owner at the time of qualifying Affordable Housing (per Section 5-1305 D.). Addresses may be changed with written notice to all other parties to this Section.

Address for the Housing Authority:

San Miguel County Housing Authority
c/o San Miguel Regional Housing Authority
P.O. Box 840
Telluride, CO 81435

5-1305 L. General Provisions

I. Forms of Documents. All forms of documents referred to in Section 5-1305 F.V. (including the Acknowledgement of Deed Restriction, the Certificate of Qualification and the Option to Purchase) shall be approved by the County Attorney prior to use.

II. Further Actions. The parties to any agreement contemplated under this Section 5-1305 agree to execute such further documents and take such further actions as may be reasonably required to carry out the provisions and intent of this Section or any agreement or document relating hereto or entered into in connection herewith.

III. Gender and Number. Whenever the context so requires in this Section 5-1305, the neuter gender shall include any or all genders and vice versa,
and the use of the singular shall include the plural and vice versa.

IV. Non-discrimination. No Employee shall be discriminated against on the basis of race, national origin, sex, color, creed or physical infirmity.

V. Personal Liability. The Owner shall be personally liable for any violations of the provisions in Section 5-1305.

VI. Severability. Whenever possible, each provision of this Section 5-1305 shall be interpreted in such a manner as to be valid under applicable law; however, if any provision of any of the foregoing shall be invalid or prohibited under said applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating any remaining provision.

VII. Successors. Except as otherwise provided herein, the provisions and covenants contained in this Section 5-1305 shall inure to and be binding upon the heirs, successors and assigns of the parties.

VIII. Waiver. No claim of waiver, consent or acquiescence with respect to any provision of this Section shall be valid against any party hereto, except on the basis of a written instrument executed by the parties to the R-1 Housing Deed Restriction. However, the party for whose benefit a condition is inserted shall have the unilateral right to waive such condition.
## EXHIBIT A
### SCHEDULE OF VIOLATIONS AND FINES

San Miguel County Housing Authority  
APPROVED BY RESOLUTION NO. 2021-021 (SERIES OF 2021)  
Effective July 7, 2021

<table>
<thead>
<tr>
<th>Violation</th>
<th>Fine per day</th>
<th>Maximum Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Failure to submit accurate and all documentation required to establish continued compliance by original deadline set by SMRHA.</td>
<td>$20.00</td>
<td>$140.00</td>
</tr>
<tr>
<td>2. Failure to submit accurate and all documentation required to establish continued compliance by second deadline set by SMRHA.</td>
<td>$25.00</td>
<td>$350.00</td>
</tr>
<tr>
<td>3. Failure to submit accurate and all documentation required to establish continued compliance by third deadline set by SMRHA.</td>
<td>$30.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>4. Failure to maintain eligibility (generally).</td>
<td>$20.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>5. Failure to occupy unit as sole and exclusive place of residence.</td>
<td>$20.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>6. Failure to work full-time in the Telluride R-1 School District as required by Deed Restriction and/or Regulations.</td>
<td>$20.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>7. Purchasing and/or owning other developed residential property in violation of the deed restriction.</td>
<td>$20.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>8. Advertising rental without mention of deed restriction status as required by Deed Restriction.</td>
<td>$20.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>9. Failure to get roommate approved prior to move-in.</td>
<td>$25.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>10. Failure to provide SMRHA with copy of signed lease prior to occupancy by roommate or tenant.</td>
<td>$20.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>11. Rental of all or part of a unit in violation of the Deed Restriction, Regulations, and/or the SMC LUC.</td>
<td>$25.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>12. Use of premises for other than residential purposes.</td>
<td>$100.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>13. Using deed restricted property as income producing property.</td>
<td>$100.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>14. Creating an additional dwelling unit as defined in the SMC LUC.</td>
<td>$100.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>15. Failure to obtain approved Leave of Absence (LOA).</td>
<td>$20.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>16. Submitting false/inaccurate information (per offense).</td>
<td>-</td>
<td>$750.00</td>
</tr>
<tr>
<td>17. All other violations not specifically named.</td>
<td>$20.00</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>

*All Owners shall be given 14 days from Notice of Violation by SMRHA to cure prior to the assessment of fines.

*Violation and Fine Schedule will be reviewed and updated every five years or sooner as determined by SMRHA.
5-1306 Additional Affordable Housing Provisions

5-1306 A. Purpose of this Section

This Section sets forth additional, temporary rights of ownership and usage of Affordable Housing that may be permitted upon Housing Authority review, which shall not be considered a part of the Deed Restriction. All definitions contained in Section 5-1305 shall apply in this Section 5-1306.

5-1306 B. Project Developer Approvals

The provisions of this Section 5-1306 B. are intended to provide incentives to construct Affordable Housing on unimproved land so zoned.

I. Any person, group, organization, agency or other entity may apply to the Housing Authority for approval as a Project Developer for construction of one or more Affordable Housing dwelling units.

II. A prospective Project Developer shall submit a written application to the Housing Authority containing:

a. the name of the Project Developer;

b. a description of the Project, including location, lot number(s), lot size(s), unit size(s), and general construction characteristics;

c. a description of financing for the Project, including the name of the lending institution for land and/or construction, terms of the loan and repayment schedule;

d. a business and marketing plan for the Project, including plans for resale, name of listing agent, expected time period needed for resale, estimated costs of construction, expected sale price and profit; or, if the Project is intended for rental, expected rents and proposed management agent; and

e. qualifications of the Project Developer and any Project contractor(s) or management agent(s).

III. The Housing Authority’s designee shall approve a prospective Project Developer as a Qualified Owner if the Housing Authority’s designee finds that:

a. all information required by Section 5-1306 B. has been provided; and
b. the qualifications of the prospective Project Developer and/or any Project contractor(s) are adequate and sufficient to give reasonable assurance to the Housing Authority that the Project will be completed as contemplated in the application.

IV. Decisions made by Housing Authority’s designee in regard to applications made under this Section 5-1306 B. may be appealed to the governing Board of the Housing Authority.

V. Approval of a Project Developer shall be evidenced by a contract executed by and between the Project Developer and the Housing Authority, which shall be recorded as a covenant against the Affordable Housing Property. Such contract shall refer to and incorporate the contents of the Project Developer application as required herein. The form of such contract shall be approved by the County Attorney.

VI. If the Housing Authority has reasonable cause to believe that a Project Developer under this definition is not actively developing and marketing lot(s) and/or unit(s) in conformance with such contractual agreement, the Housing Authority may purchase the lot(s) and improvements at the same price the Project Developer paid, plus any other remedies included in a specific contractual agreement. In the event the original lot has been subdivided and partially sold, the Housing Authority may pay a prorated amount based on the price the Project Developer paid.

5-1306 C. Exceptions to Definition of Employee

I. The Housing Authority may grant exceptions to the definition of Employee at Section 5-1305 B.VII. of the Land Use Code either as discretionary exceptions, administrative exceptions, or staff exceptions. Applications for discretionary or administrative exceptions require payment of the standard fee for One-step County Review as established by Board of Commissioners Resolution adopting or modifying Land Use Application Review Fees.

II. As a condition of discretionary or administrative exceptions, the Housing Authority may require the execution of a contractual agreement between the Housing Authority and the Employee setting forth the terms of the exception to be recorded as a covenant against the Affordable Housing Property. The form of such contract shall be approved by the County Attorney.

III. Applications for discretionary exceptions to Section 5-1305 shall be heard by the governing Board of the Housing Authority:

   a. Conditions for discretionary exception:
i. The Owner of an Affordable Housing Property desires a leave of absence greater than one year for purposes of travel, schooling, temporary job assignment or other reasonable purpose, or;

ii. The applicant establishes other compelling circumstances, which shall not include financial hardship, justifying an exception.

IV. Applications for administrative exceptions to Section 5-1305 shall be reviewed and may be approved by the Staff of the San Miguel Regional Housing Authority with the consent of the governing Board of the Housing Authority:

a. Conditions for administrative exception:

i. The Owner of an improved Affordable Housing Property desires a period of time, not to exceed twenty four (24) months from the date of acquisition of the second property, in which to own both an improved Affordable Housing Property and an unimproved Affordable Housing Property with the limitation that the twenty four month period of time is designed to allow the Owner to construct the necessary improvements on the unimproved Affordable Housing Property so that the previously unimproved property is occupied and used by the Owner as the primary residence, provided the Owner sells the improved Affordable Housing Property to a qualified Employee within the twenty four month period. Pursuant to the specific agreement between the Housing Authority and Owner, failure to timely sell the Affordable Housing Property may result in a forced sale, including, but not limited to, the available remedies of Section 5-1305 I. IV;

ii. The Owner of an improved Affordable Housing Property desires a period of time, not to exceed twenty four (24) months from the date of acquisition of the second property, in which to own both an improved Affordable Housing Property and an unimproved Free Market Property with the limitation that the twenty four month period of time is designed to allow the Owner to construct the necessary improvements on the unimproved Free Market Property, provided the Owner sells the Affordable Housing Property to a qualified Employee within the twenty four month period. Pursuant to the specific agreement between the Housing Authority and Owner,
failure to timely sell the Affordable Housing Property may result in a forced sale, including, but not limited to, the available remedies of Section 5-1305 I. IV;

iii. The Owner of an improved Free Market Property desires a period of time, not to exceed twenty four (24) months from the date of acquisition of the second property, in which to own both an improved Free Market Property and an unimproved Affordable Housing Property with the limitation that the twenty four month period of time is designed to allow the Owner to construct the necessary improvements on the unimproved Affordable Housing Property so that the property is occupied and used by the Owner as the primary residence, provided the Owner sells the improved Free Market Property within the twenty four month period. Pursuant to the specific agreement between the Housing Authority and Owner, failure to timely sell the improved Free Market Property may result in a forced sale of the Affordable Housing Property, including, but not limited to, the available remedies of Section 5-1305 I. IV; or

iv. The Owner of an unimproved Affordable Housing Property desires a period of time, not to exceed twelve (12) months from the date of acquisition of the second property, in which to own both an unimproved Affordable Housing Property and an improved Affordable Housing Property with the limitation that the twelve month period of time is designed to allow the Owner to move into the improved Affordable Housing Property and to sell the unimproved Affordable Housing Property to a qualified Employee within the twelve month period. Pursuant to the specific agreement between the Housing Authority and Owner, failure to timely sell the Affordable Housing Property may result in a forced sale of either property, including, but not limited to, the available remedies of Section 5-1305 I. IV;

V. Applications for staff exceptions to Section 5-1305 shall be reviewed and may be approved by the staff of the San Miguel Regional Housing Authority for a leave of absence for purposes of travel, schooling, temporary job assignment or other reasonable purpose not to exceed a total of twelve (12) months in any five (5) year period of time.

VI. Submission Requirements. An application for either a discretionary, administrative or staff exception shall include, at a minimum, an affidavit
from the applicant describing the circumstances and reasons why exception is necessary, and shall include the following minimum information:

i. Proof and history of employment in San Miguel County;

ii. A statement as to whether the applicant owns any other property inside or outside San Miguel County;

iii. The nature and extent of the applicant’s community commitments and involvement; and

iv. A statement describing any change in circumstances warranting an exception.

a. San Miguel Regional Housing Authority Review. Discretionary and administrative exception applications shall first be reviewed by the Staff of the San Miguel Regional Housing Authority and a recommendation shall be made to the Housing Authority. Pursuant to Section 5-1306 C. V., staff of the San Miguel Regional Housing Authority shall be the reviewing entity for staff level exceptions. Any challenge to a staff exception decision must be filed in writing with the governing Board of the Housing Authority by an affected or aggrieved party to the staff decision within 14 days of the staff decision. In reviewing the appeal, the governing Board of the Housing Authority shall consider the staff decision based on the exception requested by the applicant. The Housing Authority shall affirm the staff decision or take action as it shall deem necessary to remedy the staff decision.

b. Fee. Applications for discretionary or administrative exceptions shall include payment of the standard fee for One-step County Review.

c. Other Requirements. Any discretionary or administrative exceptions which may be granted pursuant to this section shall require a written agreement approved by the County Attorney and shall include such terms, security, conditions, remedies as the Housing Authority may require in its sole discretion, including, without limit, measures to ensure compliance with any such agreement. The County may withhold building permits, issue stop work orders, assess penalties, seek specific performance or require improvement agreements or impose other conditions to secure an exception.

d. Review Standards. All applications for discretionary or
VII. An exception to the definition of Employee shall be granted to enable listing on the title a co-borrower who is not an Employee, if a co-borrower is necessary for an Employee to qualify for financing to purchase an Affordable Housing Property. Such exception shall be granted upon:

a. receipt of a letter from the Lender on behalf of the Employee that states:

i. the co-borrower's name and relationship to the Employee,

ii. a co-borrower is necessary for the Employee to qualify for financing to purchase the Affordable Housing Property in question,

iii. it is necessary for the co-borrower to be listed on the title to the Affordable Housing Property; and,

b. execution of a contract by and between the Employee, the co-borrower and the Housing Authority providing for sale of the unit in the event the co-borrower takes full title to the Affordable Housing Property for any reason. Such contract shall require that the co-borrower contact the Housing Authority immediately upon taking full title to the Affordable Housing Property. Within 60 days of the date the co-borrower takes full title, the co-borrower must accept a bid equal to or exceeding the Acquisition Cost of the Property as defined in Section 5-1305 B.II. The form of such contract shall be approved by the County Attorney. Application for approval of a co-borrower shall be made to the Housing Authority and shall be subject to such additional Housing Authority conditions as may be in effect at the time of application.
SECTION 5-14: PLANNED UNIT DEVELOPMENT (PUD)

5-1401 Intent

Planned Unit Development (PUD) is a subdivision procedure permitting variation of dimensional, permitted uses and parking standards to promote compliance with the County's Land Use Policies. Specific purposes are:

A. Promoting flexibility in the type, design and siting of structures to preserve and take advantage of a site's unique natural resources and scenic features and to avoid or mitigate any hazards;

B. Encouraging efficient use of land and public streets, utilities and governmental services;

C. Preserving open space;

D. Achieving a compatible land use relationship with surrounding areas; and

E. Promoting multiple land uses and greater variety in the type, design and siting of buildings.

F. Preserve and protect wildlife and wildlife habitat areas.

5-1402 Applicability

5-1402 A. Mandatory Planned Unit Development (PUD)

Adherence to Planned Unit Development (PUD) standards is mandatory whenever a developer proposes to subdivide land at a density higher than allowed by right in a particular zone district.

5-1402 B. Activities Exempt From Mandatory Planned Unit Development (PUD)

Compliance with Planned Unit Development (PUD) standards is not required for uses and densities allowed by right and for uses allowed by administrative review in a particular zone district.

5-1402 C. Optional Planned Unit Development (PUD)

An applicant may request Planned Unit Development (PUD) review for land subdivisions within any zone district.
**5-1403 General Standards**

Each Planned Unit Development (PUD) shall comply with the following general standards:

5-1403 A. Ownership

Land proposed for Planned Unit Development (PUD) must be in one ownership; however, the owners of contiguous parcels under separate ownership may jointly file an application.

5-1403 B. Compatibility of Land Uses

Area and bulk requirements and permitted land uses may be varied pursuant to the standards within specific zone districts to insure compatibility among multiple land uses in a Planned Unit Development.

5-1403 C. Area and Bulk Requirements and Variation

Area and bulk requirements may be established or varied pursuant to the standards in Section 5-1404 A.

5-1403 D. Phasing

A Planned Unit Development (PUD) shall insure:

I. Each phase is self-sufficient and not dependent upon later phases;

II. The failure to develop subsequent phases will not have any adverse impacts on the Planned Unit Development (PUD), its surroundings or the community in general; and

III. Amenities such as open space and recreational areas are provided along with proposed residential or tourist accommodation construction at each development phase.

5-1403 E. Common Open Space and Recreational Facilities

A Planned Unit Development (PUD) must:

I. Include common open space and recreational facilities for the mutual benefit of residents of the entire tract, including residents of on-site affordable housing;

II. Preserve and, if possible, enhance unique site features; and
III. Include provisions for maintenance of common open space and recreational facilities to be described in the improvements agreement (Refer to Section 5-9).

5-1403 F. Maximum Density

A Planned Unit Development (PUD) is not entitled automatically to the maximum density allowed in the zone district in which the land is located. Density shall be established based upon:

I. Analysis of environmental factors affecting the land;

II. Availability and adequacy of transportation system and facilities;

III. Compatibility with surrounding land uses;

IV. Consideration of adopted County plans affecting the site; and

V. Consistency with Land Use Policies in Article 2.

5-1403 G. Cultural Resources

A Planned Unit Development (PUD) shall take into consideration:

I. The presence of cultural resources on the property, including historic, archaeological, and paleontological resources that are of local, state or national significance;

II. The impact of the PUD on the cultural resources; and

III. Measures that can be taken to preserve and protect cultural resources located within the PUD or mitigate impacts of the PUD on the cultural resources.

5-1403 H. Procedures and Submission Contents

Refer to Section 3-7 for procedures and Sections 4-3 through 4-5 for submission contents.

5-1404 Variations in Standards

This Section establishes criteria for varying area and bulk, open space, off-street parking and use standards for a Planned Unit Development (PUD).

5-1404 A. Area and Bulk Requirements
The following area and bulk requirements may be varied to cluster buildings and dwelling units, provided the overall density of the development does not exceed the maximum allowable density permitted and the development remains consistent with the intent of Planned Unit Development (PUD) (refer to Section 5-1401):

I. Minimum lot area;
II. Minimum front, side and rear yard setbacks;
III. Minimum lot width;
IV. Maximum height of buildings; and
V. Maximum floor area ratio.

5-1404 B. Common Open Space or Open Space

Common open space or open space standards may be reduced by up to five percent if:

I. Such reduction is consistent with the intent of the Planned Unit Development (PUD) procedure (refer to Section 5-1401);
II. Such reduction is consistent with the San Miguel County Comprehensive Development Plan;
III. Such reduction is consistent with the purpose and standards of the Scenic Foreground Overlay and Scenic View Plane Districts (refer to Section 5-316);
IV. The common open space is useable and suitable for scenic, landscaping or recreation purposes; and
V. A proportionate, undivided interest in all common open space is deeded in perpetuity to the homeowners association within the Planned Unit Development (PUD); which deed shall contain restrictions against future residential, commercial and industrial development.

5-1404 C. Off-street Parking

Off-street parking standards (see Section 5-702) may be increased or decreased based upon consideration of the following criteria:

I. The estimated number of cars owned by future occupants of dwellings in a Planned Unit Development (PUD);
II. The parking needs of any non-residential uses;

III. The varying time periods of use, whenever joint use of common parking is proposed; and

IV. Available or proposed transportation system.

5-1404 D. Permitted land uses may only be varied pursuant to the listing of uses allowed by PUD procedure and to demonstration of compliance with the review standards for the various land use districts within a PUD.

5-1405 Architectural Review

5-1405 A. Applicability

The County may require an applicant for a Planned Unit Development (PUD) to submit at preliminary subdivision review architectural plans and/or design criteria sufficient to address the intent of Section 5-1405 B.

5-1405 B. Intent

The intent of architectural review is to protect and promote visual character of the County by preventing the development of unsightly or obnoxious structures which:

I. Are not properly related to their sites or adjacent land uses;

II. Do not enhance solar resources; or

III. Involve the indiscriminate clearing of property, excessive grading or the destruction of trees and shrubbery.

5-1405 C. Standards

The Board of County Commissioners may require changes to architectural plans to:

I. Reduce the adverse visual impacts of buildings, which, because of size, scale, color, location, lighting or materials either are out of harmony with the neighborhood in which they are to be constructed or diminish the natural beauty of mountain slopes or ridgelines;

II. Minimize disturbances to the natural terrain; and/or

III. Promote advantageous solar orientation and energy conserving design.
5-1406 Landscaping Review

5-1406 A. Applicability

The County may request an applicant for a Planned Unit Development (PUD) to submit landscaping plans at preliminary subdivision review.

5-1406 B. Standards

Landscaping plans shall include:

I. An ample quantity and variety of ornamental plant and ground cover species that are native or regarded as suitable for the local climate;

II. Low-water-use plant and ground cover species wherever possible; and

III. A commitment and appropriate steps to revegetate all cuts and fills.

5-1407 Wildlife Protection and Mitigation

5-1407 A. Applicability

The County may require a proposed PUD or Substantial PUD Amendment to comply with Land Use Code Section 5-407 XII. that may require a Wildlife Impact Assessment.
SECTION 5-15: FINAL PLAT AND PLANNED UNIT DEVELOPMENT (PUD) AMENDMENTS

5-1501 General

This section of the Code establishes standards for insubstantial and substantial amendments to a final plat and PUD.

5-1502 Insubstantial Amendment

Insubstantial amendments to a final plat or a PUD are permitted. Refer to Section 3-4 for procedures and 4-6 for submission contents. The final plat shall state the purpose of the Amendment and whether the Amendment amends or supersedes in whole or in part the previously approved plat. An insubstantial amendment shall be limited to technical or engineering considerations first discovered during actual development, which could not reasonably have been anticipated during the approval process. The Planning Director shall compare the proposed amendment to the original approval, and, if any other amendments have been approved since the original approval, shall consider the cumulative impact of all approvals granted. The following shall not be considered an insubstantial amendment;

5-1502 A. A change in the use or character of the development.
5-1502 B. An increase by greater than three (3) percent in the overall coverage of structures on the land.
5-1502 C. Any amendment that substantially increases trip generation rates of the proposed development, or the demand for public facilities.
5-1502 D. A reduction by greater than three (3) percent of the approved open space.
5-1502 E. A reduction by greater than one (1) percent of the off-street parking and loading space.
5-1502 F. A reduction in required pavement widths or rights-of-way for streets and easements.
5-1502 G. An increase of greater than two (2) percent in the approved gross leasable floor area of commercial buildings.
5-1502 H. An increase of greater than one (1) percent in the approved residential density of the proposed development.

5-1503 Substantial Amendment

Any amendment that is not insubstantial according to the criteria in Section 5-1502 shall be approved pursuant to the procedures in Section 3-601, and the submission contents and standards
of Section 4-5 for final plat review and the standards in this section (refer to section 3-702 C. for procedures and Section 4-5 for submission contents). The final plat shall state the purpose of the Amendment and whether the Amendment amends or supersedes in whole or in part the previously approved final plat.

5-1503 A. The proposed amendments must be consistent with the approved sketch plan subdivision approval, however in the absence of a valid sketch plan approval the amendment shall be compared to the preliminary plat;

5-1503 B. The proposed amendment must be necessary to achieve the intent and purposes of the Planned Unit Development (PUD); and

5-1503 C. The proposed amendment must be consistent with the standards of Section 5-1803.
SECTION 5-16: MINING

The standards in this Section are intended to mitigate the impacts of mining and mineral processing, including protecting the health, safety and welfare of persons residing in the vicinity and of persons traveling on roads, streets and highways in San Miguel County utilized for hauling of mined material. This Section also contains provisions to ensure that the environmental impacts of mining and mineral processing are adequately mitigated. Mining and mineral processing operations are also subject to the special use permit provisions of Section 5-10.

5-1601 Applicability

The standards and requirements in this Section 5-16 shall apply to all mining and mineral processing operations required to obtain special use permit approval from the County, including any expansion of existing mining and/or mineral processing operations. Mining and mineral processing operations also are subject to applicable review requirements for Activities of Local and State Interest, as set forth in Section 5-4, and for Wetland Areas, as set forth in Section 5-22.

5-1602 Mitigation of Impacts

All on-site and off-site impacts shall be adequately mitigated to protect the health, safety and welfare of persons in San Miguel County and to protect the integrity and appearance of the natural environment. Consideration shall be given to site-specific environmental assessments and mitigation plans approved by the appropriate Federal agencies and/or the Colorado Division of Minerals and Geology and/or the Colorado Department of Health. However, compliance with such plans, as well as additional mitigation, may be required by the County as part of the special use permit review process. Such mitigation may include, but is not limited to, revegetation, dust control, noise control, visual screening, limitations on hours of operations, truck haul routes and traffic volumes.

5-1603 Enforcement of State and Federal Regulations

In the event that the County discovers that applicable state and/or federal regulations pertaining to a specific mining activity in San Miguel County have not been adequately enforced by the appropriate agency or organization, the Board of County Commissioners may require the mining activity to comply with any and all terms of such regulations. If such regulations are not complied with, the Board of County Commissioners may order such mining activity to cease and desist.

5-1604 Traffic Impacts and Highway Access

Mining (including sand and gravel operations) and mineral processing shall be limited to the greatest extent possible to areas where the surrounding road, street and/or highway network can accommodate heavy truck traffic. In no event shall a proposed operation be permitted where the carrying capacity of the surrounding road, street and/or highway network is exceeded by existing traffic volumes, or would be exceeded by projected or proposed traffic volumes.
5-1605 Additional Notice Requirements

In addition to the notice requirements set forth in Section 3-9, applicants for approval of mining and mineral processing operations shall also be required to provide written notice of a pending application by mailing such notice first class, postage prepaid, no less than 20 days prior to the scheduled meeting date to all owners of property within 1,500 feet of the subject property, and to all municipalities within 3 miles of the subject property.
SECTION 5-17: LOGGING

The standards in this Section are intended to mitigate the impacts of logging, including protecting the health, safety and welfare of persons traveling on roads in San Miguel County utilized for log hauling. This Section also contains provisions to ensure that the environmental impacts of logging are adequately mitigated. Logging operations are also subject to the special use permit provisions of Section 5-10.

5-1701 Applicability

The standards and requirements in this Section 5-17 shall apply to all logging operations required to obtain special use permit approval from the County.

5-1702 Mitigation of Environmental Impact

Each logging operation application must include a written plan that addresses how on-site and off-site impacts will be adequately mitigated with respect to Wetland Areas, as defined in Code Section 5-22, and to those Areas of Local and State Interest, as identified in Code Section 5-401 D., as follows:

5-1702 A. Floodplain hazard areas;
5-1702 B. Geologic hazard areas;
5-1702 C. Historic and archaeological resource areas;
5-1702 D. Wildfire hazard areas; and
5-1702 E. Wildlife habitat areas.

For logging operations on Federal or State lands the application submittal shall include a copy of any and all terms, conditions, requirements, or operational parameters which the Federal or State Forest Service have imposed upon the logging operation pertaining to impacts upon wetland areas, floodplain hazard areas; geologic hazard areas; historic and archaeological resource areas; wildfire hazard areas; and wildlife habitat areas. Compliance with a site-specific environmental assessment approved by the U.S. Forest Service or Colorado State Forest Service, and with an adopted U.S. Forest Service Management Plan or Colorado State Forest Service Management Plan that adequately addresses the above referenced Areas of Local and State Interest, shall constitute adequate on-site environmental impact mitigation. For logging operations on Federal land the County shall not require any environmental impact mitigation which conflicts with, or is inconsistent with, any terms, conditions, requirements, or operational parameters which the Federal agency with jurisdiction has imposed upon the operation. Off-site impacts subject to County review and approval shall include the designation of haul routes for those logging operations which propose to transport timber over San Miguel County roads and requiring compliance with applicable County Road and Bridge Department rules, regulations, and requirements, including any Special Construction permit conditions and requirements which the County Road & Bridge Superintendent has imposed upon the hauling.
SECTION 5-18: LAND USE CODE AMENDMENTS AND REZONING

5-1801 General

This section of the Code establishes standards for Land Use Code amendments and rezoning.

5-1802 Land Use Code Amendments

Land Use Code Amendments may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the following standard. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

5-1802 A. Land Use Code Amendments shall be drafted in a form consistent with the organizational format and style of the code.

5-1803 Rezoning

Rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:

I. Meets any applicable Sections of the Land Use Code;

II. Is consistent with the San Miguel County Comprehensive Development Plan;

III. Is compatible with surrounding Zone Districts and land uses, considering existing land, neighborhood characteristics, and community character, with the understanding that different densities and intensity of uses are not in and of themselves incompatible;

IV. Would not result in unsupportable demands on public facilities, and would not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;

V. Would not result in significant adverse impacts on the natural environment;

VI. Would not be in conflict with the public interest; and

VII. Would help achieve the Land Use Policies, as set forth in Article 2 of this Land Use Code.
5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.
SECTION 5-19: NONCONFORMING USES

5-1901 General

This section establishes standards for nonconforming uses, lots and structures.

5-1902 Continuation of Use

A nonconforming use may continue and a nonconforming structure may continue to be occupied, except as otherwise stipulated in this section.

5-1903 Change of Use

A nonconforming use may be changed to any conforming use.

5-1904 Abandonment or Discontinuance of Use

If a nonconforming land use or a nonconforming use of a structure is discontinued or abandoned for 12 consecutive months, then such use may not be re-established or resumed, and any subsequent use must conform to the provisions of this Code.

5-1905 Restoration

A nonconforming building or a building containing a nonconforming use which has been damaged by fire or other causes may be restored to its original condition, provided such work is started within six months of such calamity and completed within eighteen months of the time the restoration is commenced.

5-1906 Enlargement of a Building Containing a Nonconforming Use

A building containing a nonconforming use shall not be enlarged or extended, except by Two-step Special Use Permit, and only if the use in such nonconforming building meets the definition of "Essential Services" (in Article 6 of this Code) and is essential in its present location.

5-1907 Alteration of a Nonconforming Building

A nonconforming building may be structurally altered, or repaired in any way permitted by these regulations, provided no alterations, repairs, or enlargements are made which would increase the degree of nonconformity.

5-1908 Substandard-size Parcels

A legally created, substandard-size parcel may qualify for a building permit for a Single-family Residence if it meets all other applicable Land Use Code requirements, including the definition of lot and standards for driveways (Section 5-502 DD.) except for parcels in the HCA Zone District, which require compliance with the provisions of Section 5-321 N.II. Such a parcel shall
be merged with all other substandard-size parcels under contiguous ownership into one parcel, and no sale, transfer or other conveyance of less than 35 acres shall be allowed without County subdivision approval. A deed and a plat delineating the merged parcel must be recorded in the Office of the County Clerk and Recorder prior to the issuance of a building permit thereon.
SECTION 5-20: TRANSPORTATION REQUIREMENTS FOR DEVELOPMENTS IN THE TELLURIDE R-1 SCHOOL DISTRICT

5-2001 Transportation Impact Mitigation in the Telluride R-1 School District

Developers of subdivisions in the Telluride R-1 School District will be subject to specific requirements regarding transportation that must be met prior to final subdivision approval.

5-2001 A. Paying Fair-share Costs of Development

The initial capital costs of implementing the various elements of a transportation system necessary to serve any subdivision within the Telluride R-1 School District will primarily be the responsibility of the developer or of the development. However, the long term operation and maintenance of the system will provide benefit to all of the residents of the Telluride R-1 School District. Provisions must be made for the residents of a development to pay their fair-share of the operation and maintenance costs of the Telluride R-1 School District transportation system.

5-2001 B. Requirements in the Affordable Housing Planned Unit Development, Low Intensity Industrial, Low Density, Medium Density, High Density, Low Density Residential, Community Housing, and Mixed Use Development Zone Districts

Prior to final subdivision approval, each subdivision including lands proposed for development under the Affordable Housing Planned Unit Development, Low Intensity Industrial, Low Density, Medium Density, High Density, Low Density Residential, Community Housing, and/or Mixed Use Development Zone Districts shall:

I. Provide alternate transportation capital, facilities and equipment necessary to serve the development and provide for continuing operation and maintenance costs through, for example, self-imposed real estate transfer assessments, lodging taxes and/or impact fees, on an equitable basis;

II. Mitigate its fair-share impacts on the Telluride R-1 School District transportation system through whatever arrangement may be deemed appropriate by the Board of County Commissioners; and

III. Provide intercept parking to serve its internal needs in coordination with any existing Telluride R-1 School District parking plan. A developer may be required to cooperate with the Board of County Commissioners in arranging for expansion of such intercept parking to serve regional needs at any time; and

IV. Provide easements on owned or controlled land necessary to ensure the feasibility of the alternate transportation mechanisms planned as part of
the Telluride Region Alternate Transportation System and listed in Section
5-2002.

V. Subdivisions proposed to include six or fewer lots may substitute in full
for the alternate transportation requirements of this section with payment
to the County of a 1.5 percent real estate transfer assessment on each
conveyance of each lot.

5-2002 The Telluride R-1 School District Alternate Transportation System

5-2002 A. Gondola Link Between Telluride and the Mountain Village

A gondola linking the Mountain Village with the Town of Telluride will provide
the primary transportation between those points.

5-2002 B. Gondola Link Between the Valley Floor and the Mountain Village

A gondola linking the Valley Floor development (from the Boomerang Road
area) with the Mountain Village may be developed in conjunction with the Valley
Floor development at the option of the developer. However, this gondola will not
be built until the gondola described in Section 5-2002 A. has been constructed to
protect the Town of Telluride's role as the commercial, cultural and governmental
hub of the Telluride R-1 School District.

5-2002 C. Deep Creek Mesa Link

Any development on Deep Creek Mesa with lands proposed for development
under the Affordable Housing Planned Unit Development, Low Intensity
Industrial, Low Density, Medium Density, High Density, Low Density
Residential, Community Housing, and/or the Mixed Use Development Zone
Districts will be required to develop an alternate transportation link to the
Telluride R-1 School District alternate transportation system and guarantee
implementation of the link.

5-2002 D. Appropriate Use of Buses and Vans

Transportation systems utilizing buses and/or vans will be used only internally
(within subdivisions) or as backup for the Telluride R-1 School District alternate
transportation system. Buses and vans also will provide primary access to the
Telluride Airport, the Montrose Airport and Down Valley areas.

5-2002 E. Down Valley Link

A bus/van system linking Down Valley areas with the Telluride R-1 School
District alternate transportation system will extend via State Highway 145 to
Norwood with regularly scheduled service. Intercept parking and ridesharing
facilities for this system will be provided in the Placerville area and in Norwood.

5-2002 F. Light Rail System

A light rail element of the Telluride R-1 School District alternate transportation system shall initially utilize the Pacific Street Right-of-way through the Town of Telluride to transport passengers between Town Park and the Town of Telluride Intercept Parking/Coonskin Lift Area. Stations on the light rail system would variously provide connections to gondolas, chair lifts, buses, cars and parking, pedestrian paths and trails. The areas around stations, including those within the Town of Telluride, would be designed to facilitate changes in transportation mode by making these connection areas as compact as possible. Extensions beyond Town limits shall occur in two additional phases:

I. The light rail line shall be extended along the railroad right-of-way to the Boomerang Road area in conjunction with the development of the Valley Floor; and

II. The light rail line shall be further extended to join the Valley Floor extension with the West Meadows development. This extension may initially be used on an interim basis as a segregated bus line if demand-related triggers are guaranteed to insure full implementation of the light rail line.

5-2002 G. Operation and Maintenance of the Telluride R-1 School District Alternate Transportation System

A legal entity will be established to handle the operation and maintenance of the Telluride R-1 School District alternate transportation system. Initially, members of the entity shall include at a minimum the Mountain Village Metropolitan District and the Town of Telluride; however, the entity shall maintain a standing invitation for other property owners in the Telluride R-1 School District and other areas of the County to join.
SECTION 5-21: SCENIC QUALITY

This section establishes land use standards for the preservation of Scenic Quality in conjunction with development activities visible from neighboring developments and public use areas, in accordance with the policy on Scenic Quality established in Section 2-12. The Scenic Quality Standards in Section 5-2101 shall be applied in review of a Preliminary Plan submission, as established in Section 4-411, and the special use standards specified in Section 5-10 of this Land Use Code. Section 5-2101 C. provisions regarding prohibition of highly reflective materials for all proposed roofing and Section 5-2101 H. regarding lighting shall also apply during application review.

5-2101 Scenic Quality Standards

Each developer shall describe in detail how the visual impact of the proposed development on neighboring developments and public use areas shall be mitigated. Each such Scenic Quality Report shall include:

5-2101 A. Designations of scenic views of natural and historic features both from and toward the site and descriptions of how these vistas will be preserved;

5-2101 B. Designs that orient improvements in ways that allow them to blend in with and utilize the natural topography;

5-2101 C. Utilization of colors and textures found naturally in the landscape and prohibition of reflective materials, such as highly reflective glass or metals;

5-2101 D. Utilization of native or similar horticultural materials for revegetation and reforestation and guarantees that any needed revegetation or reforestation will be completed during the first planting season after construction;

5-2101 E. Plans to remove and save topsoil, prior to any grading or excavation and replacement, for reuse during revegetation;

5-2101 F. Design and construction plans for roads and associated structures that bear a logical relationship to existing topography to minimize the need for cuts and fills;

5-2101 G. Location and installation of utilities in ways that will cause the least damage to the natural environment; and

5-2101 H. All exterior lighting shall comply with the standards of Section 5-710.
5-2102 Ridgeline and Treeline Limitations in the Telluride R-1 School District

5-2102 A. Ridgeline Development

No portion of any structure (except ski area, public utility and mining related structures) shall be allowed to extend above any ridgeline such that the subject development could be viewed from five miles away or less as silhouetted against the sky from any State Highway, County Road T60 between the Telluride Regional Airport and West Colorado Avenue, and any street in the Town of Telluride, unless the entire subject parcel is ridgeline, or is within a final platted, County approved subdivision. If the entire parcel is ridgeline, any development must comply with all standards of Section 5-2101. If necessary for evaluation of the proposed development, the Planning Director may require an applicant to erect visual devices, such as story poles, prior to issuance of any Development Permit.

5-2102 B. Development Above or Near Treeline

No portion of any structure (except ski area, public utility and mining related structures) shall be allowed above or within 200 vertical feet of treeline, unless the entire subject parcel lies within 200 feet of and/or above treeline, in which case any development must comply with all standards of Section 5-2101.
SECTION 5-22: WETLAND AREAS

5-2201 General

This section of the Code establishes standards for the protection and restoration of wetland areas.

5-2201 A. Purpose

This Section 5-22 is established to regulate development in wetland areas of San Miguel County to protect wetland areas and to protect the health, safety and welfare of the inhabitants of the County. These regulations seek maximum protection of wetland areas and all waters of San Miguel County by avoiding development activity whenever possible, minimizing unavoidable adverse development activity and mitigating the impacts of development on wetland areas.

5-2201 B. Applicability

This Section 5-22 applies to all wetland areas and wetland area buffer zones, and to all waters of San Miguel County. This Section does not repeal, abrogate, or impair any existing federal, state, and/or local laws, easements, covenants, or deed restrictions. However, where this Section imposes more restrictive regulations than those otherwise imposed, the provisions of this Section shall prevail. The provisions of this Section do not apply to normal and customary agricultural and ranching activities, including sale, transfer or conveyance of irrigation water.

5-2201 C. Definitions

I. "Buffer Zone" shall mean all areas where development could impact wetland areas, extending at least 100 feet around wetland areas.

II. "Mitigation plan" means a plan approved by San Miguel County describing the restoration of wetland areas destroyed or otherwise negatively impacted by an activity.

III. "Restoration" means a human activity that returns wetland areas from a disturbed or altered condition with lesser wetland area acreage and/or functional values to a previous condition with greater wetland area acreage and/or functional values.

IV. "Waters of San Miguel County" means all waters, including without limitation, lakes, rivers, streams (including intermittent streams), natural sloughs, wet meadows, natural ponds, impoundments and tributaries. Waste treatment systems presently in use, including treatment ponds and lagoons designed to meet the requirements of the Clean Water Act (33 U.S.C. § 1341), treated water distribution and storage facilities or treated
water that otherwise meets the criteria of this definition, and water used for irrigation purposes are not waters of San Miguel County.

V. "Wetland" means an area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetland areas include all waters of San Miguel County, all riparian areas in the County, and are presumed to include all areas identified in "An Ecological Characterization and Functional Evaluation of Wetlands in the Telluride Region of Colorado" (a 1990 report completed for the U.S. Environmental Protection Agency by David J. Cooper), including any amendments thereto, and any wetland areas in the County identified on wetland area maps filed in the County Planning Department.

VI. “Water Dependent” means associated with activities that require Access, proximity to or siting within the special aquatics Site to fulfill their basic purposed (such as a marina, boat dock or boat launch).

5-2202 Wetland Area Mapping

5-2202 A. Adoption of Wetland Maps

Wetland maps are hereby adopted and may continue to be adopted and modified by Board of Commissioners resolution as part of this section, and shall remain on file in the San Miguel County Planning Department. The maps shall serve as guides only; all wetland areas must be verified on the ground. Wetland areas not shown on the maps but verified on the ground shall be protected as fully as mapped wetland areas.

5-2202 B. Modification of Wetland Area Boundaries

A potential developer shall have the burden of showing that any area delineated on County wetland maps and/or on accompanying reference material should not be classified as a wetland. Wetland boundaries may be modified at the potential developer's expense through the performance of a wetland boundary determination by an expert wetland consultant and established on a plat executed by a Colorado licensed surveyor using the wetland definition in Section 5-2201 C.

5-2202 C. Boundary Modification Application Review

A potential developer desiring to modify a wetland and/or buffer zone boundary must submit an application for such modification to the County for review under the Two-step Process described in Section 3-6 of this Code. If such application is not approved by the Board of Commissioners, the applicant and the Board of
Commissioners may attempt to set mutually agreeable wetland area and/or buffer zone boundaries, relying on the services of an expert wetland consultant and, if necessary, a Colorado licensed surveyor, approved by the Board of Commissioners and paid for by the applicant.

5-2203 Development in Wetland Areas

5-2203 A. Administrative Review

No Development activity shall be allowed within any Wetland or Buffer Zone without a Wetland Special Use Permit issued in compliance with the terms of this section. All activities that are not permitted by Special Use Permit shall be prohibited.

A Wetland Special Use Permit may be issued in accordance with the Administrative Review Process described in Section 3-4 of this Code when the applicant demonstrates to the County’s satisfaction that the proposed Wetlands Development satisfies at least one of the following standards/criteria:

I. The proposed development is required to provide protection against property loss and/or damage.

II. The proposed development will increase the size and improve the quality of Wetlands, aquatic, and/or riparian habitat, and enhance ecosystem functioning such as improving water quality, wildlife habitat and biodiversity.

III. The proposed Development is associated with residential Development (construction of Access, utilities and/or a home or homes).

IV. The proposed Development is associated with a Minor Facility Administrative Review process for Oil and Gas Exploration and Development pursuant to Section 5-2603.

5-2203 B. Two-Step Special Use Permit Review

A potential developer desiring to develop within a wetland or within 100 feet of a wetland must submit an application for approval of such activity to the County for review under the Two-step Special Use Permit Process described in Section 3-6 of this Code. However, when such proposed development comprises construction of access, utilities and/or a home or homes on parcels final platted or otherwise legally created prior to June 4, 1992, such application shall be reviewed in accordance with the Administrative Review Process described in Section 3-4 of this Code. Major Oil and Gas Facility applications shall be processed in accordance with this Section. No development activity shall be allowed within any wetland or buffer zone without a Wetland Special Use Permit issued in
compliance with the terms of this section. All activities that are not permitted by Special Use Permit shall be prohibited.

5-2203 C. Issuance of Wetland Special Use Permits

A Wetland Special Use Permit may be issued only if the applicant has shown at least one of the following:

I. The proposed activity is water-dependent;

II. The proposed activity is necessary to achieve access to property, and no other access route avoiding wetland and buffer zone areas is technically feasible;

III. Denial of the permit sought would result in denying the landowner all practical, reasonable and/or economically viable use of the subject property;

IV. The proposed activity meets the definition of Essential Services in Article 6 of this Code and could not reasonably be located elsewhere; and

V. In the case of development proposed solely in a buffer zone, the proposed land use would not adversely affect the adjacent wetland area.

5-2203 D. Criteria for Review of Wetland Special Use Permits

In reviewing applications for Wetland Special Use Permits, the Board of Commissioners shall apply the following criteria:

I. Avoidance -- Development activity within a designated wetland area should be avoided whenever possible; and

II. Minimization of Impacts -- The impacts of unavoidable development activity should be minimized by including appropriate project design modifications, control techniques or other conditions deemed appropriate by the County.

5-2203 E. Impact Mitigation for Wetland Uses and Activities

As a condition of Wetland Special Use Permit approval, or in the event of a violation of any terms in this Section 5-22, the Board of County Commissioners may require a mitigation plan. The plan shall require the applicant or developer to engage in the restoration of wetland areas in order to offset, in whole or in part, the wetland losses resulting from an applicant's proposed or violator's historic actions. Approval of such plan by the Board of Commissioners shall not
constitute an alternative to compliance with the standards set forth in this Section 5-22.

5-2203 F. Submission Requirements

An applicant for a wetland special use permit must submit an application in accordance with Section 4-2 of the Code. In addition, an applicant must submit evidence of compliance with the standards described in Sections 5-2203 A., B. and C., and the Board of County Commissioners may require additional information as appropriate.

5-2204 Enforcement

5-2204 A. Inspection of Wetland Area

For the purpose of carrying out the provisions of this Section 5-22, the Board of County Commissioners or its designee may enter upon private land in a reasonable and lawful manner during daylight hours for the purpose of inspection of any wetland area or buffer zone area proposed for development by an applicant for a Wetland Special Use Permit. If denied access for these purposes, the Board of County Commissioners may inspect the subject property after following an appropriate legal process.

5-2204 B. Wetland Restoration

In addition to other remedies prescribed by this Code, the Board of County Commissioners may order wetland restoration measures for the damaged or destroyed wetland by the party responsible for the violation in accordance with section 5-2203 E. If the responsible party does not complete such measures within a period specified by the Board of County Commissioners, the Board of Commissioners may restore the affected wetland at the cost of the responsible party.
SECTION 5-23: AIR QUALITY

The purpose of this section is to ensure that the impacts of development in the Telluride Region on air quality in the Telluride Region are adequately mitigated.

5-2301 Ban on Solid-fuel Burning Devices in Telluride Region

Installation of solid-fuel burning devices, including woodstoves and open fireplaces, is prohibited in the Telluride Region. However, all solid-fuel burning device permits issued prior to June 4, 1992, the effective date of this provision, shall be honored.

SECTION 5-24: EQUESTRIAN CENTERS

This section establishes land use standards for review of development of equestrian centers, which are allowed in the Low Density (LD) Zone District only.

5-2401 Equestrian Center Restrictions

The following restrictions shall apply to all equestrian centers:

5-2401 A. The Planning Commission may limit the number of horses that may be boarded at an equestrian center and the number of allowed parking spaces based on the carrying capacity of the site and compatibility with adjacent uses;

5-2401 B. Restaurants and/or cooking facilities shall be prohibited;

5-2401 C. Any noise source, including any outdoor public address system, which could adversely impact neighboring residential or agricultural uses may be prohibited;

5-2401 D. The County Environmental Health Specialist shall designate and enforce appropriate manure storage and removal and insect control provisions on a site-specific basis; and

5-2401 E. No development may commence until the Board of County Commissioners has approved a landscaping and revegetation plan for the facility, in accordance with Section 4-210 of this Code.
SECTION 5-25: WATERSHED PROTECTION AREAS

5-2501 General

This section establishes land use standards for Watershed Protection Areas as identified by County-adopted Watershed Protection Maps (produced with funding from the U.S. Environmental Protection Agency) based on scientific research conducted by the University of Colorado Institute of Arctic and Alpine Research (INSTAAR). The maps delineate areas of Ecological Sensitivity on the basis of land cover types.

5-2501 A. Purpose

In accordance with the Land Use Code policies set forth in Section 2-14, the purpose of this section is to facilitate restoration and maintenance of Watershed Areas as ecological, drinking water supply and recreational resource areas. Water quality is a key factor in preserving the natural resources and character of the upper San Miguel River. Ecological Sensitivity areas identified on the maps have significant roles in maintaining the integrity of the San Miguel River ecosystem.

5-2502 Watershed Protection Area Mapping

5-2502 A. Adoption of Watershed Protection Maps

Watershed maps that identify Ecological Sensitivity areas are hereby adopted and may continue to be adopted and modified by Board of Commissioners resolution as part of this Section, and shall remain on file in the San Miguel County Planning Department. Wetland and Avalanche areas not shown on the maps but verified on the ground shall be protected to the same degree as mapped Ecological Sensitivity areas. Parcel locations shown are approximate.

5-2502 B. Modification of Ecological Sensitivity Area Boundaries

Anyone proposing to develop within an Ecological Sensitivity area delineated on a County Watershed Area Map may attempt to show that a particular area should not be classified as such. Ecological Sensitivity area boundaries may be modified at a proponent's expense through the performance of a watershed sensitivity boundary determination by an expert in hydrology and water chemistry.

Anyone desiring to modify an Ecological Sensitivity area boundary must submit an application for such modification to the County for review under the Two-step process described in Section 3-6 of this Code. If the Planning Department Staff upon field verification does not agree with a proposed modification based on landscape types present, then, the Board of Commissioners shall agree on a hydrologist expert in water chemistry to perform the work necessary for boundary modification, whose services shall be paid for by the applicant. The applicant
also is responsible for paying for the boundary modification to be mapped on the County Geographic Information System.

5-2503 Ecological Sensitivity Areas

5-2503 A. Areas at Risk for Trace Metal Contamination

Because of the potential for trace metal contamination and acid drainage associated with abandoned mine sites, it is important to manage development so that it would not exacerbate the release of mine-related contaminants into the environment.

For development to be permitted in areas identified as at risk for trace metal contamination, a proponent must first present site-specific data establishing baseline levels in sediments and soil for water quality parameters including but not limited to aluminum, arsenic, bicarbonate, chromium hexavalent, chromium trivalent, copper, cyanide, iron, lead, manganese, mercury, nickel, Ph, sulfate, selenium, silver, and zinc. Then it must be shown that proposed development will not result in an increase in metals concentrations and loading into streams, groundwater, sediments and/or soil resources on-site.

No disturbance of mill tailings, mine waste rock or adit portals shall occur unless authorized by an approved state or federal permit.

5-2503 B. Areas at Risk for Acidification

Because of the potential for introduction of toxic metals into surface waters and resulting negative impacts on biological systems, it is important not to disturb or modify hydrologic pathways and to avoid activities that would cause increased acidity of surface waters. Therefore:

I. residences shall have footprints 800 sq. ft. or less;

II. basements and caretaker units shall not be allowed; and

III. new roads and/or driveways shall only be allowed with Board of Commissioners review (pursuant to Section 5-501 B.) upon demonstration that a proposed road and/or driveway would be the sole reasonable access to the property, and only if:

a. roads and driveways are no wider than 10 ft.;

b. switchbacks and cuts and fills are minimized to the fullest extent possible;

c. blasting is minimized; and
d. snow plowing and maintenance is prohibited from November 1 through May 1 (snowmobile and snowcat use shall be allowed), except that these standards may be modified by the Board of Commissioners for activities associated with installation, repair and maintenance of public water supply systems.

5-2503 C. Areas at Risk for Eutrophication

Because of the potential for nutrient enrichment or oxygen depletion of surface waters to modify flora and fauna composition, it is important not to disturb or modify hydrologic pathways and to avoid activities that would cause new or increased sources of nitrogen in surface waters. Therefore:

I. residences shall have footprints 800 sq. ft. or less;

II. basements and caretaker units shall not be allowed;

III. individual sewage disposal systems that rely on absorption to dispose of waste water shall not be allowed;

IV. fertilizer shall not be allowed unless authorized by an approved state or federal permit for mining reclamation, and landscaping with non-native species or that requires supplemental watering after establishment shall be prohibited;

V. blasting or dynamiting other than that associated with mining or avalanche-control activities shall not be allowed unless authorized by an approved state or federal permit; and

VII. new roads and/or driveways shall only be allowed with Board of Commissioners review (pursuant to Section 5-501 B.) upon demonstration that a proposed road and/or driveway would be the sole reasonable access to the property, and only if:

a. roads and driveways are no wider than 10 ft.;

b. switchbacks and cuts and fills are minimized to the fullest extent possible;

c. blasting is not utilized; and

d. snow plowing and maintenance is prohibited from November 1 through May 1 (snowmobile and snowcat use shall be allowed), except that these standards may be modified by the Board of Commissioners for activities associated with installation, repair and maintenance of public water supply systems.
5-2503 D. Wetland Areas

Development in Wetland Areas or 100-ft. Wetland Area Buffer Zones may only occur pursuant to Section 5-22.

5-2503 E. Avalanche Hazard Areas

Development in Avalanche Hazard areas may only occur pursuant to Section 5-404.

5-2503 F. Source Water Protection Areas

Development in Source Water Protection Areas will be referred to the appropriate public water supply jurisdiction.
SECTION 5-26: OIL AND GAS EXPLORATION & DEVELOPMENT

5-2601 Authority Of Section

In addition to those authorities set forth in Land Use Code Section 1-601, this Section is authorized by C.R.S. §§ 29-20-101 et seq., 30-28-101 et seq.; and Senate Bill 94-177 in which Section 1. states: "The general assembly declares that the purpose of this act is to address the regulatory and enforcement authority of the Colorado oil and gas conservation commission and that nothing in this act shall be construed to affect the existing land use authority of local government entities".

5-2601 A. Purpose of Section

This Section is enacted to protect and promote the health, safety, prosperity, and general welfare of the present and future residents and property owners of San Miguel County. San Miguel County's intent by enacting this Section is to provide for the development of oil and gas resources within the unincorporated area of San Miguel County while mitigating potential land use conflicts between such development and existing, as well as planned, land uses and the natural environment. San Miguel County recognizes that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of severed subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate as is reasonable and necessary to extract and develop their subsurface mineral interests underlying the surface estate, with due regard to the rights and interests of the surface owner, and subject to compliance with the provisions of this Section and any other applicable statutory, regulatory and other applicable legal requirements. This right to the reasonable and necessary use of a portion of the surface does not include the right to unreasonably, unnecessarily, and/or negligently destroy, interfere with or damage the surface owner's correlative rights to the surface. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the development of the underlying mineral estate, which includes access, exploration, and drilling, occur in a reasonable and non-negligent manner, and to have adverse land use impacts upon their property, associated with the development of the mineral estate mitigated, including mitigation required by this Section. Should it be established by competent evidence that a proposed oil and gas facility cannot be operated in compliance with this Section, County land use approval for such a facility may be denied.

In addition, while this Section provides standards for development review of the surface aspects of Oil & Gas Development, consistent with applicable state and federal standards, San Miguel County encourages the use of directional drilling, the placement of multiple wells on a single site, the use of evaporation pits rather than water injection stations, and other innovative techniques, and provides for the supplemental use of the Bureau of Land Management “Gold Book” (Surface
Operating Standards for Oil and Gas Exploration and Development) the Fourth Edition, 2006 or the most current edition, and the “Gunnison Sage-grouse Rangewide Conservation Plan" and the "San Miguel Basin Gunnison Sage-grouse Conservation Plan” as guidance for the land use development review process and the required mitigation of potential impacts. San Miguel County encourages the avoidance of critical wildlife habitat areas, wetland areas, floodplains and geohazard areas. The County also encourages the applicant to provide and operate subject to a Fieldwide Development Plan in order to reduce and minimize potential impacts associated with developing Oil and Gas Wells and Facilities.

San Miguel County discourages activities that include the use of toxic or carcinogenic chemicals during Fracturing and Cavitation of Wells that may adversely affect the quantity, quality or accessibility of the County's underground sources of drinking water.

5-2601 B. Jurisdiction

This Section shall apply to lands within the unincorporated area of San Miguel County, specifically those lands where the surface estate is privately owned or the land is held in Trust by the State Land Board or other non-federal governmental entity, such as lands owned by municipalities, special district, water enterprises, public open space or parks, etc., regardless of the underlying zone district. This Section does not apply to lands where both the surface and the underlying mineral estate are under federal ownership or to oil and gas drilling activities over which San Miguel County's jurisdiction is preempted by federal or state law.

This Section of the Land Use Code, Section 5-26, supersedes all other provisions of the Land Use Code pertaining to Oil and Gas Exploration, Development, and Facilities, except as otherwise specifically provided herein. Minor Facility Oil and Gas Development on Federal Lands (see Land Use Code Section 5-11 Conditional Uses on Federal Lands) is exempt from Section 5-26 Oil and Gas Exploration and Development. Major Facility Oil and Gas Development on Federal Lands is exempt from Section 5-26 but is subject to Section 5-11 standards for Conditional Uses on Federal Lands.

5-2601 C. Use of Term "County"

The use of the term "County" may mean Board of Commissioners (BOCC), Planning Commission, Planning Department, Planning Director, Colorado Oil and Gas Conservation Commission Local Government Designee (appointed by BOCC), County Road Superintendent, County Sheriff's Office, County Weed Advisor, or the County Environmental Health Director.

5-2601 D. Definitions of Minor Facility and Major Facility
I. Minor Oil and Gas Facilities ("Minor Facility") (See Section 5-2603 for Submission Requirements and Review Standards):

(1) An individual well site or multiple well sites on a single pad built and/or operated to explore for or produce petroleum and/or natural gas (methane), or water injection stations and associated facilities used by a single operator servicing a single oil and gas field in conformance with a permit issued by the Colorado Oil and Gas Conservation Commission, including auxiliary equipment required for such production, i.e., separators, dehydrators, pumping units, tank batteries, and other equipment located within the perimeter of the well site pad, employing engines or motors with a cumulative horsepower rating of less than 200 hp, provided it complies with all applicable standards and requirements. If the well pad exceeds 8 acres in size, consideration shall be given to processing the development as a Major Facility unless it's determined the cumulative impacts will be less than those associated with an additional well pad, based upon Planning Staff's evaluation of the probable cumulative impacts associated with the Facility. This definition of a Minor Facility does not supersede the requirements of Section 5-2603 G. that the well pad be the minimum size necessary to provide a safe work area and minimize surface disturbance.

(2) Gas gathering lines, flowlines and water collection lines serving oil and gas facilities, including trunk and lateral lines, shall not be subject to the setback standards required for such facilities, but shall comply with other applicable standards in this Section.

(3) Facilities associated with gas gathering lines and water collection lines, such as: drip stations, vent stations, pigging facilities, chemical injection stations, transfer pump stations and valve box, where such equipment or facilities employ engines or motors with a cumulative horsepower rating of less than 200 hp, which comply with all applicable standards and requirements in this Section.

(4) An individual well head compression and multiple well compression facility powered by motors or engines with a cumulative horsepower rating of less than 200 hp, which complies with all applicable standards and requirements in this Section.

(5) Storage yards or construction staging areas occupying one acre or less, and which comply with all applicable standards.

(6) Geophysical (Seismic) and Gas Exploration Operations to include, but not limited, to seismic activities.
II. Major Oil and Gas Facilities (Major Facility) (See Section 5-2604 Submission Requirements and Review Standards):

(1) Any facility related to the production of oil and/or gas, including compressor stations and associated facilities which serve a single well or multiple wells employing engines and/or motors with a cumulative horsepower rating of 200 hp or more.

(2) Water injection stations and associated facilities serving more than one operator or more than one oil or gas field.

(3) Storage yards and construction staging yards that occupy an area of one or more acres.

(4) Gas treating facilities that serve multiple wells or gathering systems.

(5) Pipelines for which the power of eminent domain is available.

5-2601 E. Applicability

This Section is intended to apply in all Zone Districts of the County, including Wright's Mesa (WM) and the West End (WE), and would supersede all other provisions of the Land Use Code pertaining to oil and gas development except as specifically provided for in this Section.

5-2602 General Standards for Minor and Major Facility Applications

5-2602 A. Fee Schedule

See applicable Board of Commissioner Resolution for Fee Schedule.

5-2602 B. Consolidated Applications

In addition to reviewing an application for either a Minor or Major Facility, the applicant shall be entitled to have processed simultaneously any necessary building, access, wetland, or floodplain permits. Additional permit reviews for Minor Facilities may be processed through an Administrative Review subject to the applicable Land Use Code standards. Additional permit reviews for Major Facilities shall be processed through a One-Step or Two-Step review as appropriate subject to the applicable Land Use Code standards. The approval of a Special Use Permit by the Board of County Commissioners is not a site specific development plan approval and does not result in the vesting of development rights, nor does it permit the violation of any County or State regulations or preclude San Miguel County Building Official, Planning Director, Local Government Designee, or Road and Bridge Superintendent from refusing to issue
a permit if the plans and specifications do not comply with applicable County regulations.

5-2602 C. Inspections

The applicant shall provide the telephone number of a contact person who may be reached 24 hours a day for purposes of being notified of any proposed County inspection under this Section or in case of emergency. Any site under an approved Major or Minor Permit may be inspected by San Miguel County at any time, to ensure compliance with the requirements of the approved development plan, provided that at least one hour's prior notice is given to the contact person at the telephone number supplied by the applicant. Field inspections by County staff may include testing for contaminated soils. Persons performing such field inspections for the County shall be deemed licensees for liability purposes pursuant to C.R.S. Section 13-21-115. Calling the number (or leaving a message on an available answering machine or voice mail service at the number) at least one hour in advance of the proposed inspection shall constitute sufficient prior notice if the contact person does not answer. By accepting an approved Major or Minor Facility Permit, the applicant grants its consent to such inspections.

5-2602 D. Enforcement

In addition to any other remedy authorized under this Resolution to enforce the provisions of this Section, the Planning Director or Local Government Designee shall be entitled to draw on any financial guarantee provided to San Miguel County by an applicant pursuant to this Section if the applicant violates any term or condition of an approved development plan and/or approval. If the Planning Director or Local Government Designee has reason to believe that a violation of an approved development plan for which a financial guarantee has been provided has occurred, the Planning Director or Local Government Designee shall provide written notice to the applicant describing the violation, stating that the violation must be corrected within 14 days unless due to the nature of the violation more time is required. If, within that time period, the applicant has not either corrected the violation or filed a written appeal with the Board of County Commissioners, the Planning Director or Local Government Designee shall be entitled to enter upon the site to take any reasonable measures to correct the violation, and may draw on the financial guarantee to cover the costs of corrective measures.

If the applicant files a written appeal with the Board of County Commissioners within 14 days, upon receipt of this written notice, the Board shall schedule a hearing on the appeal at the soonest possible time of which the applicant shall receive reasonable prior notice, a minimum of 72 hours or three (3) working days notice. If the Board determines based on competent evidence at the hearing that the violation has occurred and has not been corrected, the Board in its discretion may give the applicant additional time to correct the violation or may specify the time at which the Planning Director or Local Government Designee may take
appropriate action to have the violation corrected and draw on the financial
guarantee to cover the costs of corrective measures.

To insure the County’s ability to enforce the provisions of any approved
development plan, the Planning Director or Local Government Designee shall not
release any financial guarantee provided under this Section until the Planning
Director or Local Government Designee confirms that all operations for which the
bond has been secured have been completed and all applicable provisions of the
Development Permit or Special Use Permit have been complied with. The
Planning Director or Local Government Designee shall not release any blanket
bond or other blanket financial guarantee provided under this Section unless
he/she is satisfied that the person providing the bond has adequately declared its
intention to conduct no further oil and gas operations in San Miguel County in the
foreseeable future. The Planning Director or Local Government Designee shall
also be empowered to release a financial guarantee if a successor to an operator
provides satisfactory guarantees in accordance with this Section.

5-2602 E. Liability Insurance

For any Facility permitted under this Section, the applicant shall submit a
certificate of insurance to San Miguel County Planning Department, showing that
a policy of comprehensive general liability insurance or a self-insurance program
approved by the Colorado Insurance Commissioner, in the amount of no less than
$500,000.00 per occurrence, insuring the applicant against all claims or causes of
action made against the applicant for damages arising out of the drilling,
maintenance, operation or other work done with respect to such proposed
facilities. The policy shall be written by a company authorized to do business in
the state, unless the applicant is self-insured. The certificate shall require at least
30 days notice to San Miguel County prior to termination of coverage for any
reason. If the insurance policy lapses or becomes void for any reason whatsoever,
the approval shall cease to be valid until a new insurance certificate is provided
and filed with Planning. All approved oil or gas or related activity shall cease,
consistent with safety considerations, until the applicant provides evidence that
insurance coverage in the prescribed amount is in effect.

5-2602 F. Performance Security

The applicant shall provide one form of the following security to San Miguel
County to ensure compliance with mitigation requirements set forth in this
Section and specific conditions of approval for facilities: $5,000.00 performance
bond for each Facility; $50,000.00 countywide blanket bond for all facilities
operated by the applicant within San Miguel County; irrevocable letter of credit;
or equivalent financial security acceptable to San Miguel County. Conditions of
approval covered by this performance security shall consist of mitigation
measures addressing specific impacts affecting the general public and/or adjacent
landowners by the applicable performance standards contained in this Section.
Reclamation activities, which fall under C.O.G.C.C. jurisdiction, are exempted from this performance security coverage.

5-2602 G. Roads and Access.

I. Access Roads. Access Roads serving Minor and Major Facilities, including existing and/or proposed roads that connect such a Facility to a county road or state highway shall be reviewed in accordance with Article 5, Section 5-5 of the San Miguel County Land Use Code. All access and oversize or overweight vehicle permits must be obtained from San Miguel County Road & Bridge Department prior to beginning construction or use of a County road. All proposed transportation routes to the site shall also be reviewed and approved to minimize traffic hazards and adverse impacts on County roadways. Existing roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts are determined to require new or additional roads or unless the applicant demonstrates to the County's satisfaction that it has been unable to obtain authorization to use an existing road.

II. Private Access Roads. For those Access Roads located between the parcel on which a Minor or Major Facility is proposed and the county road or state highway serving such a Facility, the applicant shall provide written documentation as part of the application demonstrating that it has the legal right to use such road(s) for the purpose of accessing the Facility and the applicant shall demonstrate that such road(s) can provide adequate physical access to such Facility in accordance with applicable Land Use Code standards.

III. State Highway Access. If access is directly off of a State Highway, the applicant must have an approved State Highway Access Permit for the proposed Facility.

5-2602 H. Emergency Preparedness. Each operator with facilities in San Miguel County is required to provide an emergency preparedness plan. No applications for a Facility shall be considered until the operator has provided such plan to San Miguel County. The plan shall be filed with San Miguel County and updated on an annual basis or sooner, or as conditions change (responsible field personnel change, ownership changes, etc.). The County shall be notified immediately of any changes in responsible field personnel, including contact phone number. The emergency preparedness plan shall consist of the following information, as a minimum:

I. Name, address and phone number, including a 24-hour emergency number of at least two persons responsible for emergency field operations.
II. A proposed facilities map showing the name, location and description of all facilities, including the size and type of all pipelines and isolation valves (note: isolation valves shall not be operated by anyone except the owner of the pipeline). The operator shall notify the County in writing upon completion of construction of the Facility and shall provide an as-built map to the County within three months of completion of construction. The map shall be prepared either manually on U.S.G.S. 7.5 Minute Series maps (one inch = 2,000 feet), or digitally on San Miguel County geographic information system parcel maps. The as-built facilities map, which includes the information regarding the location of isolation valves, shall be held confidentially by San Miguel County's Emergency Manager and shall only be disclosed in the event of an emergency. San Miguel County's Emergency Manager shall deny the right of inspection of the as-built facilities map to the public pursuant to C.R.S. § 24-72-204(3)(a)(IV).

III. Provide a written response plan for the potential emergencies that may be associated with the operation of the facilities. This may include any or all of the following: explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills.

IV. Project specific emergency preparedness plans are required for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas, as determined by the Colorado Oil and Gas Conservation Commission. This plan shall be coordinated with and approved by San Miguel County's Emergency Manager prior to beginning field operations.

5-2602 I. Fire Prevention. Prior to commencement of operations each operator with facilities in San Miguel County is required to provide a fire prevention response, and safety plan that has been approved by the local fire district or San Miguel County Sheriff, as appropriate.

5-2602. J. Reclamation.

I. Interim and Final reclamation shall be governed by a reclamation plan for the Facility. The reclamation plan shall provide for a reasonable reclamation schedule in light of the specific surface use and surrounding land uses, and may require recontouring and revegetation of the surface to pre-disturbance conditions equivalent to adjacent undisturbed areas. The County may also approve a plan for an alternative post-disturbance reclamation, provided the surface owner and the applicant agree, and the plan is in harmony with the surrounding land uses and the San Miguel County Land Use Policies and Land Use Code regulations and shall be done in accordance with Chapter 6 of the Bureau of Land Management.
"Gold Book". In addition, each operator is encouraged to consult with the responsible official or governing body of an owner's association or common interest community in which the Facility may be located with respect to any weed control, reclamation or mitigation plan that it may have adopted.

II. Road Design and Construction. Roads should be designed and constructed to allow for successful interim and eventual final reclamation. Revegetation of roads ditches and cut and fill slopes will help stabilize exposed soils and reduce sediment loss, reduce the growth of noxious weeds, reduce maintenance costs, maintain scenic quality and forage, and protect habitat. To ensure successful growth of plants and forbs, topsoil must be salvaged where available during road construction and respread to the greatest degree practical on cut slopes, fill slopes, and borrow ditches prior to seeding. To ensure stability of freshly topsoiled slopes during revegetation, the application of mulch or other sediment control may be appropriate.

The appropriateness of primitive roads or routes is site/use-specific and is typically based on many factors, such as anticipated dry or frozen soil conditions, seasonal weather conditions, flat terrain, low anticipated traffic, or driller's or operator's access needs. Operators should not flat-blade roads. Drainage must be maintained, where appropriate, to avoid erosion or the creation of a muddy, braided road. Resource damage must be repaired as soon as possible and the operator will consult with the County and private surface owner(s) to determine if all or a portion of the road needs to be upgraded to an all-weather access road.

III. Pipelines and Flowlines. Pipelines and flowlines should be constructed in conformance with the guidelines contained in Chapter 3 of the Bureau of Land Management "Gold Book" and applicable COGCC "pipeline" regulations.

VI. Reserve Pits. To prevent contamination of ground water and soils or to conserve water, all reserve pits shall be lined with an impermeable liner. An impermeable liner has a permeability of less that 10-7 cm/sec. The liner must be installed so that it will not leak and will be compatible with all substances placed in the pit. Fencing of reserve pits is required to prevent access by person, wildlife, or livestock. Netting or alternative method of covering pits acceptable to the County shall be required in order to prevent access and mortality of birds and other animals. Refer to Chapter 4 Construction and Maintenance of the BLM "Gold Book" for more detailed specifications for the methods of lining, fencing and netting of pits.

VII. Contaminated Soils and Pit Reclamation. The operator shall construct and
manage evaporative or reserve pits in accordance with state and federal regulations. The concentration of hazardous substances in the reserve pit at the time of back filling must not exceed the standards set forth in either the COGCC regulations or in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). All Oil and Gas drilling related CERCLA hazardous substances removed from a location and not reused at another drilling location must be disposed of in accordance with applicable State and Federal regulations. Refer to Chapter 6 Reclamation and Abandonment of the BLM "Gold Book" for specific methods for reclaiming pits.

Written notice, which may be by Email, from the operator shall be sent to the County Planning Department a minimum of 3 working days prior to commencing reclamation of evaporative and reserve pits in order to allow the County, if they elect to do so, to test pit materials to be buried on site for verification of compliance with the allowable concentrations and levels of hazardous substances as described above.

5-2602 K. Surface Damages and Surface Use Agreements. For Major and/or Minor Facilities to be located upon real property with split estates (parcels in which the party owning the severed mineral estate is different from the party owning the surface estate), for which the Operator does not currently own or lease the surface estate, the Operator shall provide a copy of any Surface Damages or Surface Use Agreement that has been executed by the owner(s) of the surface estate for the parcel upon which a Major or Minor Facility is to be located. Such submitted Agreement may be redacted to delete any provisions pertaining to financial and/or non-monetary compensation that the Operator has paid to the surface owner. In lieu of submitting an executed Surface Damages or Surface Use Agreement an Operator may submit a notarized written consent or written waiver to the proposed Major or Minor Facility that has been executed by the owner(s) of the surface estate for the parcel(s) upon which such Facility is to be located. Should the Operator not have entered into a Surface Damages or Surface Use Agreement with owner(s) of a split surface estate it shall submit a written certification to that effect, together with a copy of any bond that has been posted as security for possible surface damages. For Major and/or Minor Facilities located within a parcel or parcels for which the Operator is the current owner or lessee of the surface estate, the Operator shall provide a copy of the current title or lease documentation.

5-2602 L. Air Quality. Air contaminant emissions shall be in compliance with the permit and control provisions of the Colorado Air Quality Control Program, Title 25, Section 7, C.R.S. and any Air Quality regulations if and when the County adopts such regulations.

5-2602 M. Operational Conflict. Special exceptions to these regulations may be granted where the requirements of this Section of the San Miguel County Land Use Code actually conflict in operation with the requirements of the Oil and Gas
Conservation Act or implementing regulations. All applications where a special exception due to operational conflicts is requested shall be heard in a noticed public hearing by the Board of County Commissioners acting in a quasi-judicial capacity. The applicant shall have the burden of pleading and proving an actual, material, irreconcilable operational conflict between the requirements of this division and those of the Colorado Oil & Gas Conservation Commission (COGCC) in the context of a specific application. For purposes of this Section, an operational conflict exists where San Miguel County condition of approval or regulation actually conflicts in operation with the state statutory or regulatory scheme, and such conflict would materially impede or destroy the state's interest in the development, production, and utilization of oil and gas resources in the state, and the protection of the public health, safety and welfare. An operational conflict may occur where San Miguel County regulation prohibits an activity, which the Colorado Oil & Gas Conservation Commission, or its valid regulations, has clearly authorized, or authorizes an activity, which the Colorado Oil & Gas Conservation Commission, or its valid regulations, has clearly prohibited. Additional County requirements in areas that may be subject to the Colorado Oil & Gas Conservation Commission regulation, which also fall within County land use powers and which are necessary to protect the public health, safety and welfare under the facts of the specific application presented, and which are consistent with the COGCC rules and regulations, shall be presumed not to present an operational conflict. If the Board of County Commissioners finds, based upon competent evidence in the record, that compliance with the requirements of this division shall result in an operational conflict with the state statutory and regulatory scheme, a special exception to this section may be granted, in whole or in part, but only to that extent. The Board of County Commissioners may condition the approval of a special exception as necessary to protect the public health, safety and welfare by mitigating any adverse impacts arising from the grant of approval.

5-2602 N. Location of Major and Minor Facilities on Private Property, lands held by the State Land Board, and Non-Federal Governmental Lands. The following criteria shall be used in siting oil and gas facilities on private property and non-federal governmental lands:

I. The standards in this code shall not cause or require the operator to site the Facility in: a geologic hazard area, an area with slopes exceeding 30 percent; an area of wetlands under the jurisdiction of the U.S. Army Corps of Engineers; in an area within a floodway of a stream or river as shown on the Flood Insurance Rate Maps (FIRM) or as determined by a state licensed professional engineer.

II. The following criteria shall be used to site an oil and gas Facility, unless the County determines that it is technically or economically infeasible to satisfy the criteria. Facilities that cannot comply with review criteria may be denied. The mitigation requirements may be waived by the County if existing topography and vegetation are determined to adequately mitigate...
the visual and sound impacts of the site. The County shall determine the compliance of the proposal and application using the following standards:

(a) Facilities shall adhere to the setback and location requirements found in Section 5-2604 G.

(b) Facilities shall be sited to minimize the impact to existing residences, commercial structures, public buildings, lots, and parcels from Oil and Gas facilities to the maximum extent reasonably possible.

(c) Facilities shall be constructed using existing infrastructure. This includes, but is not limited to, the use of existing roads, pipeline routes, and well.

(d) Facilities shall be sited to minimize the impact to agricultural operations.

(e) Facilities shall be sited in areas that maximize the amount of natural screening available for the Facility. Natural screening includes, but is not limited to, the use of existing vegetation as a background, the construction of the Facility near mature stands of vegetation, the construction of the Facility in canyons or behind ridges and natural rock formations.

(f) Facilities shall be sited at the base of slopes to provide a background of topography and/or natural cover.

(g) Facilities shall be sited to avoid crossing hills and ridges or silhouetting.

(h) Facilities shall be sited in order to minimize the amount of cut and fill needed to construct the Facility.

(i) Facilities shall be sited away from prominent natural features such as distinctive rock and landforms, vegetative patterns, river crossings and other landmarks.

(j) The provisions of any existing surface use agreement should be taken into consideration regarding the siting of a Facility.

(k) Facilities shall be sited to minimize the impact on wildlife habitat as identified or mapped by the Colorado Parks and Wildlife, including raptor proofing any potential perching structures in mapped Occupied Gunnison Sage-grouse habitat.
III. If the Oil and Gas Conservation Commission well location and well spacing rules and regulations require a well to be located contrary to the location required by these regulations, the applicant may apply for a special exception pursuant to Section 5-2604 G. VI. and VII. All such well location special exceptions will be processed as a Two-step Review. The well location as required by these regulations shall be complied with to the maximum extent reasonably possible consistent with the applicable COGCC well location and spacing requirements. The County may impose additional mitigation measures as are determined to be reasonably necessary to protect the public health, safety, and welfare when the well is not located as required by these regulations.

5-2603 Development of Minor Oil and Gas Facilities

5-2603 A. Administrative Review for an Application for Permit to Drill (APD), Geophysical Operations and Minor Facilities

Applications for county land use approval for proposed Minor Oil and Gas Facilities require a Development Permit, which shall be administratively processed by the Planning Director or a designee, provided the information in the application establishes that the proposed use complies with the minimum requirements for such facilities as set forth in this section. The COGCC Application for Permit to Drill (APD), subject to Planning staff determination of adequacy of this information may suffice as a portion of the application (Development Permit) subject to Administrative Review.

5-2603 B. Submission Requirements for Minor Facilities:

I. General

All Minor Facility applications shall include, at a minimum, the information and materials specified in this section of the Code. The Planning Department staff may authorize modifications to the required submission contents to reduce or eliminate information and materials required for submission.

II. Required Background Information

A letter signed by the applicant containing the applicants name, address and telephone number, fax number, email address, and if applicable, the same information for the representative authorized to act on behalf of the applicant.

III. Copies of Application

The applicant shall submit three complete copies of the application.

IV. An application for a Minor Facility (see 5-2503 C. for Geophysical-Seismic
Operation submittal) shall include a Development Plan, which shall include the following:

a. Well Plat certified by a registered surveyor.

b. A Drilling Plan

c. A Surface Use Plan: to include well location, direction to well site, legal and physical access to and within the site, new and existing roads, facilities to be constructed on site, location of water supply, waste disposal, surface restoration ( revegetation), weed control plan, pipelines and flow lines (existing and proposed), wildlife habitat.

d. Verification of Bond to the County to cover the operations.

e. Operator certification.

f. Site Specific Plan showing location of well, pad size, accessory structures, topsoil stockpile, reserve pit, etc. must be representative of what is proposed for the specific site being applied for (a generic site plan is not acceptable), and describing the location of the Facility's perimeter.

g. List of all ancillary equipment to be used on site.

h. List of hazardous materials to be used.

i. Statement of compliance with Noise mitigation per Section 5-2604 D.

j. Statement of compliance with the visual impact standards contained in Section 5-2604 E. III, IV. and V.

k. Demonstration of compliance with Setbacks per Section 5-2604 G.

l. Any other uses, including but not limited to employee/worker housing.

m. The identification of any wildlife habitat as mapped by the Colorado Parks and Wildlife (structures should include raptor perching deterrents in Colorado Parks and Wildlife mapped Occupied Gunnison Sage-grouse habitat).

n. A description of the location of the Access Road proposed to serve the Facility and documentation demonstrating the existence of
legally and physically adequate access to the proposed Facility, or
the ability to construct such access.

o. Provide a copy of the State Water Quality Control Division
Stormwater Permit and Stormwater Management Plan, if it is not
already filed with the County.

5-2603 C. Submission Requirements for Geophysical (Seismic) Operations:

I. General

All Geophysical Operation applications for land use approvals shall include, at a
minimum, the information and materials specified in this section of the Code. The Planning Department staff may authorize modifications to the required
submission contents to reduce or eliminate information and materials required for
submission. A complete application shall include any and all applicable Federal,
State and/or Private land leases (or memoranda thereof) and permits.

II. Required Background Information

A letter signed by the applicant containing the applicants name, address,
telephone number, fax number, email address, representative authorized to act on
behalf of the applicant and if applicable, the same information for the
representative authorized to act on behalf of the applicant.

III. Copies of Application

The applicant shall submit three complete copies of the application.

IV. An application for a Geophysical (Seismic) Operation shall include a
Development Plan, which shall include the following:

a. A Surface Use Plan to include general location of shothole
exploration, access, new and existing roads, surface restoration
(revegetation), and weed control plan

b. Verification of Bond to the County to cover operations.

c. Operator Certification.

d. List of hazardous materials to be used.

e. Identification of any wildlife habitat as mapped by the Colorado
Parks and Wildlife.

f. Provide time period, duration and any seasonal restrictions per the
g. Documentation authorizing the proposed Geophysical (Seismic) Operation executed by the owner or lessee of the mineral estate(s) and from the surface owner of a split estate(s) that is the subject of such Geophysical Operation, if obtained and available.

5-2603 D. Notice to Adjacent and Affected Property Owners

Written Notice shall be provided to affected surface owners for all Minor Facility applications. Email notice to surface owners is encouraged if Email addresses are available from the County Assessor’s Office. The applicant shall present proof of such notice by submitting a copy of the letter and a list of the landowners notified, together with an affidavit attesting to such notice executed by the person responsible for providing such written notice, to the Planning Department. This notice to affected owners shall be mailed not more than twenty days nor less than seven days prior to the application being submitted to the Planning Department. The notice to affected owners shall provide a statement that all written comments must be provided to the County Planning Department within 15 days, after the date of filing of the application, as stated in the Notice, with the County Planning Department except where the APD is the first well to be developed in a Residential Area the notice shall provide a statement that all written comments must be provided to the County Planning Department within 30 days of the mailing of the notice. The notice to affected owners shall include the date the application is to be filed with the County. Notice of the application shall be made as follows:

1. To the current surface owners of the parcel(s) of land within which the Minor Facility is proposed to be located, as well as the current surface owners of those parcels of land within ¼-mile (1,320 feet) of the subject site and the owners of real property adjacent to or through which any private Access Road extends. Such notice shall include the proposed Minor Facility location. Ownership may be determined from the current property tax records of the county assessor’s office. For the purposes of notice, a surface owner shall receive notice if its property boundary is within ¼-mile (1,320 feet) from the point indicated as the wellhead (the wellhead is indicated by feet from section lines) or, for Minor Facilities, other than wells, from the Facility perimeter as depicted on the Development Plan.

In addition to the required written notice under this provision, the applicant shall make a good faith effort (at a minimum contacting the County Planning Department and checking the records of the County Clerk and Recorders Office) to ascertain if any of the landowners required to be provided written notice, as part of an application, are also members of a condominium association or homeowner's association. If the result of the good faith examination identifies the
existence of such condominium association or homeowner's association, the applicant shall provide written notice to these associations in the same manner as other landowners. Email notice to these associations is encouraged if Email addresses are available from the County.

2. The notice of the application for approval of a Minor Facility shall contain the following (see Attachment A):

   (a) A description of the proposed Facility site location, including a legal description, as well as a street address for the site, if available, from the County Addressing Official.

   (b) The identification of the applicant and its designated agent for the application, if any, the current business address, telephone number, fax number, and email address for the applicant and its agent, if one has been designated, and a brief description and general map of the proposed Access Road, construction, facilities and equipment proposed to be located at the site while under construction, during drilling and completion and after the Facility is operational.

3. Posting of notice shall be made by the applicant by posting a sign (to be obtained from the County) in a conspicuous place on the property or closest public roadway within 5 days of submittal of the application to the Planning Department.

5-2603 E. Determination of Compliance and Approval or Denial of Application

If the application is found to be complete, as required by this section, Planning shall then review the application for compliance with applicable standards and requirements within this Section. Planning may require more information based upon the review of the application, but Planning shall complete its review, and approve, approve with conditions or deny the application, within 30 working days of submittal of a complete application, except where the APD is the first well to be built in a Residential Area the review shall be completed within 45 working days. Planning shall determine if additional information is required within 10 days of receiving an application. If additional information is required it shall be submitted within 10 days of written request. Planning shall complete its review of the application within 15 days of receipt of the requested information unless more time is required, to conduct a site visit due to inclement weather.

5-2603 F. Review Standards for Minor Facilities

Planning shall review the application to determine compliance with review standards for Minor Facilities.
I. The siting of a Facility shall lie within the Colorado Oil & Gas Conservation Commission determined drilling window, or in a location that complies with Colorado Oil & Gas Conservation Commission rules and regulations.

II. Minor Facilities shall comply with the requirements of Section 5-2602 N.

5-2603 G. Pad Size. Pad dimensions for a Minor Facility shall be the minimum size necessary to provide a safe work area and minimize surface disturbance and shall not exceed 8 acres. If the well pad exceeds 8 acres in size, consideration shall be given to processing the development as a Major Facility unless it's determined the cumulative impacts will be less than those associated with an additional well pad, based upon Planning Staff's evaluation of the probable cumulative impacts associated with the Facility. Applicant shall provide an explanation and rational basis for the proposed Pad Size.

5-2603 H. Gathering System Lines. Gas gathering lines for any Facility shall be shown on the site plan for each individual well when such lines are proposed. A revegetation plan shall be submitted for all gathering lines, which shall include sufficient procedures for seeding, crimping and weed control. A weed control plan shall be included to control weeds listed on the San Miguel County Noxious Weed list. Prior to installation of gathering lines, a Special Construction Permit shall be obtained from the Road and Bridge Department for road crossings and work in County rights-of-way or a County Road, where necessary. A final as-built plan sufficient to locate final constructed gathering lines shall be provided to the County within 6 months of completion.

5-2603 I. Appeal of Planning Director Administrative Decision

An applicant or other affected and aggrieved person(s) may appeal the Planning Director's decision by submitting a letter that sets forth the grounds for the appeal, addressed to the Planning Director requesting an appeal, within 14 days of the Administrative Decision. The Board of County Commissioners shall conduct a public meeting within 30 days to consider such an appeal. The Board shall render its written decision within 15 days of the date of the appeal hearing, which decision shall constitute the final action of the County.

5-2603 J. Commencement, Duration and Modification of Development Permit

Development Permits or Approvals granted for Minor Facilities shall expire or be considered revoked if construction of the Facility is not commenced within two years of the date of approval or if the permit from the Colorado Oil and Gas Conservation Commission for the Minor Facility expires or terminates, whichever first occurs. The Development Permit or Approval shall become effective on the date of the approval by the Planning Director or Designee. If an applicant desires to modify the subject Facility by changes to equipment, site layout, approved operating plan, Access Road, etc. an amendment to the original application shall
be submitted for review and approval. Planning shall determine whether the modification is an administrative review or is considered a major revision and process the application accordingly. Recompletions and Subsequent Well Operations for any well shall require the operator to provide notice to the County of such work at least 7 days prior to the date of estimated commencement of operation with heavy equipment.

5-2604 Development of Major Oil and Gas Facilities

5-2604 A. Special Use Permit Required (Two-step Review)

Development of Major Oil and Gas Facilities within the unincorporated areas of San Miguel County, as to which jurisdiction has not been preempted by state or federal law, shall be subject to the provisions of this Section and all other applicable Land Use Code Sections including Sections 5-4 Areas and Activities of Local and State Interest/"1041" Environmental Hazard Review, 5-21 Scenic Quality, 5-22 Wetland Areas, and 5-25 Watershed Protection Areas, of the San Miguel County Land Use Code, as well as any state or federal entities or agencies having jurisdiction over such development. Construction, installation and operation of oil and gas facilities, which are subject to this Section shall not commence until a Special Use Permit has been granted by San Miguel County. Section 5-10 Special Uses shall not apply to Oil and Gas Development except as specified in Section 5-2604 B. VII.

5-2604 B. Submission Requirements for Major Facilities.

I. General

All applications for land use approvals shall include, at a minimum, the information and materials specified in this section of the Code. The Planning Department staff may authorize modifications to the required submission contents.

II. Required Background Information

A letter signed by the applicant containing the applicant's name, address, telephone number, fax number, email address, and if applicable, the same information for the representative authorized to act on behalf of the applicant.

III. Copies of Application

The applicant shall submit three complete copies of the application.

VI. Notice to Adjacent and Affected Property Owners – (see Attachment A)

Two-step reviews require that the notice to adjacent and affected property owners
include the date, location and contact information for the time of the public meeting. The notice shall also include a provision that encourages the adjacent and affected property owners provide written comments no later than one-week prior to the meeting date in order to be included in the meeting packets, although comments will be accepted up to the public meeting date. Not less than 14 days, nor more than 30 days prior to the public meeting established to consider the Major Facility application, legal notice of the public meeting before the board of commissioners shall be published in a newspaper of general circulation within the county, and written notice shall be given individually to the following:

1. The owners, as recorded in the records of the county, of any land adjacent to or located within ¼-mile (1,320 feet) of any portion of the boundary of the parcel or tract containing the subject site and owners of each parcel of real property adjacent to or through which the designated Access Road extends from the nearest public road. Such notice shall be sent by the applicant or Planning Department at the applicant's expense at least 20 days prior to the scheduled meeting date. Email notice to adjacent and affected property owners is encouraged if Email addresses are available from the County Assessor's Office. Persons notified and the distance of notice may be increased at the discretion of the County based upon size and scale of the proposed Facility, surrounding land use pattern and perceived impacts.

In addition to the required written notice under this provision, the applicant shall make a good faith effort (at a minimum contacting the County Planning Department and checking the records of the County Clerk and Recorders Office) to ascertain if any of the landowners required to be provided written notice, as part of an application, are also members of a condominium association or homeowner's association. If the result of the good faith examination identifies the existence of such condominium association or homeowner's association, the applicant shall provide written notice to these associations in the same manner as other landowners. Email notice to these associations is encouraged if Email addresses are available from the County.

2. The public notice shall include the following:

   (a) A description of the location of the Facility (including a legal and practical locational description and a vicinity map), a general site plan, a vicinity map which includes the designated Access Road to the Facility, and the proposed activity under review.

   (b). Time and place of the public meeting.
(c) The name and address of the applicant and/or its designated agent, and a statement that additional information may be obtained from the Planning Department.

3. Posting of notice shall be made by the applicant by posting a sign (to be obtained from the County) in a conspicuous place on the property or closest public roadway at least 20 days prior to the scheduled meeting date.

4. The applicant shall present proof of such notice by submitting a copy of the letter and a list of the landowners notified, together with an affidavit attesting to the mailing of such notice executed by the person responsible for providing such written notice, to the Planning Department.

V. The following information shall be submitted:

1. A vicinity map indicating the section, township, and range of the site, and its relation to surrounding public roads and municipal boundaries.

2. A detailed drawing of the site at a scale of 1 inch to 100 feet, or other scale as determined to be appropriate by the Planning Department, which shall include the following:

   (a) The dimensions of the site, indicating area in square feet and acres, and the area of the site to be disturbed;

   (b) The location of all structures, flow lines or pipelines, gathering systems, tanks, wells, pits, and any other oil and gas operation facilities or equipment associated with the proposed oil and gas Facility;

   (c) Existing and proposed roads to and within the site as well as a description of the designated Access Road(s) from the nearest public road that will be used to access the proposed Facility for construction, operations and maintenance.

   (d) All pipelines, (underground and surface) if applicable;

   (e) On-site features such as floodplain designations, water courses, drainage, utility lines and easements, ditches, wetlands or aquatic habitat, significant plant ecosystems, geologic features, vegetative cover, dams, reservoirs, mines, and known cultural resources; existing and
proposed topography of the site at contour intervals of not more than five feet; and existing and proposed vegetation, buffers, berms, fences, and other screening devices.

(f) Adjacent properties and the approximate location of buildings and their uses within a distance of 400 feet of any proposed structure, facility, or area to be disturbed.

(g) Identification of wildlife habitat areas and migration routes as mapped by the Colorado Parks and Wildlife, and provisions for raptor proofing structures to prevent perching.

(h) Provide a copy of the State Water Quality Control Division Stormwater Permit and Stormwater Management Plan, if it is not already filed with the County.

3. Copies of application forms for all applicable local, state, or federal permits, including, but not limited to, Oil and Gas Conservation Commission Forms 1, 2, and 2a (Registration for Oil and Gas Operations, Application for Permit, Drill Site/Access Road Reclamation Forms).

4. In the event the Major Facility is not a well, the applicant shall provide proof of ownership or a surface lease authorizing the proposed use and Facility.

5. Copies of financial guarantees in the form of bonds, letters of credit, cash, certificates of deposit, individual bonds posted with the Oil and Gas Conservation Commission. In addition the County may require the operator of a Major Oil and Gas Facility in San Miguel County to provide financial guarantees as necessary and determined reasonable by the Board of County Commissioner’s to secure the objectives of these LUC provisions and to adequately address and potentially mitigate surface impacts, such as noise, visual, reclamation, revegetation, weed control, and damage and/or impacts.

6. An operation plan including the method of and schedule for the initiation, construction, operation and reclamation of the operation, to the extent applicable.

7. An emergency response plan meeting the requirements of this Section (see Sections 5-2602 H. and I.).

8. A reclamation plan meeting the requirements of this Section,
including proposed recontouring, revegetation or other appropriate measures to restore the surface while operations proceed or after they cease (see Section 5-2602 J.)

9. A noise, odor, and dust abatement plan to prevent impacts on this and adjacent properties.

10. Any proposed measures necessary to mitigate anticipated adverse impacts on the aesthetic features of the site, views from surrounding properties or public rights-of-way, or on significant environmental resources such as wetlands or plant and wildlife habitats.

11. An Access Road designation and transportation route plan for all related facilities.


13. A drainage and erosion control plan for both on-site and off-site drainage to address storm water runoff during site construction, as well as, after construction of the Facility.


15. Written documentation that adequate legal and a physical access exists or can be constructed to serve the Facility.

VI. Commencement, Duration and Modification of Special Use Permit.

Approval granted for a Major Facility shall commence in accordance with Land Use Code Section 5-1002 F. (unless a phased plan is approved through the review process). The Special Use Permit shall become effective on the date of written approval by the County. If an applicant desires to modify the subject Facility by changes to equipment, site layout, approved operating plan, etc. an amendment to the original application shall be submitted for review and approval. Planning shall determine whether the modification has substantial impacts and is considered a minor amendment pursuant to Section 5-1003.

5-2604 C. Review Standards:

The Board of Commissioners' decision to approve or deny an application for a Major Facility shall be made and determined based upon its compliance with all applicable performance standards and other requirements of this section and by applying the following criteria to the evidence in the record of proceedings before the commissioners:
I. Need. The demonstrated need for the Facility, in the location proposed, to serve the applicant’s existing and projected oil and gas development, production and operational requirements.

II. Suitability. Suitability of the location of the proposed Facility given its size, design and operational characteristics. Factors to be considered include noise levels, impacts upon air and water quality, vibration and odor levels, fire protection and access requirements, visual impacts, wildlife impacts and public safety. These factors will be evaluated in accordance with applicable state, county and federal standards and criteria.

III. Legal and Physical Adequacy of the Proposed Access Road. Factors for consideration are existing and proposed road alignment, intersections, condition, structure and site distances; traffic volumes and types of equipment; dust control; and existing road uses; satisfactory written documentation of the Applicant's legal right to use the proposed Access Road to serve the Facility; and physical adequacy of the proposed Access Road to serve the Facility.

IV. Site characteristics. Factors to be considered are topography, natural hazards (landslides, flooding, wildfire), and current resource values (open space corridor, prime farmland as designated by Soil Conservation Service and wildlife habitat (including lands designated under the County PDR program as well as other conservation easements).

V. Compatibility. Compatibility with existing uses and those which can be reasonably anticipated, based upon present subdivision and land use approvals for properties located within the surrounding affected area, as determined by the commissioners, based upon competent evidence in the record. A Facility’s compatibility with land uses in the surrounding area, which the commissioners find will be affected by its operation, shall be determined by the Facility’s estimated or projected ability to mitigate the impacts which it generates, as set forth in the Facility operational plan, and in accordance with applicable county, state and federal rules, regulations and standards.

VI. Pad dimensions for a facility shall be the minimum size necessary to provide a safe work area and minimize surface disturbance.

VII. Major Oil and Gas Facilities shall also be reviewed for general consistency with the standards and policies set forth in the following documents:

(a) San Miguel County Land Use Code Section 5-26: Oil and Gas Exploration and Development;
5-2604 D. Noise

I. Any equipment used in drilling, completion, or production of a well must comply with the maximum permissible noise levels set forth in the applicable COGCC Regulation Section 802 Noise Abatement (see Attachment B).

II. Where a Facility does not comply with the required setback or other portions of the performance standards, additional noise mitigation may be required but shall be consistent with the standards of COGCC Rule 802. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to, the following:

(a) Nature and proximity of adjacent development (design, location, type). Prevailing weather patterns, including wind directions.

(b) Nature and proximity of adjacent wildlife habitat.

(c) Vegetative cover on or adjacent to the site.

(d) Topography.

III. Based upon the specific site characteristics set forth in this Section, nature of the proposed activity and its proximity to surrounding development and wildlife habitat and type and intensity of the noise emitted, additional noise abatement measures may be required, but abatement measures must be consistent with the standards of COGCC Rule 802. The level of required mitigation may increase with the proximity of the Facility to existing residences and platted subdivision lots and wildlife habitat, and/or the level of noise emitted by the Facility. One or more of the following additional noise abatement measures, listed below in ascending order of
mitigation, may be required:

(a) Acoustically insulated housing or covers enclosing any motor or engine;

(b) Screening of the site or noise emitting equipment by fence or landscaping;

(c) Solid wall or fence of acoustically insulating material surrounding all or part of the facility.

(d) A noise management plan specifying the calendar period and/or hours of maximum noise and the type, frequency, and level of noise to be emitted; and

(e) Any other technically feasible and cost effective noise mitigation measures required by the County.

(f) Construction of buildings or other enclosures may be required where facilities create noise and visual impacts that are nonmitigable because of proximity, density and/or intensity of adjacent land use.

5-2604 E. Visual Mitigation

I. Visual Mitigation Plan. A visual mitigation plan shall be required for all new facilities and/or expansion of existing facilities. The plan shall incorporate the appropriate design elements of this Section. The requirement for a visual mitigation plan may be waived by the Board of County Commissioners, the Planning Director or the Local Government Designee, if a plan is deemed unnecessary to preserve the Scenic Quality in conjunction with the proposed development of the Facility visible from neighboring developments and public use areas in accordance with the Policy set forth in Section 2-12 Scenic Quality and Section 5-21 Scenic Quality.

II. The visual mitigation plan minimum requirements are as follows:

1. Scaled drawing.

2. Site boundary dimensions and descriptions.

3. Existing and proposed contours and pad elevations.

4. Existing conditions and site features including wildlife habitat that incorporate and surround such site to be developed.
5. Existing and proposed access.

6. Cross-section of existing and proposed contours, if applicable and when necessary to demonstrate compliance with the applicable Scenic Quality standards in LUC Section 5-21.

7. Orientation and dimensions of facilities (pump jacks, buildings, etc.).

8. Description of existing and proposed vegetation.

9. Location, height and extent of any proposed perimeter berms, if applicable.

10. Type, location and amount of mulch materials, if applicable.

11. Type, location and height of any existing and/or proposed fencing, if applicable.

12. Delineate drainage and runoff patterns and mitigation.

13. Direction and type of lighting, if applicable.

14. Written maintenance and irrigation plan for proposed or required revegetation for at least one year after revegetation.

15. Title block:

   (a) Name of development;

   (b) Name of applicant or developers;

   (c) Project number;

   (d) Date of preparation; and

   (e) Section, township and range.

16. Vicinity map:
17. Performance security. For sites requiring a visual mitigation plan, performance security shall remain in place for at least one year after installation of the plant and landscape materials. The performance security shall be of an amount sufficient to cover the costs of the proposed improvement or the bonding requirements set forth in Section 5-2602 F. Performance Security.

III. Visual impacts.

1. To the maximum extent reasonably feasible, the applicant shall use structures of minimal size to satisfy present and future functional requirements.

2. When clearing trees and vegetation for construction of facilities, the applicant shall feather and thin edges of vegetation.

3. The applicant shall replace earth adjacent to water crossings at slopes less than the natural angle of repose for the soil type of the site.

4. To the maximum extent possible, the applicant shall align Access Roads to follow existing grades and minimize cuts and fills.

5. Facilities shall be painted as follows:

   (a) Uniform, noncontrasting, nonreflective color tones, similar to standardized colors as used by Bureau of Land Management color charts.

   (b) Color matched to land, not sky, slightly darker than adjacent landscape.

6. The applicant shall minimize damage to existing trees and vegetation.

7. Within three months for crop land and twelve months for non-crop land, after well completion, or six months for non-well Major Facilities, the pad area (except the main Access Road and the immediate areas surrounding the aboveground facilities, which are necessary for safe operations, and which are to be graveled) shall
be reseeded with native grasses or existing vegetation acceptable to the surface owner and in compliance with the County Land Use Code.

8. One or more of the following landscape practices as described in Section 5-2101 and below shall be applied, on a site-specific basis:
   
   (a) Establishment of berms, ground covers, shrubs and trees.
   
   (b) Shaping cuts and fills to appear as natural forms.

9. All exterior lighting shall comply with the standards of Section 5-710. All lighting associated with oil and gas development shall be used as needed rather than all of the time to the extent possible given safety requirements.

10. All equipment used for drilling, re-drilling, well completion and recompletion and maintenance of the Facility shall be removed from the site within thirty (30) days of completion of the work for which the equipment is used, unless otherwise agreed to by the surface owner. Permanent storage of equipment on well pad sites shall not be allowed, unless otherwise agreed to by the surface owner and determined by San Miguel County to be in conformance with the applicable LUC standards.

11. The applicant is encouraged to use low profile pumps and equipment to mitigate visual impacts.

IV. Additional Visual Mitigation in Visually Sensitive Areas. In addition to visual mitigation requirements set forth in this Section, well sites located within a visually sensitive areas, such as but not limited to scenic highway setbacks (Section 5-505), scenic foreground and scenic view plane zone districts (Section 5-316), shall be mitigated according to the provisions of this Section. Any well within a visually sensitive area shall use an appropriate mitigation measure in accordance with the applicable provisions of the Land Use Code.

V. Other special mitigation measures.

Construction of buildings or other enclosures may be required where facilities create noise and visual impacts that are nonmitigable because of proximity, density and/or intensity of adjacent land use.

5-2604 F. Water.
An approved or conditionally approved Facility shall comply with the following requirements:

I. Comply with Oil and Gas Conservation Commission water well testing and water-bearing formation protection procedures and requirements.

II. All Test and Survey reports and water well testing information that have been required by COGCC to determine the presence of waste or occurrence of pollution, as well as, the results from well-head monitoring to allow safe and convenient determinations of pressure and fluid flow shall be forwarded to the Planning Director or Local Government Designee.

III. All oil and gas operations shall comply with all applicable state water quality standards and classifications established by the Water Quality Control Commission.

IV. Comply with the Water Right Determination and Administration Act and the Ground Water Management Act for beneficial uses of produced water related to coalbed methane production.

V. Identify physical source of water and legal entitlement to use of such water (e.g., Water Court decree) for irrigation, dust control and drilling.

5-2604 G. Setbacks.

In order to buffer oil and gas operations from surrounding properties, wells and any associated oil and gas operation Facility or structure requiring a Minor Facility Development Permit or Major Facility Special Use Permit shall meet the following setbacks:

I. A minimum of 400 feet from the site perimeter of the Facility (for wells, site distance shall be measured from the well head) and any existing residence, occupied building or occupied building permitted for construction, unless verified written consent is obtained from the affected property owner, or in the case of wells, the COGCC fails or refuses to approve a well site location that complies;

II. A minimum of 200 feet from the site perimeter of the Facility and the closest platted subdivision lot line, unless verified written consent is obtained from the affected property owner; and

III. A minimum of 200 feet from the site perimeter and any public right-of-way.

IV. A smaller setback may be granted by the County if the surface owner
agrees and if there is no adverse impact on adjacent properties created by the reduced setback. No reduction in setback, however, shall violate the setbacks of the applicable zoning district in which the operation is located.

V. If the Colorado Oil & Gas Conservation Commission rules require location of wells at a distance less than these minimum requirements, the applicant shall apply for a special exception pursuant to Section 5-2604 G. VI. and VII. All such well location special exceptions will be processed as a Two-step Review. If such a variance is not granted, the setbacks specified in these regulations shall be complied with to the maximum extent possible. The County may impose additional mitigation measures as necessary to protect the public health, safety, and welfare where these setbacks cannot be met.

VI. Special Exception Requests.

(a) Special exceptions to the setback requirements may be requested by the applicant. All applications where a special exception is requested will be processed as a Two-step Review. Requests for special exceptions for proposed facilities may include, but not be limited to, one or more of the following factors:

1. Topographic characteristics of the site;
2. Duration of use of the Facility;
3. Proximity of occupied structures to the Facility;
4. Ownership status of adjacent and/or affected land;
5. Construction of adequate infrastructure to serve the project; and
6. Planned replacement and/or upgrading of Facility equipment.

(b) If the Board of County Commissioners finds, based upon competent evidence in the record, that compliance with the regulations of this section is impossible, a special exception may be granted by the Board of County Commissioners for a period of time not to exceed six months. The applicant must initiate construction of the Facility within 6 months or the time period specified by the Board of Commissioners. Prior to expiration of the specified time period, the application shall receive additional review by the Board of County Commissioners in accordance with this code. The County, upon showing of good cause by the
applicant, may:

1. Further extend the special exception;
2. Require that the Facility be brought into compliance with the performance standards; or
3. Revoke the special exception approval.

VII. Operational Conflicts Special Exception.

(a) Special exceptions to the setback requirements may be granted where the requirements of this section actually conflict in operation with the requirements of the Oil and Gas Conservation Act or implementing regulations. All applications where a special exception due to operational conflicts is requested shall be processed as a Two-step Review and heard in a noticed public hearing by the board of county commissioners acting in a quasijudicial capacity, pursuant to C.R.S. §§ 30-28-117 and 30-28-118. The applicant shall have the burden of pleading and proving an actual, material, irreconcilable operation conflict between the requirements of this section and those of the Oil and Gas Conservation Commission in the context of a specific application. For purposes of this section, an operational conflict exists where the county condition of approval or regulation actually conflicts in operation with the state statutory or regulatory scheme, and such conflict would materially impede or destroy the state's interest in the development, production, and utilization of oil and gas resources in the state, and the protection of the public health, safety and welfare. An operational conflict may occur where the county regulation prohibits an activity, which, the Oil and Gas Conservation Commission, or its valid regulations, has clearly authorized, or authorizes an activity, which the Oil and Gas Conservation Commission, or its valid regulations, has clearly prohibited. Additional county requirements in areas regulated by the Oil and Gas Conservation Commission, which also fall within county land use powers and which are necessary to protect the public health, safety and welfare under the facts of the specific application presented, and which do not impose unreasonable burdens on the applicant, shall be presumed not to present an operational conflict. If the board of county commissioners finds, based upon competent evidence in the record, that compliance with the requirements of this section shall result in an operational conflict with the state statutory and regulatory scheme, a special exception to this section may be granted, in whole or in part, but only to that extent. The board of county commissioners may
condition the approval of a special exception as necessary to
protect the public health, safety and welfare by mitigating any
adverse impacts arising from the grant of approval.

(b) If the applicant or any interested party wishes to seek judicial
review of a final board of county commissioners' decision on the
exception request, appeal to the district court shall be pursuant to
C.R.C.P. Rule 106 (a) 4.

5-2605 Definitions

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Access Road
A road located on private property between the site on which a Minor or Major Facility is located and the county road or state highway serving such a Facility constructed in accordance with the applicable Land Use Code standards.

Agricultural
Currently in use for farm or ranch purposes, including pasture.

Applicant
That person, corporation or other legal entity possessing the legal right to develop the mineral resource or any other use proposed in connection thereof for the site in question; generally, the applicant will be the owner or lessee of the mineral estate.

Collection line
A pipeline to a well designed to collect produced or waste water and transport it to a central disposal area (evaporation pit or injection well).

Compatible/Compatibility
Able to exist or act together harmoniously, considering noise levels, odors, potential fire hazard, visual impacts, effects to surface water and groundwater quality/quantity, adequacy of the road system, air quality and surrounding land uses.

Compressor station
An installation consisting of one or more individual compressors, located on a gathering or transmission line, or both.

Contaminated soil
Soils impacted by production operations in a way that adversely affects their ability to support normal uses or could adversely affect water quality in the future.

Corridor
The route within which a pipeline right-of-way is located.
Designated agent
An agent designated by the owner or lessee, as defined by the Colorado Oil & Gas Conservation Commission.

Easement
Authorization by a property owner for the use of a designated portion of his or her property by another, for a specified purpose.

Evaporation pit
An excavated pit used for storing and evaporating wastewater produced in degasification activities, during drilling or production, or both, sometimes lined.

Facility
Means either a Minor Facility or Major Facility as defined in Section 5-2601 D.

Fieldwide Development Plan
A comprehensive development plan for a proposed or defined oil and gas field(s) or a limited geographic area within a field. The plan will include a map showing optimal locations for wells, production facilities, access routes, flowlines and utilities. This is intended to be a working document meant to guide APD submissions.

Flow Line
Shall mean those segments of pipe from the wellhead downstream through the production facilities ending at: In the case of gas lines, the gas metering equipment; or In the case of oil lines, the oil loading point or LACT unit; or in the case of water lines, the water loading point, the point of discharge to a pit, or the injection wellhead.

Gas well
A well having a pressure and volume of natural gas, specifically, producing methane, often in combination with a variety of other substances such as butane, propane and carbon dioxide.

Gathering system
All pipelines from the meter at the end of the flow line to the compressor station. A system consisting of well (or gathering), lateral, and trunk pipelines transporting oil, gas or other products derived from oil and gas production to a central facility or transmission line, and so classified under the United States Department of Transportation and/or COGCC regulations.

Geophysical Operation
See Seismic Exploration/Operation

Gold Book
Shall mean the "Surface Operating Standards for Oil and Gas Exploration and Development" prepared by the United States Department of the Interior Bureau of Land Management and United States Department of Agriculture Forest Service, Fourth Edition, 2006 and any
amendments to date.

**Gunnison Sage-grouse Rangewide Conservation Plan**

**Lessee**
The individual or firm leasing mineral rights for development purposes from the owner. The lessee may also be the permittee, for the purposes of this Section.

**Operating plan**
A general description of a facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operating, source of services/infrastructure, and any other information related to regular functioning of that facility.

**Operator**
That individual or firm engaged in all or a portion of the extraction operations at a well or other facility; usually the lessee of the mineral estate, although day-to-day operations may be contracted to another firm.

**Pad Area**
Shall mean the areas, which are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well, or injection well, excluding the access road.

**Pad Size**
Pad size shall be measured from edge of disturbance.

**Pit**
Shall mean any natural or man-made depression in the ground used for oil or gas exploration or production purposes. Pit does not include steel, fiberglass, concrete or other similar vessels, which do not release their contents to surrounding soils.

**Platted subdivision lot**
Any lot created pursuant to state law, which has received subdivision approval by the Board of County Commissioners since September 1, 1972.

**Pollution**
The contamination or other degradation of the physical, chemical or biological properties of water or air, including change in temperature, taste, color, turbidity or odor, or such discharge of any liquid, gaseous, solid, radioactive or other substance into water or air as will or is likely to create a nuisance or render such water or air harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, or native flora.
**Producing (in production)**
The development stage in which marketable oil and gas are extracted from a well; may also signify the extraction level at which the quantitative terms of the lease are fulfilled.

**Recompletion**
The operator reenters a well to complete or deepen the well to a new formation from that in which a well has previously been completed.

**Reserve Pit**
Shall mean those pits used to store drilling fluids for use in drilling operations or to contain E&P waste generated during drilling operations.

**Residential Area**
Having an existing residence or platted subdivision lot located within a one-quarter mile radius of a facility site.

**Right-of-way**
A tract or strip of land, separate and distinct from the adjoining property, owned, occupied or intended to be occupied by an oil, gas and/or water pipeline.

**Seismic Exploration/Operation**
Shall mean all activities associated with acquisition of seismic data including but not limited to surveying, shothole drilling, recording, shothole plugging and reclamation.

**Spacing**
Acreage dedicated to each well producing from the same formation. Spacing regulations are established by the Colorado Oil & Gas Conservation Commission.

**Stormwater Management Plan**
Means the detailed analysis that describes how the proposed stormwater management system for a development has been planned, designed and will be constructed to meet applicable County requirements and Colorado Department of Health and Environment requirements.

**Subsequent Well Operations**
Shall mean those operations that will materially impact surface areas beyond the existing access road or well site for any well, including operations such as fracturing or recompletion of the well but shall not include routine service and maintenance operations including but not limited to the changing of pumps.

**Transmission line**
A pipeline transporting oil, natural gas or any other products derived from oil and gas production, which is defined as a transmission line by the Department of Transportation regulations under the Natural Gas Pipeline Safety Act of 1968, as amended.

**Well**
Shall mean an oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into
which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.

All other words used in this Section shall be given their usual, customary and accepted meaning in the oil and gas industry, or as defined in the Rules and Regulations of the Oil and Gas Conservation Commission of the State of Colorado or the BLM “Gold Book”
**ATTACHMENT A**

**NOTICE TO ADJACENT AND AFFECTED PROPERTY OWNERS:**

A Public Meeting/Hearing will be held on __________, 20__ at _______ am/pm in the (place) _____________________________ to review the following application.

Description of the proposed facility site location, including legal description and street address if applicable:

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**Brief Description of the Facilities & Equipment and Proposed Activity:**

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For additional information contact:

San Miguel County Planning Department
P.O. Box 548, 333 W. Colorado Ave., 3rd Fl
Telluride, CO 81435
Phone: 970-728-3083    Fax: 970-728-3098
www.planning@sanmiguelcounty.org
ATTACHMENT B

NOISE ABATEMENT pursuant to COGCC Regulation 800 Series:

802. Noise Abatement

a. Oil and gas operations, including gas facility operations, shall comply with the following maximum permissible noise levels for the predominant land use existing in the zone in which the operation occurs. Any operation involving pipeline or gas facility installation or maintenance, the use of a drilling rig, completion rig, workover rig, or stimulation is subject to the maximum permissible noise levels for industrial zones. In the hours between 7:00 a.m. and the next 7:00 p.m. the noise levels permitted below may be increased ten (10) db(A) for a period not to exceed fifteen (15) minutes in any one (1) hour period.

<table>
<thead>
<tr>
<th>ZONE</th>
<th>7:00 am to next 7:00 pm</th>
<th>7:00 pm to next 7:00 am</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>55 db(A)</td>
<td>50 db(A)</td>
</tr>
<tr>
<td>Commercial</td>
<td>60 db(A)</td>
<td>55 db(A)</td>
</tr>
<tr>
<td>Light industrial</td>
<td>70 db(A)</td>
<td>65 db(A)</td>
</tr>
<tr>
<td>Industrial</td>
<td>80 db(A)</td>
<td>75 db(A)</td>
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The following provide guidance for the measurement of sound levels from oil and gas operations:

(1) If there are no occupied building units impacted, sound levels shall be measured at a distance of twenty-five (25) feet or more from the property line radiating the noise. Sound levels at occupied building units shall be measured as near as practicable to the exterior edge of the occupied building unit closest to the area radiating the noise.

(2) Sound level meters shall be equipped with wind screens, and readings taken when the wind velocity at the time and place of measurement is not more than five (5) miles per hour.

(3) Sound levels shall be taken four (4) feet above ground level.

(4) Sound levels shall be determined by averaging measurements made over a fifteen (15) minute sample duration.

(5) In all sound level measurements, the existing ambient noise level from all other sources in the encompassing environment at the time and place of such sound level measurement shall be considered to determine the contribution to the sound level by the oil and gas operations.

a. Exhaust from all engines, motors, coolers and other mechanized equipment shall be vented in a direction away from all occupied buildings to the extent practicable.

b. In high density areas all facilities within four hundred (400) feet of occupied buildings with engines or motors which are not electrically operated shall be equipped with quiet design mufflers or equivalent. All mufflers shall be properly installed and maintained in proper working order.
SECTION 5-27: WIRELESS SERVICES AND COMMUNICATIONS FACILITIES

5-2701 A. Purpose of Section

The purpose of this Wireless Services and Communications Facilities section is to ensure that residents, visitors, schools, public safety operations and businesses in unincorporated areas San Miguel County have reliable access to Personal Wireless Services while ensuring that this objective is achieved in a fashion that preserves the aesthetic character of the community and neighborhood and is accomplished according to the County’s planning, zoning, and design standards.

The provisions of this section are intended to be in compliance with the provisions of the Federal Telecommunications Act of 1996, 47 USC §332(c)(7), and are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services and shall be implemented accordingly.

To accomplish the above stated objectives and to ensure that the placement, construction or modification of Wireless and Communication Facilities comply with all applicable Federal laws, and is consistent with the County’s land use policies, the County adopts this single, comprehensive, wireless services and communications Section. Communication towers, antennas and facilities shall conform to the requirements of this section and all other applicable requirements of this Code.

No provision of this LUC Section shall apply to the siting of Distributed Antenna Systems (DAS) or wireless facilities within a building, stadium or similar structure, school or park and is intended primarily to provide wireless coverage within that building, stadium, or similar structure, school or park.

This Section establishes parameters for the siting, design, operation and maintenance of Wireless and Communication Facilities in the unincorporated areas of San Miguel County. By enacting this Section it is the County’s intent to:

1. Ensure the County has sufficient wireless infrastructure to support public safety and emergency response communications throughout the county;
2. Ensure access to reliable Personal Wireless Services throughout all areas of the county including wireless broadband data services and in no event prohibit or have the effect of prohibiting the provision of Personal Wireless Services;
3. Minimize the number of towers by encouraging the joint use (collocation) of facilities and by maximizing the use of existing towers and structures
4. Encourage the location of Support Structures, to the extent possible, in areas where any potential adverse impacts on the community and its residents will be minimized;
5. Provide for the efficient modification and upgrading of existing Facilities to accommodate changing technologies and to cause the removal of obsolete Facilities;
6. Facilitate the responsible deployment of Facilities to serve residential areas and to ensure that Facilities are sited and/or co-located in a manner that does not detract from the scenic quality or residential character of the area;
7. Minimize the potential adverse effects of Wireless & Communication Facilities through the implementation of design, landscaping and construction practices;
8. Allow competition in Wireless Services and Communication Facilities and to avoid unreasonably discriminating among providers of functionally equivalent services;
9. Ensure public health, safety, and welfare;
10. Provide guidelines and standards for the siting and design of Wireless Services and Communications Facilities;
11. Protect the county’s environmental resources and to minimize adverse impacts on visual resources, including compliance with applicable scenic quality standards; and
12. Ensure that Telecommunication Facilities are compatible with adjacent and neighboring land uses and meet all applicable Land Use Code provisions.

This Section 5-27 of the Land Use Code supersedes all other provisions of the Land Use Code pertaining to the permitting, placement, construction and modification of Wireless and Communication Facilities except as specifically provided for in this section.

5-2701 B. General

Wireless Services and Communication Facilities may be allowed subject to either Administrative Review or approval of a Special Use Permit application in any Zone District, except Open Space (OS), Scenic Foreground Overlay (SFO) and Scenic View Plane (SVP), residentially developed portions of Affordable Housing PUD’s or the High Country Area (HCA). A determination of whether a Facility may be permitted by an Administrative Review or will require consideration through a Special Permit Review process will depend on the type, design, location or height of the proposed Facility, the zoning of the property, the proximity to a Residential Area, and will be reviewed for compliance with the provisions
and standards set forth herein.

Telecommunications towers must be built to provide service coverage and/or capacity for one or more FCC licensed wireless carriers, e.g., Cingular, Verizon, Sprint, AT&T, Alltel, T-Mobile, or for a public entity, or to provide emergency service communication facilities. New towers will not be approved until it is demonstrated that no existing towers or structures (such as existing Wireless or Communication Towers, water towers, utility and/or light poles, rooftops of existing buildings and similar structures) can accommodate the wireless carrier’s equipment and provide functionally equivalent coverage to a specified service area. The evidence should include the effort made to locate on an existing facility including coverage/interference analysis, capacity analysis, and technological feasibility, and a brief statement as to any other reasons for success in locating on an existing tower or structure or lack thereof.

In accordance with the 1996 Telecommunications Act the County is prohibited from considering the effects of radio frequency emissions in determining a suitable tower site location, provided, such tower complies with the regulations of the Federal Communications Commission regarding such concern.

In addition to complying with all applicable zone district standards wireless services and communication facilities shall comply with the standards in this section. Facilities and support Structures may be located on a parcel containing another principal use.

5-2702 Review Procedures

A. Uses Allowed Subject to Administrative Review

Unless otherwise specified herein, all Facilities and Support Structures permitted by Administrative Review and Approval are subject to the applicable standards in Section 5-27.

I. Facilities Located on Existing Structures
   a. Antennas and Accessory Equipment when located on an Existing Structure or site.
   b. Antennas and Accessory Equipment may exceed the maximum Building Height limitation within a zoning district provided the structure and antenna attached to the existing facilities do not exceed 45-feet in combined height.
   c. Minor Modifications are permitted in all zoning districts subject to Administrative Approval in accordance with the requirements of this Section.
II. New Support Structures
   a. New Towers less than sixty (60) feet in height shall be permitted in all zoning districts, except those listed in Section 5-2701 B. and those in Residential Areas, in accordance with the requirements of this Section.

III. COW Facilities (“Carrier on Wheels” or “Cell on Wheels”)
   a. COW placed for a period of not more than fourteen (14) days for temporary uses related to a duly sanctioned special event;
   b. COW placed for a period of not more than one hundred twenty (120) days for temporary use related to replacement or repair of an existing support structure or tower that has either been permitted by San Miguel County or is determined to be a pre-existing non-conforming structure;
   c. COW placed for a period of not more than one hundred twenty (120) days at any location within unincorporated areas of the County after a Declaration of an emergency disaster by the governor or as authorized by the Board of County Commissioners.

B. Uses Allowed Subject to One-Step County Planning Commission Special Use Permit Review
   One-step Planning Commission decisions are subject to Call-up by the Commissioner of the district where the proposed facility will be located, in addition to the Call-up procedure set forth in Section 1-20.

   I. Stealth Towers, less than 60 feet in height located in Residential Areas.

   II. A Stealth Tower less than 60 feet in height adjacent to a Residential Area

C. Uses Allowed Subject to Two-Step Special Use Permit Review
   All new Towers and Facilities not listed under Administrative Review or One-step Review and all Towers over 60-feet in height but less than 199-feet in height.

D. Exemptions
   Ordinary Maintenance of existing Facilities and Support Structures, as defined herein shall be exempt from obtaining a
Development Permit. In addition the following facilities are not subject to the provisions of this section of the LUC:

I. Antennas used by residential households solely for broadcast radio and television reception;

II. Satellite antennas including satellite dishes used solely for residential or household purposes;

III. FCC licensed radio operators or receive-only facilities less than 45 feet in height.

5-2703 Preferred, Disfavored, Prohibited Facilities

A. Preferred Facilities

Site location and development of Telecommunication Facilities shall preserve the existing character of the surrounding land uses and buildings and the aesthetic visual character of the area. If technically feasible, new facilities shall use the most preferred facility type in the order specified herein below. The order of preference for new facilities is as follows (the most preferred to the least preferred):

I. Co-location on an existing tower.

II. Antennas attached to existing structures such as towers, buildings, light poles, and utility poles that do not substantially increase the height of the existing structure.

III. Location of new towers or facilities less than 100’ feet in height in relatively remote areas at higher elevations far removed from Residential Areas that would not be highly visible from State Highways, neighboring developments and public uses areas.

IV. Location of new towers or facilities less than 150 feet but more than 100 feet in height in relatively remote areas at higher elevations far removed from Residential Areas that would not be highly visible from State Highways, neighboring developments and public use areas.

V. Location of new towers or facilities less than 199 feet but more than 150 feet in height in relatively remote areas at higher elevations far removed from Residential Areas that would not be highly visible from State Highways, neighboring developments and public use areas.
VI. New tower or facility less than 60 feet in height that is intended to service a Residential Area, where the tower or facility is located on an adjacent or nearby industrial and/or commercial zoned property or non-residential public facility. It is preferred that the tower or facility be a Stealth facility.

VII. New tower or facility less than 60-feet in height that is deemed necessary to provide or improve wireless or broadband data services to serve a Residential Area, which must be located within that Residential Area to meet technical requirements. Towers and facilities located within a Residential Area shall be a Stealth Facility that does not detract from the visual quality or residential character of the neighborhood or an adjoining neighborhood.

Preferred Examples:
When a new tower is necessary Stealth Facilities are the preferred facility followed by a self-supporting Monopole, and then a Lattice tower. Guyed towers are considered a disfavored facility.

A lesser preferred or disfavored facility type may be permitted only if the applicant presents substantial evidence to show that it will have a lesser visual impact or is more technically necessary because of service coverage requirements than the use of more preferred facilities.

B. Disfavored Facilities

Site location and development of Telecommunication Facilities shall preserve the existing character of the surrounding land uses and buildings and the aesthetic visual character of the area. Disfavored facilities shall not be considered unless it is demonstrated that there is not a preferred facilities location available that will provide similar coverage. The following are considered disfavored locations:

I. New towers on any site that is within a state or county designated scenic highway corridor or major highway corridor.

II. New towers located on a site within a Scenic Vista, Scenic View Plane or along a ridgeline so it is exposed to view from highway travelers or to Residential Areas, along a public trail, in a park or recreation area, unless the facility blends in with the surrounding natural and human made environment.
III. New towers on sites within one-half ½ mile of a Residential Area. This does not include the installation of antennas and associated facilities on existing facilities.

IV. New towers that are located in open fields, open meadows or low lying areas that are highly visible from Scenic highways, public use areas and/or Residential Areas.

V. New towers that are located in environmentally sensitive areas such as Floodplains, Wetlands, and Gunnison-Sage grouse habitat.

Disfavored Examples:

Unacceptable Siting and Design
Above: “monopine” incompatible with surroundings - Below: towers in highly visible site
C. Prohibited Facilities

The following towers/facilities are prohibited:

I. New towers or additions to towers that exceed 199’ feet in height and/or that are located so that the Facility is required to be lighted to comply with Federal Aviation Administration requirements.

II. Non-Stealth towers in Residential Areas.

5-2704 Application Requirements

A. Pre-application Conferences with Staff

Prior to the submittal of an application for either an Administrative Review or a Special Use Permit application for a telecommunications facility the applicant shall schedule the first of two pre-application conferences with Planning Department staff. The tower applicant and at least one person from the service provider or their appointed authorized qualified agent must attend the pre-application conferences. At the first conference the applicant will share with staff information on existing towers and the proposed service area. Staff will provide information regarding existing towers within the county, zone district information, Residential Area locations, and information on preferred and disfavored facilities and locations.

At the second conference the applicants will submit a written narrative explaining why the proposed site has been chosen, the type of Tower chosen, including an analysis of alternative locations that were considered and an explanation as to why they were not selected, why the proposed Telecommunication Facility is necessary, why the requested height was chosen, ability of the facility to accommodate other providers, and any other information requested at the first pre-application conference.

Based upon the written narrative information staff will review the Land Use Code requirements and submittal requirements. Staff will prepare a written Pre-application Conference Summary letter that will include a determination as to type of review (Administrative, One or Two step review), Public Notice requirements, and other applicable Land Use Code requirements in addition to Section 5-27 requirements.

In addition, for facilities located within one-half mile of a Residential Area, the applicant shall hold a neighborhood meeting prior to the submittal of an application. Staff will attend the meeting and utilize the comments of neighbors in the analysis presented to the County Planning Commission and/or the Board of County Commissioners. The
requirement of a neighborhood meeting may be waived by the Planning Director, in their discretion.

B. General Requirements

I. The following must be addressed as part of any application:

a. Site plan, photos or drawings accurately representing existing and proposed conditions, specifying the location of antennas, support structures, transmission building, and other accessory structures, setbacks from property lines, all uses, access, parking, fences, signs, existing and proposed landscaping, and lighting, as well as all adjacent land uses within 500 feet for towers less than 100 feet high and 1000 feet for towers from 100-199 feet high. The Planning Director will assist in specifying recommended vantage points and the requested number of photo simulations.

b. Elevation drawings, or before and after simulations/drawings specifying the height and location of antennas, support structures, transmission building(s), and any accessory uses, fences, or signs, and proposed materials and colors.

c. Structural Integrity Report from a professional engineer licensed in the State of Colorado that documents tower height and design, total anticipated capacity of the structure, failure characteristics, and specific design/reconstruction plans to allow shared use.

d. Statement from the Federal Communications Commission (FCC), or applicable federal agency, that the application complies with the regulations of the FCC or applicable federal agency with regard to maximum radio frequency and electromagnetic frequency emissions, or a statement from the applicant that no such compliance is necessary and the reasons therefore.

e. The applicant shall erect a visual device which specifically identifies the height and mass of the proposed facilities and provide notice of the date and time of the simulation in local newspapers with a display advertisement and on local radio. The public notice shall take place a minimum of 10 days prior to the erection of the visual device. This requirement may be waived or modified by the Planning Director, in their discretion.

f. Written Narrative. A copy of the previously submitted written narrative, along with any updates, including any
additional information requested at the pre-application conference, shall be submitted.

g. Existing Structures. Evidence shall be submitted demonstrating that there is no existing structure that can be utilized within the targeted coverage area to meet the applicant’s requirements.

h. For facilities within one half mile of a Residential Area provide evidence of notification of property owners within one half mile, a map indicating tower site and residential area, and evidence of neighborhood meeting including sign-in sheet and a description of how the design addresses the residents’ concerns. At the Planning Director’s discretion the area of notification may be increased based upon potential visual impact or other extenuating circumstances.

i. The location and type of any existing and/or proposed telephone and internet broadband facilities serving the proposed site.

II. The County may, in its discretion, hire a qualified third party to review the submitted application. It will be the responsibility of the applicant to pay, at a customary reasonable market rate, for third party reviews initiated by the County.

III. The Planning Director, Planning Commission or the Board of County Commissioners may reasonably require more materials or information to be supplied by an applicant.

IV. Should an applicant for a wireless services facility, including any co-applicant(s), not be an FCC licensed wireless service provider, the application shall include written documentation from such an FCC licensed wireless service provider that it is contractually obligated to provide personal wireless services using the applicant’s proposed telecommunications facility should it receive county land use approval.

C. Communication Plan

In order to protect citizens against an unreasonable proliferation of wireless communication facilities in the County and in order to protect and preserve the character and aesthetics of County scenic view planes each applicant shall provide a plan of its existing and intended facilities to the County prior to, or in conjunction with, any application for the installation of a Telecommunication Facility. The plan shall cover the entire County extending five miles beyond the County border. The plan shall include the
following items. These shall be in general terms and are not meant to require submittal of confidential or proprietary information.

I. All of the applicant’s existing telecommunication facilities by size, type and coverage area.

II. All presently anticipated future service areas, anticipated dates of development, and types and heights of facilities desired for each of the Service areas.

III. The applicant’s proposal to mitigate and/or reduce existing and proposed towers to avoid the proliferation of such facilities.

IV. The applicant’s proposal to mitigate and/or reduce the negative visual impacts created by new towers, including any proposals to conceal disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings.

V. The applicant’s proposal to co-locate antennas on their own facilities, on facilities from other applicants or tower companies, or on other structures that provide the verticality required for the antennas.

D. Scenic Quality Mitigation Plan

I. A plan for mitigation of visual impacts or other appropriate aesthetic impacts of the proposed tower, and associated telecommunication support facilities, shall be submitted.

II. Visual simulations and renderings may be required by the Planning Department as a part of the submittal materials.

III. Colors and Materials. Visual mitigation techniques such as coloring, screening and landscaping shall be used. Towers, attached antennas and accessory structures, such as equipment buildings, including the roofs, must be painted or coated in a color that blends with the surrounding environment.

IV. Fencing. New towers and facilities may be required or allowed to be fenced to prevent trespass.

V. Lighting. Lighting is prohibited on towers unless required by the Federal Aviation Administration or other applicable state or federal requirements. Motion detector security lighting may be approved if the lights are fully shielded and down lighted. Any outdoor lighting plan requires County approval. All exterior lighting shall comply with the standards of Section 5-710.

VI. Landscaping. Perimeter landscaping may be required as a condition of approval of the facility, depending on the location. Existing vegetation shall be preserved to the maximum extent possible.

VII. Weed Control. A weed control plan shall be submitted that addresses control of noxious weeds on all areas disturbed during construction. The applicant may be required to provide weed
control at the facility for a period of three years from the installation of the telecommunications facility and the plan shall be reviewed annually by the County Weed Manager who may modify the plan as necessary.

VIII. Signs. No advertising is permitted anywhere upon or attached to the facility. Signage is limited to small non-illuminated warning and identification signs.

IX. Storage. Long-term parking, vehicle storage or other outdoor storage is prohibited.

X. The level of mitigation required will depend on the location of the proposed facility in relation to topographic features, important visual features, major public thoroughfares, public recreational areas, residential neighborhoods and other sensitive visual area. Siting of facilities and equipment shall follow the following order of preference: first, on existing structures; second, in locations where existing topography, vegetation, or structures provide adequate visual screening. The Planning Commission or Board of County Commissioners may require any one of the following conditions for approval of an antenna or tower in order to further the goals of this Code and the County Master Plan:

   i. Moving the location of the tower or antenna to a more appropriate site.
   ii. Using different technology that will lessen the impact of the tower or antenna.
   iii. Requiring an appropriate alternative tower structure, including stealth design which appear or function as trees, flagpoles, windmills, etc.
   iv. Other actions designed to disguise or otherwise lessen the impact of the tower.

E. Antenna Standards

I. Development Permit approval shall be required for replacement of an antenna(e) on an already approved or preexisting tower/structure provided the height of the telecommunication tower/structure not increased.

II. Antennas mounted to an existing utility structure (not including a communication tower), a multi-family building, commercial building, mixed-use building or other non-residential structure shall meet the following design standards:

   a. The design of antennas and associated telecommunication support facilities shall use materials, colors, textures and screening that create compatibility with the surrounding built and natural environment. A plan for mitigation of visual
impacts or other appropriate aesthetic impacts of the proposed antenna shall be submitted with any required development review application.

b. The antenna shall not exceed the surface area of the structure on which it is located by more than ten (10) square feet.

F. Area and Bulk Requirements

I. Minimum Lot Size.
The required lot size shall be determined as a condition of permit approval and shall be of sufficient size to meet the criteria stated in this section.

II. Minimum Setbacks.
The setback of the tower from all property lines at a minimum shall be no less than the height of the tower so that in case of collapse or failure of the tower it would be contained on the property. The setbacks may be reduced if a Colorado registered professional engineer certifies that in the event of failure the tower would be contained on site. Guy wires and accessory structures must meet the setbacks of the underlying zone district.

III. Maximum Height.
Maximum height shall be determined as a condition of approval except that no tower with antennas shall exceed 199 feet.

5-2705 Review Time Frames

I. Within thirty (30) days of the receipt of an application the County shall either:
   (1) deem the application complete; or
   (2) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements.

If the County informs the Applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the Applicant provides the requested information.

II. The review time frames in Section 5-2705 III do not start until the County has deemed the application complete.

III. The County shall issue a written decision granting or denying a
request for Collocation of Antennas and/or Accessory Equipment on an Existing Structure or site within ninety (90) days of the submission of the initial application, and within one hundred fifty (150) days for requests to erect New Support Structures unless:

1. The County notified the Applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the ninety (90) day or one hundred fifty (150) day total review time is suspended until the Applicant provides the requested information; or,
2. Extension of time is agreed to by the Applicant.

5-2706  Permits/Term/Transfer of Ownership

I. Development Permit. Development Permit approval is required prior to constructing a tower or facility regardless of tower height or zone district.

II. Building Permit. A Building Permit is required for the construction of any accessory structures as required by the Building Department. Certification by a Colorado Registered Engineer is required to be submitted to the Building Department at completion of the tower structure.

III. Term of Special Use Permit. The Special Use Permit shall have a time limit of no more than five years from the date of issuance. Prior to the end of the five-year period, the applicant and/or structure owner shall be responsible for submitting an application for renewal. The applicant shall demonstrate that changes in technology have not eliminated the need for the facility as approved. Renewal of a Special Use Permit shall be based on compliance with the conditions of approval. The Tower and Facility shall be maintained and kept in good repair.

IV. Sale or Transfer of Ownership of an Existing Tower and Related Facilities. Prior to transfer of ownership of an existing tower and related facilities the applicant(s) is required to submit an application to the County for transfer of the original Special Use Permit and provide a statement from the new owner/operator that they agree to abide by all conditions of the issued Special Use Permit.

V. The approved use whether by Administrative or Special Use Permit shall commence within three (3) years of the date of approval. If the owner has not obtained a Development Permit and commenced use of the approved Facility within this three (3) year time period the
approval shall be subject to review by the entity that approved the application.

5-2707 Abandonment/Discontinued/Obsolete Towers and Removal

If at any time the approved use of the facility is discontinued for 90 days, the County Planning Director or Building Official may declare the facility abandoned. The facility's owner/operator will receive written notice from the Planning Director or Building Official and instructed to either reactivate the facility's use within 90 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the County will remove or will contract to have removed the facility and assess the owner/operator the costs. The applicant may seek an extension of the use provided they can show good cause for granting an extension.

The applicant shall reclaim the disturbed area as approved by the County Environmental Health Department.

5-2708 Bond Requirement

I. A bond, in an amount determined acceptable by the County, may be required, as a condition of any reviewable Use permit or renewal of a permit, as deemed necessary by the County, sufficient to cover the cost of removal of the tower, site remediation and/or satisfaction of the other conditions and requirements.

II. When a bond is required the proposed Wireless Services and Communication Facilities development shall be bonded through an escrow account or uncancellable surety secured unto the County and acceptable to the County Attorney in an amount of the estimated remediation cost as approved by the County. Bonds shall be forfeited if the remediation work is not completed within 90 days of removal of the facilities or within a reasonable time frame determined by the County.

5-2709 Federal Certifications

I. Federal Aviation Administration (FAA)

The applicant is required to provide the County with FAA certification that the proposed tower and facilities has received a “Determination of No Hazard to Air Navigation” and that the tower/facilities do not require lighting where such is required by the FAA.
II. Federal Communications Commission (FCC)

The facility owner and/or service provider(s) shall provide the County with FCC, or applicable federal agency, certification annually that the maximum radio frequency and electromagnetic frequency emissions meets federal standards, if applicable.

5-2710 Definitions
For the purposes of this Section the following definitions apply:

Abandonment
Occurs when a telecommunications facility ceases to perform its intended function for a period of more than 90 days, except in cases of declared emergency.

Accessory Equipment
Any equipment serving or being used in conjunction with a Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Administrative Approval
Land use approval that the County Planning Director is authorized to grant after Administrative Review.

Administrative Review
Evaluation of an application by the County Planning Director or designee. This process is not subject to a public hearing. The procedures for Administrative Review are established in Article 3, Section 3-402 of the Land Use Code.

Antenna
Any equipment or device used to receive or transmit electromagnetic waves for the provision of Personal Wireless Services including, but not limited to, cellular, paging, personal communication services (PCS), and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designated for residential or household purposes.

Collocation
The act of siting Facilities on an Existing Structure without the need to construct a new Support Structure and without an increase in the size of an Existing Structure.

“Carrier on Wheels” or “Cell on Wheels” (“COW”)
A portable self-contained Facility that can be moved to a location and set up to provide Personal Wireless Services. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna Support Structure.
**Existing Structure**
Previously erected Support Structure or any other structure, including but not limited to, buildings, water tanks, transmission towers, poles, signs, or similar structures to which Facilities can be attached.

**Facility(ies)**
Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, Personal Wireless Services, cellular telephone service, personal communications service (PCS), and paging service. A Facility can consist of one or more Antennas and Accessory Equipment or one base station.

**Guyed Tower**
A support structure supported by multiple cables securely anchored to the ground. A type of wireless transmission tower that is supported by thin guy wires.

**Height**
The vertical distance from the existing grade at the base of the tower to the highest point of the tower including antennas.

**Lattice tower**
A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

**Major Modifications**
Improvements to Existing Structures that result in an increase in the overall height of the Tower and antennae or increases the size of the ground lease area. Collocation of new transmission equipment to an existing Support Structure without Replacement of the structure that does not increase the height of the Tower or Support Structure shall not constitute a Major Modification.

**Minor Modifications**
Improvements to Existing Structures that result in some material change to the Facility or Support Structures but is of a level, quality or intensity that does not increase the overall height of the Tower or Support Structure, does not increase the size of the ground lease area or is consistent with the terms and conditions of the Administrative or Special Use Permit approval. Minor Modifications include collocation of new transmission equipment and the Replacement of the structure with a new structure of equal or lesser height.

**Monopole**
A single freestanding pole-type structure supporting one or more Antennas. For purposes of this Section, a Monopole is not a Vertical Facility.
**Ordinary Maintenance**
Activities to ensure that Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity (e.g., the strengthening of a Support Structure’s foundation or of the Support Structure itself). Ordinary Maintenance includes (i) replacing existing Antennas with Antennas of a similar size and color, (ii) replacing Accessory Equipment within an existing Facility, and (iii) relocating the Antennas of approved Facilities to different height levels on an existing Monopole or Vertical Facility upon which they are currently located as long as they do not increase the overall height of the facility. Ordinary Maintenance does not include Minor and Major Modifications.

**Personal Wireless Services**
Commercial wireless services, unlicensed wireless services and common carrier wireless exchange access services.

**Provider**
A wireless service provider (WSP) is a company that offers transmission services to users of wireless devices (handheld computers and telephones) through radio frequency (RF) signals rather than through end-to-end wire communication. Generally, a WSP offers either cellular telephone service, personal communication service (PCS) service, or both. The term also seems applicable to satellite television and Internet access providers.

**Replacement**
Constructing a new Support Structure of the same type and proportions and of equal height or lesser height to a pre-existing Support Structure in order to support a Facility or to accommodate Collocation and removing the pre-existing Support Structure. Replacement may include replacing a pre-existing Support Structure with a preferred tower type e.g. replacing a guyed tower with a self-supporting monopole of the same or lesser height.

**Residential Area**
A residential area is a district or area where people live. It is a land use in which private residences predominates, as opposed to industrial and/or commercial areas or agricultural uses. It is typically an area that has been subdivided or divided into smaller lots and higher densities than agricultural lands or 35-acre parcels, and such lots are intended primarily to be developed with Single-family residences. A residential area may include parcels 35-acres or larger which may have an HOA and were subdivided with the intention of being residential use lots.

**Scenic Vista**
Areas of alpine, sub-alpine and scenic hillsides of historic and natural landscapes including but not limited to the San Miguel watershed, hillsides around the Town of Telluride, the Town of Mountain Village and the Town of Ophir, views of the San Juan range, and San Sophia range on the east end of the County. Areas of alpine, sub-alpine and scenic hillsides and farm land located on Wright’s Mesa looking both north and
south, which includes Lone Cone Mountain and the Uncompahgre Plateau. Areas of pinon and juniper, sand canyons, and high desert areas of the west end of San Miguel County.

**Stealth Facility(ies)**
Any Facility that is integrated as an architectural feature of an Existing Structure or changes a Support Structure design so that the purpose of the Facility or Support Structure for providing wireless services is not readily apparent. The stealth tower/facility must be similar in appearance and size and scale as the object it is replicating. Stealth Facilities in Residential Areas must not exceed 60 feet and shall comply with all requirements of this Section, as well as:

a. antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent; and,

b. Existing Structures utilized to support the Antennas may be allowed and may include, but are not limited to, flagpoles, bell towers, silos, water towers, crosses, monuments, smoke stacks, parapets, trees and steeples.

Stealth Facilities shall be designed to accommodate the collocation of other Antennas whenever technically feasible.

**Support Structure(s)**
A structure designed to support Facilities including, but not limited to, Monopoles, Vertical Facilities, utility poles and other freestanding self-supporting structures.

**Telecommunication**
The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

**Telecommunications facility:**
Any combination of one or more antennas, towers and/or structures with equipment used for the transmission of wireless communication.

**Tower**
A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures, or a structure affixed to or mounted on an existing or newly constructed building or other permanent structure, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

**Vertical Facility(ies)**
A lattice-type structure, guyed or freestanding facility built for the sole or primary purpose of supporting FCC-licensed Antennas and their associated facilities.

**Wireless Services**
See Personal Wireless Services
SECTION 5-28: FLOODPLAIN REGULATIONS

5-2801 General Provisions

5-2801 A. Statutory Authorization

This Section is adopted pursuant to, inter alia, Title 29, Article 20, Section 101, et seq.; Title 30, Article 28, Section 101, et seq.; and Title 24, Article 65.1, Section 101, et seq., Colorado Revised Statutes, 1973, as amended.

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governments to adopt regulations designed to minimize flood losses. Therefore, the Board of County Commissioners of San Miguel County, Colorado, does hereby adopt the following management regulations:

5-2801 B. Findings of Fact

(1) The flood hazard areas of San Miguel County are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

5-2801 C. Purpose

It is the purpose of this Section to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditures of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to critical facilities, infrastructure and other public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. To ensure that potential buyers are notified that property is in an area of special flood hazard;
7. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazards so as to minimize future flood blight areas;
8. Prohibit the placement of fill, materials, and structures, which would significantly obstruct flood flows or cause potentially damaging debris to be carried downstream;
9. Encourage open space activities such as agriculture, recreation, and mineral extraction in flood hazard areas and to insure that any combination of these activities is conducted in a mutually compatible manner; and
10. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.
11. Compliance with this Section allows the County to remain in good standing in the National Flood Insurance Program (NFIP) which allows landowners and residents to continue to be eligible to obtain flood insurance.
12. Compliance with this Section also allows the County to be eligible for certain grant funding through the Colorado Water Conservation Board (CWCB), and for Hazard Mitigation funding through the Federal Emergency Management Agency (FEMA).

These regulations seek maximum protection of persons and property by avoiding development activity whenever possible, minimizing unavoidable development activity and mitigating the impacts of development on lands adjacent to rivers and streams within flood hazard areas. Developers and landowners should seek to use existing bridges to the extent possible to reduce impacts of multiple bridges crossing rivers and streams.

5-2801 D. Methods of Reducing Flood Losses

In order to accomplish its purposes, this Section uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

5-2801 E. Construction

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this resolution and another regulation, master plan, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more restrictive standards or requirements shall prevail.
5-2801 F. Application

(1) This Section shall apply to all Special Flood Hazard areas within the unincorporated areas of San Miguel County and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F).

(2) The areas of Special Flood Hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “The Flood Insurance Study for San Miguel County, Colorado, and Incorporated Areas,” dated September 30, 1992, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, is hereby adopted by reference and declared to be a part of this Section.

These maps, together with all explanatory material, are hereby adopted by reference and declared to be a part of this resolution. True and official copies of these maps shall be filed and maintained for public inspection in the offices of the County Planning Department, 333 W. Colorado Ave., Telluride CO 81435.

(3) No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Section and other applicable regulations. Nothing herein shall prevent San Miguel County from taking such lawful action as is necessary to prevent or remedy any violation.

5-2802 Administration

5-2802 A. Designation of the Floodplain Administrator

The Planning Director is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Section and other appropriate sections of the National Floodplain Program Regulations pertaining to floodplain management.

Duties of the Floodplain Administrator shall include but not be limited to:

(1) Review all development permits to determine that the permit requirements of this Section have been satisfied.
(2) Review all development permits to determine that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required.
(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5-2805 A.1 are met.
(4) Where interpretation is needed as to the exact location of the boundaries of floodplains, the Floodplain Administrator shall make the necessary interpretation.
The base flood elevation shall be the governing factor in determining the actual boundaries.

5-2802 B. Permits Required

(1) Any person desiring to engage in development within the Floodway, Flood Fringe or Flood Prone Districts must obtain a Floodplain Development Permit by Administrative Review or Special Use in accordance with the procedures in these regulations.

(2) A Development Permit to demonstrate compliance with the terms of the Floodplain Administrative Review or Special Use approval shall be obtained before construction or development begins within any area of special flood hazard established in Section 5-2801 F. Application for a Development Permit shall be made on forms furnished by the Planning Department and may include, but not be limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

(3) A Building Permit may be necessary for the construction of any structure(s) as required by the Building Department.

5-2802 C. Enforcement and Remedies

Refer to Land Use Code Section 1-16 Enforcement and Remedies.

5-2802 D. Severability

Refer to Land Use Code Section 1-7 Severability.

5-2802 E. Disclaimer of Liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of San Miguel County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.
5-2802 F. Appeals

(1) Any person or persons aggrieved by the decision of the Floodplain Administrator/Planning Director may appeal such decision to the Board of County Commissioners pursuant to Land Use Code Section 1-1903 Appeal of Planning Director’s Administrative Decisions.

(2) Any person or persons aggrieved by the decision of the Board of County Commissioners may appeal such decision in the courts of competent jurisdiction.

5-2803 Application Submittal

5-2803 A. Application Procedure

(1) Application for a Floodplain Development Permit shall be made on a form, Exhibit 1, to this regulation.

(2) Receipt of Application – An application shall not be accepted unless it is complete. If the application is considered incomplete by the Floodplain Administrator, the Floodplain Administrator shall specify what additional information is required.

(3) The Floodplain Administrator shall review the application for conformance with Sections 5-2804 and 5-2805 of this regulation and shall within (30) days of receiving a complete application report the results of such review in writing to the applicant, and, if the development proposal involves a use by special review, to the Board of County Commissioners.

(4) When base flood elevation data has not been provided in accordance with Section 5-2803 C. the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements or other development in Zone A.

5-2803 B. Review Procedures

A. Allowed Uses by Administrative Review

If the proposal involves an allowed use, the Floodplain Administrator shall within thirty (30) days of certifying the application complete:

1. Grant a Floodplain Development Permit if the proposed development complies with the provisions of Section 5-2805 of this regulation, together with any conditions deemed appropriate for the particular proposal, or
2 Deny a Floodplain Development Permit if the proposed development does not comply with the provisions of Section 5-2805 of this regulation, together with written reasons for the denial.

B. Uses Subject to One-step Board of County Commissioner Special Use Permit Review. All uses that are not listed as Allowed Uses and or subject to two-step review.

C. Uses Subject to two-step Planning Commission and Board of County Commissioner Review. The second-step of review shall be conducted as a Public Hearing:
   a. New bridges crossing the San Miguel River
   b. New bridges crossing the Dolores River
   c. New bridges crossing major tributaries of the San Miguel River: South Fork of the San Miguel River, Leopard Creek, Fall Creek, Big Bear Creek, Deep Creek, Howard Fork, and Lake Fork.

5-2803 C. Submission Requirements

Applicants for a Floodplain Development Permit shall submit the following information. Additional information may be required upon receipt and review of the application.

A. All of the information required on the application form which is incorporated into and made a part of this Section (See Exhibit 1).

B. The information and data in items 1. through 8. below shall be prepared and certified by a professional engineer, registered in the State of Colorado.

1. A map showing the existing and proposed steam and channel; the boundaries of the Flood Prone District or the Designated Floodplain along with the boundaries of the Floodway and Flood Fringe Districts, if such have been delineated; the area to be occupied by the proposed development; and all available flood elevation studies, water surface elevations and base flood elevations.

2. Drawings showing the existing and proposed profile of the bottom of the channel at the thalweg and the water surface profiles described in item a. above.

3. A map showing existing and proposed elevations or contours of the ground, pertinent structures, fill or storage elevations, size, location and spatial arrangement of all proposed and existing structures on the site; location and elevation of streets, water supply systems, sanitary facilities, and soil types. Such information shall include the elevation (in relation to mean sea level) of the lowest floor (including basement) of any structures and, where the lowest floor is below grade on one or more sides, the elevation of the floor immediately above.
4. Specifications for building construction and materials, filling, dredging, grading, channel changes, storage of materials, water supply systems, and sanitary facilities.

5. Descriptions of any construction activity that would affect the hydraulic capacity of the floodway.

6. Where Floodproofing is utilized for a particular structure in accordance with these regulations, certification that the Floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Elevation in relation to mean sea level to which any structure which has been floodproofed;

7. For any application involving a use by special review in the Flood Prone District or which disputes the severity of hazardous conditions within the area, a floodplain study shall be completed and attached to the application. The purpose of such study is to more precisely determine the flood hazard at the particular site and the impact of the proposal on other areas both within and outside the floodplain boundary. All floodplain studies shall be conducted by a registered professional engineer experienced in floodplain studies and shall, at a minimum, determine the engineered base flood, its depth and elevation for the entire area of the site, and for 200 yards above and below the site. The study shall include, at a minimum, one cross section across the entire valley.

8. The applicant shall submit evidence satisfactory to the Floodplain Administrator that the applicant has notified upstream, downstream, or adjacent communities adversely affected by any development, fill encroachment, or alteration or relocation of a watercourse.

C. Waiver of Submission Requirements

1. The Floodplain Administrator and/or the Board of County Commissioners may waive any part but not all of the submission requirements and may not waive any of the performance standards, imposed by this regulation upon petition of the applicant that:

   (i) A portion of the submission requirements is inapplicable to the development for which the permit is sought, and/or

   (ii) Full compliance with the submission requirements would be unreasonably burdensome for the applicant and that the proposed development will have an insubstantial impact on the surrounding area.

2. Such a waiver may be granted upon a written determination that the information to be submitted is sufficient for the Floodplain Administrator or the Board of County Commissioners to arrive at a permit decision in full compliance with the law and these regulations and that the proposed development will have an insubstantial impact on the surrounding area.
D. Conditions and Guarantees

(i) The Board of County Commissioners or the Floodplain Administrator may attach such conditions to the granting of a Floodplain Development Permit as they deem necessary in furthering the purposes of this regulation. Such conditions may include, but not be limited to, specifications for modification of waste disposal and water supply facilities, landscaping, period of operation, operational controls, sureties, deed restrictions, and adequate Floodproofing.

(ii) Before any permit is issued, the Board of County Commissioners may, at its discretion, require the applicant to file a guarantee of financial security deemed adequate by the Board of County Commissioners and payable to San Miguel County.

The purpose of said financial guarantee shall be to assure that the applicant or permittee shall faithfully perform all requirements of the permit or applicable regulations adopted by San Miguel County.

5-2803 D. Factors to be Considered

Approval or denial of a Floodplain Development Permit by the Floodplain Administrator or the Board of County Commissioners shall be based on all the provision of this Section and the following relevant factors:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(e) The availability of alternative locations for the proposed development that is not subject to flooding or erosion damage;

(f) The compatibility of the proposed use with the existing and anticipated development;

(g) The relationship of the proposed development to the comprehensive plan and any applicable floodplain management program;

(h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(i) The expected heights, velocity, duration, rate of rise, and sediment transport of floodwaters and effects of wave action, if applicable, expected at the site;

(j) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges;

(k) The consistency of the proposed use to the comprehensive plan for that area; and

(l) Any other relevant evidence submitted by the Board of County Commissioners, the Floodplain Administrator, the Colorado Water Conservation Board, the applicant requesting a Floodplain Development Permit, and appellant or other party at interest.

5-2804 Provisions for Flood Hazard Reduction

5-2804 A. 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
   i. 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 buoyance;
   ii. constructed by methods and practices that minimize flood damage;
   iii. constructed with materials resistant to flood damage;
   iv. 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.

2. 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.

3. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
4. 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.

5. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5-2804 B. Specific Standards

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in Section 5-2801 F.2 the following provisions are required:

1. Residential Construction

All new construction and substantial improvements of residential structures must 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. Such certification shall be submitted to the Floodplain Administrator.

2. Nonresidential Construction

With the exception of Critical Facilities, new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood elevation or together with attendant utility and sanitary facilities, 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 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 - Crawl Spaces

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 be certified by a registered professional engineer or architect or must 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, 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:

a. outside of a manufactured home park or subdivision,
b. in a new manufactured home park or subdivision,
c. in an expansion of an existing manufactured home park or subdivision, or
d. in an existing manufactured home park or subdivision on which 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 elevations, or
b. The manufactured home chassis is supported by reinforced piers or other foundations 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.

6. 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, or
c. Meet the permit requirements of Section 5-2803 C, and the elevation and anchoring requirements for “manufactured homes” in paragraph 4. of this section.

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.

5-2804 C. Standards for Shallow Flooding (AO/AH Zones)

Located within the Special Flood Hazard Area established in Section 5-2801 F. 2., 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. Nonresidential Construction

With the exception of Critical Facilities, outlined in Section 5-2806, 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 5-280 are satisfied.

5-2804 D. 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 would 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 and regulations.

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 2805.

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

5-2804 E. 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), unless such new structure or addition complies with the following:

1. Residential Construction
   The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

2. Nonresidential Construction
   The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant
utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

5-2804 F. Standards for Subdivision Proposals

I. All subdivision proposals including the placement of manufactured home parks and subdivisions shall:
   a. be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage;
   b. meet Floodplain Development Permit requirements of Section 5-28;
   c. have adequate drainage provided to reduce exposure to flood hazards; and
   d. have public utilities and facilities such as sewer, gas electrical and water systems located and constructed to minimize or eliminate flood damage.

II. 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 5-28.

5-2804 G. Variance Procedures

The Board of County Commissioners shall hear and render judgment on requests for variances from the requirements of this ordinance.

I. The Board shall consider all technical elevations, all relevant factors, and standards specified in other sections of this ordinance.

II. Variances shall only be issued upon:

   (a) A showing of 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 regulations.

III. 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 level, providing
items (1-7) in Section 5-2803 C. and D. have been fully considered. As the lot size increases beyond one-half acre, the technical justifications required for issuing the variance increases.

IV. 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.

V. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

VI. Prerequisites for granting variances:

   a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

   b. Variances shall only be issued upon:
      i. Showing a good and sufficient cause;
      ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
      iii. 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.

   c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a 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.

5-2805 Standards for Development within the Floodplain

No person shall engage in development in any Floodway, Flood Fringe or Flood Prone District without a Floodplain Permit.

5-2805 A. Floodway District

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 Section 5-2805 A.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5-2804 above.

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.

5-2805 B  Allowed Uses

Uses allowed in the Floodway, Flood Fringe and Flood Prone Districts:

a) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

(b) Private and public recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic ground, boat launching ramps, swimming areas, parks, wildlife and nature preserves, target ranges, shooting preserves, trap and skeet ranges, hunting and fishing areas, fish hatcheries, hiking and horseback riding trails, except that structures accessory to such uses shall not be located in the Floodway or Flood Prone Districts.

(c) Open area residential uses, such as lawns, gardens, parking areas and play areas.

5-2805 C.  Uses by Special Review

All uses not listed under Allowed Uses or Prohibited Uses.

5-2805 D.  Prohibited Uses

No development, encroachment, use or alteration in, on or over any part of the regulatory floodway shall be permitted which alone or cumulatively with other such uses would cause or result in:

1. Human occupation of permanent or temporary structures, including but not limited to manufactured homes;
2. Development or use of overnight campgrounds;
3. Storing or processing of materials that are buoyant, flammable, explosive or have potential for injuring human, animal or plant life;
4. Development or operation of solid waste disposal sites and central water or sewage treatment facilities;
5. Potential for significant solid debris or waste being carried downstream;
6. An encroachment that would have an adverse effect on the efficiency of the floodway, impair its ability to carry and discharge a 100-year flood, change the direction of flow or increase 100-year flood heights;
7. An increase in the water surface elevation of the 100-year flood; and/or,
8. Expansion of any existing nonconforming use.

5-2806 Standards for Critical Facilities

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, 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

It is the responsibility of San Miguel County to identify and confirm that specific structures in the County meet the following criteria:

Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Material; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:

i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);

ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctor offices, and non-urgent care medical structures that do not provide these functions);

iii. Designated emergency shelters;

iv. Communications facilities (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);
v. 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
vi. 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 (WWPT), 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 San Miguel 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 San Miguel 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:

i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
iii. Refineries;
iv. Hazardous waste storage and disposal sites; and
v. 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 workplace, 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 pound 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 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 of this Section, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

ii. 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.

iii. 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:

i. Elder care (nursing homes);
ii. Congregate care serving 12 or more individuals (day care and assisted living);

iii. 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:

i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to San Miguel 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 Section, 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 San Miguel County on an as-needed basis upon request.

2. Identification of Critical Facilities

It is the responsibility of San Miguel County, having land use authority, to identify and confirm that specific structures in the community meet the criteria outline in Section 5-2806 1. and are deemed to be Critical Facilities. All structures that clearly meet the intent of Section 6 shall be deemed Critical Facilities by the County. For those structures for which it is unclear or otherwise ambiguous if the criteria are met, the County shall have the sole discretion to determine if the structure is a Critical Facility. The County may regulate to higher standards or include additional facilities within the definition of Critical Facilities. Critical Facilities that are also designated as historic structures (determinations by the State Historic Preservation Office) are exempt from these requirements. Pursuant to section 24-65.1-202(2)(a)(I)(A), C.R.S. (2010), open space activities such as agriculture, horticulture, floriculture, recreation, and mineral extraction, including oil and gas activities, shall be encouraged in
the floodplain, and are exempt as Critical Facilities unless provisions within Section 6(I)(2) apply.

Required identification of Critical Facilities shall be limited to owner-occupied structures. San Miguel County may, at its sole discretion, include leased facilities in its identification of Critical Facilities.

3. 500-year Flood Events

San Miguel County acknowledges that flooding does occur above and beyond 100-year (1% annual chance) events. Applicants are encouraged to place development of Critical Facilities outside the 500-year floodplain, when possible.

4. 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. Applicants shall consult with the County to determine the value of the Critical Facility when a Substantial change is being considered. This Section shall be applied to a Use Change if the new use meets the provisions within Section 5-2806 1. This Section shall only be applied to new Additions, and not the Critical Facility to the extent the Critical Facility existed prior to the amendment of these standards.

For the purposes of this Section, 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. For Critical Facilities located within the 100-Year Floodplain, the structure shall be protected according to Section 5-2803 C. Section 4 with the exception of a freeboard of two feet substituted for the standard one-foot freeboard.

Unimproved lands associated with a Critical Facility that lie within a regulatory floodplain shall not be subject to this requirement until future development takes place on those lands. If an undeveloped portion of a facility’s property lies within a regulatory floodplain, then that facility shall not be classified as a Critical Facility.

5. Ingress and Egress for New Critical Facilities
New Critical Facilities shall, when practicable as determined by San Miguel County, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

Applicants are encouraged to place development of Critical Facilities outside the 500-year floodplain if possible.

Section 5-2807. DEFINITIONS

Accessory Use or Structure
A subordinate use or structure customarily incidental to the principal use or structure and which is located on the same lot with the principal use or building.

Addition
Any activity that expands the enclosed footprint or increases the horizontal square footage of an existing structure.

Administrator
The local administrative official responsible for administering and implementing this regulation as set forth in Section 5-2802 1.

Appeal
The request for a review of the Board of County Commissioners’ interpretation of any provisions of this Section or a request for a variance.

Applicant
Any person applying for a Floodplain Development Permit for development in an area affected by flooding.

Area of shallow flooding
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Area of special flood hazard
The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood
A flood having a one percent chance of being equaled or exceeded in any year. The term is used interchangeable with the intermediate regional flood, one hundred year flood, and the one percent flood.
**Base Flood Elevation (BFE)**
The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/O, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**Baseline**
Any area of a building having its floor sub-grade (below ground level on all sides).

**Board**
“Board” means the Board of County Commissioners of San Miguel County.

**Building Inspector**
The person designated by the Board of Commissioners as the person responsible for enforcing the building code and zoning regulations, and the issuance of permits in regard to these codes.

**Channel**
The physical confine of stream or waterway consisting of a bed and stream banks existing in a variety of geometries.

**Channelization**
The artificial creation, enlargement or realignment of a stream channel.

**Conditional Letter of Map Revision (CLOMR)**
FEMA’s comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

**Critical Facility or Critical Facilities**
A structure or related infrastructure, but not the land on which it is situated, as specified in Section 6, 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.

**Debris Fan Floodplain**
A floodplain located on a debris fan. Debris fans are triangular-shaped landforms that form a deposition of water-transported rock fragments, soil, and vegetation debris at the confluence of tributary streams with a larger truck stream valley.

**Designated Floodplain**
The area identified, pursuant to Section 5-2801 F. 2. of this regulation, as a “designated” floodplain by official action of the Board of County Commissioners with the prior concurrence of the Colorado Water Conservation Board.
Development
Any man-made change to improved or unimproved real estate, including but not limited
to buildings or other structures, mining, dredging, filling, grading, paving, excavation or
drilling operations or storage of equipment or materials located within the area of special
flood hazard.

Dry Wash Channel
Natural passageway or depressions of perceptible extent containing intermittent or low
bas flow.

Dry Wash Floodplain
An area adjacent to a dry wash channel that is periodically subject to sudden water and
debris flooding.

Elevated Building
Is a non-basement building (i) built, in the case of a building in Zone A1-30, AE, A A99,
AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by
means of pilings, columns (posts and piers), or shear walls parallel to the flow of the
water and (ii) adequately anchored so as not to impair the structural integrity of the
building during a flood of up to the magnitude of the base flood. In the case of Zone A1-
30, AE, A, A99, AO, AH B, C, X and D, “elevated building” also includes a building
elevated by means of fill or solid foundation perimeter walls with openings sufficient to
facilitate the unimpeded movement of flood waters.

Existing Manufactured Home Park or Subdivision
A manufactured home park or subdivision for which the construction of facilities for
servicing the lots on which the manufactured homes are to be affixed (including, at a
minimum, the installation of utilities, the construction of streets, and either final site
grading or the pouring of concrete pads) is completed before the effective date of the
floodplain management regulations adopted by San Miguel County.

Expansion to an Existing Manufactured Home Park or Subdivision
The preparation of additional sites by the construction of facilities for servicing the lots
on which the manufactured homes are to be affixed (including the installation of utilities,
the construction of streets, and either final site grading or pouring of concrete pads.

“FEMA”
Is the Federal Emergency Management Agency, the agency responsible for administering
the National Flood Insurance Program.

Five Hundred (500) Year Flood
A flood having a recurrence interval that has a 0.2-percent chance of being equaled or
exceeded during any given year ( 0.2-percent-chance-annual-flood). The term does not
imply that the flood will necessarily happen once every five hundred years.
Five Hundred (500) Year Floodplain
The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year-flood.

Flood or Flooding
A general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of streams, rivers, or other inland water, or (b) the unusual and rapid accumulation or runoff of surface waters from any source, or (c) mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current.)

Flood Fringe
Means that area of the floodplain that lies between the floodway and the boundary of the 100-year floodplain.

Flood Hazard Area
One or more of the following: flood prone area, floodway area or flood fringe area.

Flood Insurance Rate Map (FIRM)
The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study
The official report provided by the Federal Emergency Manage Agency that includes flood profiles, the Flood Insurance Rate Map and the water surface elevation of the base flood.

Flood Prone Area
An area subject to flooding as a result of the occurrence of an intermediate regional flood, the water surface elevations of which have not been determined.

Floodplain
An area adjacent to a stream, which area is subject to flooding as the result of the occurrence of a base flood and which area thus is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to, (a) mainstream floodplains, (b) debris fan floodplains and (c) dry wash channels and dry wash floodplains.

Floodplain Development Permit
A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community so that it may determine whether such construction or other development
is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management Section. Such permits are issued by the Floodplain Administrator or Board of County Commissioners pursuant to these regulations.

**Floodproofing**
A combination of structural provision, changes, or adjustments to lands, properties, and structures subject to flooding primarily for the reduction or elimination of flood damages to lands, properties, structures, and contents of buildings in a flood hazard area.

**Floodway**
The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

**Freeboard**
The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

**Highest Adjacent Grade**
The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure**
Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   a. By an approved state program as determined by the Secretary of the Interior; or
   b. Directly by the Secretary of the Interior in states without approved programs.
Letter of Map Revision Based on Fill (LOMR-F)
FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Lowest Floor
The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Section.

Manufactured Home
A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Home Park or Subdivision
A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction
Structures for which the “start of construction” commenced on or after the effective date of this Section.

New Manufactured Home Park or Subdivision
A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by San Miguel County.

Non-conforming Use
Any structure, development or land use in existence on the effective date of these regulations and not permitted under the terms and provisions of these regulations.

No-Rise Certification
A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).
One Hundred (100) Year Flood
An intermediate regional flood. A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance-flood). The terms “one-hundred-year flood” and “one percent chance flood” are synonymous with the term “100-year flood.” The term does not imply that the flood will necessarily happen once every one hundred years.

One Hundred (100) Year Floodplain
The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

One Percent Flood
An intermediate regional flood.

Person
Any individual, partnership, corporation, association, company, or other public or corporate body, including the federal government, and includes any political subdivision, agency, instrumentality, or corporation of the state.

Recreational Vehicle
A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Special Flood Hazard Area
The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Stream
Means any natural channel or depression through which water flows either continuously, intermittently or periodically, including any artificial modification of the natural channel or depression.

Start of Construction
Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as
garages or sheds, not occupied as dwelling units or not part of the main structure.

**Structure**
Means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

**Substantial Damage**
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvements**
Any rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include either; (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure.”

**Variance**
A grant of relief from the requirements of this Section, which permits construction in a manner that would otherwise be prohibited by this Section.

**Water Surface Elevation**
The projected heights in relation to Mean Sea Level reached by floods of various magnitudes and frequencies in the floodplains of riverine areas.
EXHIBIT 1
APPLICATION FOR A FLOODPLAIN DEVELOPMENT PERMIT

<table>
<thead>
<tr>
<th>Date:</th>
<th>WTL-</th>
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<tbody>
<tr>
<td>12-Digit Parcel ID Number:</td>
<td>Zone District:</td>
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Name of Applicant:

Address:

City: State: Zip Code

Phone: Email:

Subject Property Address:

Proposed Use/ Project Description:

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<tr>
<th>Flood Hazard Data</th>
<th>Allowed Use:</th>
<th>Special Use:</th>
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<tr>
<td>Water Course:</td>
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<tr>
<td>Flood Hazard District:</td>
<td>Floodway</td>
<td>Flood Fringe</td>
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<tr>
<td>FIRM Map #:</td>
<td>FIRM Zone:</td>
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<tr>
<td>Base Flood Elevation(s):</td>
<td></td>
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<tr>
<td>Required Lowest Floor Elevation:</td>
<td>Floodproofing (minimum 1 ft. above Base Flood Elevation):</td>
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</tbody>
</table>

PERMIT ACTION

Permit Approved: The information submitted for the proposed project was reviewed and is in compliance with approved floodplain management standards.

Permit Denied: The proposed project does not meet approved floodplain management standards.

Floodplain Administrator Date

Board of County Commissioners Date

Map Revision Data: Certified documentation by a registered professional engineer of as-built conditions for floodplain alterations were received and submitted to FEMA for a flood insurance map revision.

Fill Certification: A community official certified the elevation, compaction, slope and slope protection for all fill placed in the floodplain consistent with NFIP regulations Part 65.5 for flood insurance map revisions.

Elevation Certificate: An elevation Certificate has been completed by a registered professional engineer or land surveyor certifying this elevation. Certified as-built elevation of lowest floor ___________; Floodproofing level ___________.

San Miguel County Land Use Code 5 - 404 June 2023
EXHIBIT 2

FEMA Elevation Certificate and Instructions

The current edition of the FEMA National Flood Insurance Program Elevation Certificate and Instructions by Reference. Current Edition Available from the Planning Department or online at FEMA.gov
SECTION 5-29  MEDICAL AND RETAIL MARIJUANA FACILITIES &
ESTABLISHMENTS – INCLUDING PLANT COUNT
LIMITS FOR BOTH PERSONAL USE/RECREATIONAL
AND MEDICAL MARIJUANA CULTIVATION ON
RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES
IN ALL ZONE DISTRICTS IN UNINCORPORATED SAN
MIGUEL COUNTY

5-2901 A.  Purpose of Section

The Purpose of the Medical and Retail Marijuana Facilities and Establishments Section is
to set forth the general requirements, review procedures, notice provisions and review
standards for locating and allowing both Medical and Retail Marijuana Facilities and
Establishments (Medical Marijuana Optional Premises Cultivation Operations, Medical
Marijuana Infused Products Manufacturing and Retail Cultivation Facility and Retail
Production Manufacturing) in unincorporated areas of San Miguel County that are
eligible for licensing under the State of Colorado and San Miguel County licensing
authority. The County is aware of concerns expressed by some individuals that allowing
marijuana establishments may expose them to public safety risks and may also change or
alter the character of their neighborhood or the community. In considering these concerns
it is the County’s position that the most effective way to control marijuana use in the
community and to address public safety concerns is to regulate it. In addition to having
stringent state and local licensing requirements for both medical and retail marijuana
establishments the intent of this section is to strike a reasonable balance of allowing
regulated marijuana establishments in limited locations through a thorough public review
process that will not expose residents in our residential neighborhoods and in rural areas
to safety risks and or dangerous situations.

Through citizen-initiated measures, Colorado voters provided its citizens protections for
the cultivation and use of medical marijuana in 2000 and personal use/recreational
marijuana in 2012. One of the reasons behind these citizen-initiated measures in addition
to “legalizing” marijuana, was to treat and regulate personal use/recreational marijuana
similar to the regulation of alcohol. The authority for marijuana cultivation for both
personal use/recreational and medical marijuana is generally limited to six plants per
person, some provisions allow individuals to grow more plants for medical purposes. In
the medical marijuana code, a Medical Marijuana Patient (“Patient”) can grow an
“extended plant count” if his or her physician makes a recommendation that the Patient
has a medical necessity for more than six plants. A Primary Caregiver can grow medical
marijuana for each of the patients that he or she serves up to a total of five patients. The
State Health Agency (CDPHE) may allow a primary caregiver to serve more than five
patients in exceptional circumstances.

The constitutional provisions for both medical and recreational marijuana provide
protections for personal marijuana cultivation, but these provisions are silent on the
questions of the time, place, and manner, where marijuana plants may be grown or
processed for medical or recreational use.
The extended plant count for Patients and Primary Caregiver provisions have created a situation in which individuals are cultivating large quantities of marijuana in unincorporated San Miguel County.

The County is setting plant count limits for both Medical and Personal Use/Recreational Marijuana cultivation on both residential and non-residential properties in all County Zone Districts in accordance with H.B.17-1220 in an effort to reduce the amount of legally grown marijuana that is being diverted to the illegal market.

**Implementation of Plant Count Limits to Stop Diversion of Legal Marijuana to the Illegal Market**

In adopting the Land Use Code (LUC) plant count restrictions for personal use/recreational and medical cultivation operations on or in residential and non-residential properties the Board of County Commissioners (BOCC) does hereby specifically find and determine that significant quantities of medical marijuana are being grown by both Medical Marijuana Patients and Primary Caregivers on or in both residential and non-residential properties within unincorporated San Miguel County (SMC). The BOCC also finds that such excessive marijuana plant cultivation by Patients and Primary Caregivers contributes to the unregulated “gray” market for medical marijuana product and negatively affect’s county and state approved and licensed marijuana operations and facilities, since such unlicensed operations do not bear the costs associated with compliance with state and county regulatory requirements. Large scale unregulated marijuana cultivation sites in unincorporated San Miguel County create a public safety issue and are a public nuisance. The purpose of setting plant count limits on or in residential and non-residential properties for personal use/recreational and medical marijuana cultivation in all zone districts is to set reasonable limits through plant counts restrictions on unlicensed, non-regulated, marijuana cultivation as provided for and consistent with the authority provided by H.B. 17-1220, effective January 1, 2018, to stop and or reduce the diversion of legal marijuana to the illegal market.

**5-2902 Plant Count Limits**

**5-2902 A. Plant Count Limit for Personal Use/Recreational Marijuana on Residential Property**

Not more than twelve plants, including not more than six mature plants, shall be cultivated at any time within any Residential Property, as defined herein, unless the Retail Marijuana Cultivation Facility or Establishment growing recreational marijuana has obtained the applicable state and county marijuana cultivation facility or establishment licenses and any applicable County Special Use Permit and or Land Use Code (LUC) approvals. It is unlawful for a person to knowingly cultivate, grow, or produce more than twelve marijuana plants for personal recreational use on or in a residential property; or knowingly allow more than twelve marijuana plants to be cultivated, grown, or produced on or in a residential
property. Multiple residences on a property will be treated individually for plant count purposes.

5-2902 B. Plant Count Limit for Medical Marijuana Cultivation on Residential Property

Not more than twelve plants, including not more than six mature plants, shall be cultivated at any time within any Residential Property, as defined herein, unless the subject Residential Property has been approved by San Miguel County for a Patient or Primary Caregiver to have an “Extended Plant Count” or unless the Medical Marijuana Cultivation Facility or Establishment has obtained the applicable state and county marijuana cultivation facility or operations licenses and any applicable County Special Use Permit and or LUC approvals. Multiple residences on a property will be treated individually for plant count purposes.

Patients and Primary Caregivers, registered with Colorado Department of Health and Environment (CDPHE), may cultivate more than twelve plants but not more than twenty-four plants on a Residential Property subject to County Administrative Approval of an “Extended Plant Count” to cultivate medical marijuana in excess of the twelve plant count limit on Residential Property located within unincorporated SMC subject to the following. Any such extended medical marijuana cultivation located on Residential Property within unincorporated SMC may not exceed the twelve plant count grow limit unless:

I. The Medical Marijuana State issued card holder, including either a medical marijuana patient or a primary caregiver, has obtained San Miguel County Administrative Approval for an Extended Plant Count over twelve (12) plants but not more than twenty-four (24) marijuana plants on a Residential Property, as defined herein.

II. Required State CDPHE license information for a San Miguel County Extended Plant Count that is consistent with the CDPHE state issued License number, License holder name, address of the cultivation, site and the number of marijuana plants to be grown is consistent with the CDPHE licensing. Plant count verification will be determined by the San Miguel County Sheriff or his designee through the state registration data base CRS 25-1.5-106(7)e(III).

III. A Patient or Primary Caregiver must register with the Colorado Department of Revenue (DOR), the state licensing authority.

IV. Information obtained from the CDPHE marijuana registration and/or the DOR state licensing authority data base, which is
confidential under Colorado law, will only be used for code compliance purposes.

V. A San Miguel County Extended Plant Count fee may be charged; such fee may include an annual administration fee plus a fee for each plant over 12 plants, as set by Board resolution. Fees may be charged for each growing season, regardless of age of the plant. A compliance tag may be issued for each extended plant.

VI. A Primary Caregiver’s cultivation of his or her personal marijuana, whether classified as personal use/recreational or medical, is included and counted in determining the maximum number of plants allowed on a Residential Property, which on Residential Property is no more that twelve or no more than twenty four if the County has authorized an “extended marijuana plant count”.

5-2902. C. Cultivation of Medical or Personal Use/Recreational Marijuana on “Non-residential” Property

The cultivation of personal use/recreational unlicensed marijuana by persons, Patients and/or Primary Caregivers on Non-residential Property, for personal use/recreational or medical purposes, where there is not an established residential structure, is prohibited.

5-2902 D. General Standards for both Medical and Recreational Marijuana Cultivation

I. Any and all extended plant count medical and all personal use/recreational marijuana cultivation shall be grown or produced in an Enclosed and Locked Space as defined herein. Enclosed and Locked Spaces may include dwelling units and other primary structures.

II. No person(s) may engage in marijuana cultivation or production in a manner that adversely affects the health or safety of neighboring or nearby property owners, to include but not limited to:

a. Having visibility of plants from the exterior of the structure(s) or from a public road or public place; no form of signage is allowed.

b. Emitting light pollution, glare or brightness of lighting that impacts an adjoining or neighboring property owner or resident.

c. Causing excessive noise or odor in a residential area.
5-2902 E. Enforcement

Marijuana production prior to the adoption of these regulations that exceeded the maximum plant count limits set forth herein shall not be considered to be a legal pre-existing non-conforming use for purposes of §30-28-120, C.R.S. There will be no “grandfathering” of the number of plants that personal use/recreational grows, Patients or Primary Caregivers already possess prior to the adoption of these regulations.

Persons who cultivate medical and/or recreational marijuana in excess of the plant count limits set forth in LUC Section 5-29 on Residential Property, as defined herein, and or on non-residential property are subject to criminal prosecution for violation of §18-18-406(3)(a)(I)(II), C.R.S., as it may be amended in future, or under any other applicable statute. This marijuana plant count requirement may be enforced by the San Miguel County Sheriff’s Office and may be criminally prosecuted by the District Attorney’s Office for the Colorado Seventh Judicial District.

5-2903 Department of Revenue Marijuana Enforcement Division (DOR MED) and Local Licensed Medical and Retail Marijuana Facilities and Establishments

These general standards are intended to cause such licensed establishments to be located and developed so they blend into the rural ranching and agricultural landscape, are not highly visible or have the location of these facilities readily apparent to neighboring landowners and the general public. This is proposed to be accomplished by requiring a Two-Step Special Use Permit Review process, requiring increased noticing requirements, including specific time, place and manner, restrictions limiting the location, prescribing distance requirements from Schools, and residential areas, setting size and scale limits on the operations, prohibiting signage, and potentially limiting the number of allowed marijuana establishments within the unincorporated areas of the county. Section 5-29, with the exception of Section 5-2910 Definitions, does not apply to licensed marijuana establishments within the Ilium Industrial Park where Marijuana Facilities and Establishments are allowed by right subject to the applicable provisions in the Lawson Hill PUD Land Use Matrix and Section 5-2910 Definitions.

5-2904 General

Medical Marijuana Optional Premises Cultivation Operations, Medical Marijuana Infused Products Manufacturing, Medical Marijuana Centers and Retail Cultivation Facility, Retail Production Manufacturing, Retail Testing Facility and Off Premises Storage of Retail Marijuana Facility are uses allowed in the Low Intensity Industrial (I) Zone District in the Ilium Valley portion of the Lawson Hill PUD by Administrative Review.

Medical Marijuana Optional Premises Cultivation Operations, Medical Marijuana Infused Products Manufacturing and Retail Cultivation Facility and Retail Production Manufacturing may be allowed subject to approval of a Two-step Special Use Permit...
application in the Forestry, Agriculture and Open (F) Zone District, the Wright’s Mesa (WM) Zone District and the Wright’s Mesa Rural Agricultural (WMRA) Zone District.

Marijuana Facilities/Establishments are not allowed within the Wright’s Mesa Master Plan Norwood Future Land Use Plan area.

A Medical or Retail Marijuana establishment may not operate until it is duly licensed by the state licensing authority and approved and licensed by San Miguel County.

The County Retail and Medical Licensing Standards, which are separate documents, shall establish the number of marijuana facilities allowed in the F, WM, and WMRA at any given time.

5-2905 Review Procedures

All applications for Facilities or Establishments to be located within the Forestry, Agriculture and Open (F), Wright’s Mesa (WM) and Wright’s Mesa Rural Agricultural (WMRA) Zone Districts are subject to a Two-step Planning Commission and Board of County Commissioner review. The process will consider the zoning, type, location, size and scale, the proximity to a Residential Area, and will be reviewed for compliance with the provisions and the standards set forth herein, as well as the standards of the applicable Zone District. Future phases of expansion of the facility, either outdoors or indoors, may be approved administratively through a development permit, provided the initial Special Use Permit (SUP) identified conceptual future phases and included conditions to mitigate impacts of the expanded facility.

5-2906 Application Requirements

5-2906 A. Pre-application Conference with Staff

Prior to the submittal of an application for a marijuana facility the applicant shall schedule a pre-application conference with the Planning Department staff. The applicant will provide information on the proposed facility, including the location. Staff may conduct a site visit to the proposed location to determine what specific issues may need to be addressed in addition to the following General Requirements.

5-2906 B. General Requirements

I. The use must comply with all applicable county and state regulations including but not limited to state and local licensing regulations for Facilities and Establishments.

II. Retail Marijuana Stores and Medical Marijuana Centers are prohibited within the unincorporated areas of the County, except as an Accessory Use to a permitted and licensed Retail Marijuana or
Medical Cultivation facility or Retail or Medical Production Manufacturing facility within the Ilium Industrial Park.

III. The use shall be located within a building or Substantial Greenhouse, or in an approved Outdoor Cultivation Area, and shall be designed to blend into the surrounding rural landscape. Non-substantial Greenhouses, i.e. “hoop-houses,” may be allowed on a temporary basis. Such structures will be permitted for an initial period of one (1) year, with renewal for one (1) additional year upon administrative review, reviewed on an annual basis to ensure proper maintenance. Non-substantial greenhouses shall not be permitted to be used for a period longer than two (2) years. Non-substantial Greenhouses shall be subject to all requirements and limitations of this Section 5-2906.

IV. Storage of Equipment. All equipment, with the exception of conventional farm equipment that is normally stored outside, must be stored inside the structure or within an enclosed fenced area.

V. Water. The applicant must demonstrate a legal and physically adequate water supply for the proposed use. Applicant must complete the State of Colorado, Office of the State Engineer Water Supply Information Summary form and submit this form with the application for a Special Use Permit. This completed form will be referred by staff to the Office of the State Engineer, Division of Water Resources for review and comment.

VI. The following must be addressed as part of any application:

a. Site Plan: The site plan shall show the location of the Cultivation Areas containing the licensed premises and provide distances from the building or Cultivation Area to adjacent buildings, describe all existing uses within the building or Cultivation Area and all adjacent buildings, parking spaces, property lines, and physical land features, such as streams, existing vegetation, driveways, and roadways. If the applicant proposes an Outdoor Cultivation Area, the site plan shall provide distances from the Cultivation Area to property lines and also from the Cultivation Area to surrounding residences. The site plan shall also show all fences, waste storage, irrigation and utilities.

b. Location Plan. The location plan shall show all uses located within one-half (½) mile of the property boundary line of the premises on which the Retail or Medical
Marijuana Establishment is located, including, but not limited to: any public or private preschool or elementary, middle, junior high, or high school; the campus of any college, university, seminary, or residential child care facility; or a drug or alcohol rehabilitation center. The distance measurement shall be a direct line between the closest point of the Cultivation Area and the closest point on the neighboring lot or parcel containing the specified use.

c. Building Plan. The plans for the interior of the Marijuana Establishment shall include a detailed floor plan layout and information needed to demonstrate compliance with the Local Licensing standards and the applicable requirements of the County’s adopted Building Code(s). For Outdoor Cultivation Areas, a detailed site layout of the growing area shall be provided with information needed to demonstrate compliance with the Local Licensing standards and the applicable requirements of the County’s adopted Building Code(s).

d. Location of existing residential structures within ½ mile.

e. Number of proposed employees, both permanent and temporary.

f. A waste disposal plan.

g. A noxious weed control plan.

h. An odor abatement plan designed to keep all odors from the proposed use from emanating beyond the subject property lines to prevent impacts on adjacent properties.

i. Proposed plant count for each Cultivation Area.

j. Fence design, including layout, height and materials.

k. Water source for irrigation.

l. Drainage and stormwater management plan.

5-2906 C. Scenic Quality Mitigation Plan

I. A plan for mitigation of visual impacts or other appropriate aesthetic impacts of the proposed access, structure(s), fencing,
landscaping, and ancillary site improvements and use to achieve the goal set forth in Section 5-2301 A. Purpose.

II. Visual mitigation techniques such as coloring, screening and landscaping. Use of natural colors and native vegetation is encouraged. If an Outdoor Cultivation Area is proposed, an exterior fence shall be erected around the cultivation area (i.e. a chain link fence or the like) that complies with state standards. Solid wood, slats, or screens may be required if necessary to screen the view of the cultivation area from adjacent roadways or properties.

III. Provide a lighting plan. All exterior lighting shall comply with the standards of Section 5-710.

IV. Signs. No advertising or business identification sign is permitted anywhere upon or attached to the facility or property. Warning or advisory signs related to security may be allowed.

V. The level of mitigation required will depend on the location of the proposed facility in relation to topographic features, important visual features, proximity to residential neighborhoods and other sensitive visual areas. Placement of structures in treed or screened areas rather than open meadow areas is preferred in order to reduce the visibility of such facilities to the public to the maximum extent reasonably feasible.

5-2906 D. Area and Bulk Requirements

I. Minimum Lot Area: Five (5) acres. The minimum lot area requirement for a Medical Marijuana Infused Product Manufacturer and/or a Retail Marijuana Products Manufacturing Facility shall conform to the Area and Bulk requirements of the underlying zone district. Marijuana Product Manufacturing may also be considered through a Two-step SUP Review process on legally created substandard sized parcels if the application meets all other applicable Land Use Code requirements.

II. Maximum Size for a Proposed Cultivation Area:

a. Parcels less than thirty-five (35) acres: Three thousand (3,000) square feet within a Building or Greenhouse. The maximum square footage includes all marijuana related uses, whether a single use or combined uses.

b. Parcels thirty-five (35) acres or larger: The maximum
Cultivation Area(s) shall be dependent on the parcel location, size and the applicant’s ability to comply with all applicable standards and the limitations of the operation’s state license(s). Cultivation Areas may be located in a building, Greenhouse, or Outdoor Cultivation Areas, subject to the following restrictions:

i. Buildings or Greenhouses: three thousand (3,000) square feet each; or

ii. Outdoor Cultivation Area: twenty thousand (20,000) square feet per area, for the growing of female/female clone plants only; or

iii. Any combination of buildings, Greenhouses, and/or Outdoor Cultivation Areas, to the maximum allowed.

iv. One (1) additional three thousand (3,000) square foot building may be permitted for the hanging, trimming and processing of marijuana or any related products. The additional building shall not be used as a Cultivation Area.

v. Additional structures may be allowed for the storage of materials and equipment related to the cultivation and operation business, but not for the storage or processing of any marijuana or related products.

III. Setbacks:

a. The minimum setback for an indoor marijuana cultivation facility is fifty (50) feet from all property lines regardless of zone district.

b. Outdoor Cultivation Areas shall have a minimum setback of one hundred (100) feet from the property line. Additionally, the Outdoor Cultivation Area shall be at least five hundred (500) feet from the closest dwellings existing on neighboring properties at time of application. The distance measurement shall be a direct line between the closest point of the Outdoor Cultivation Area and the closest points of the dwellings on the neighboring properties.

c. In addition, the following setbacks shall also apply:

i. Any public or private preschool or elementary, middle, junior high, or high school; the campus of any college, university, seminary, or licensed
residential child care facility; or a drug or alcohol rehabilitation center must be located a minimum of one-half (½) mile from the nearest property line of the parcel. The distance measurement shall be a direct line between the closest point of the Cultivation Area and the closest point on the neighboring lot or parcel upon which any of the above uses are located.

   ii. Setbacks from a private camp or recreational facility frequented by minors: a minimum of one thousand (1,000) feet from the nearest property line of the land. The distance measurement shall be a direct line between the closest point of the Cultivation Area and the closest point on the neighboring lot or parcel upon which any of the above uses are located.

   iii. Setbacks from Residential Areas: New facilities may not be located within one-half (½) mile of a Residential Area.

d. Setbacks may be increased or decreased during the review and evaluation of the Special Use Permit.

IV. Fences:

   a. Outdoor Cultivation Areas area shall be properly fenced for security with a minimum eight (8) foot chain-link fence or six (6) feet of chain-link material with two (2) foot security arms with barb wire or razor wire or equivalent type of fencing for security. Alternative fence materials, such as woven field fence, may be considered if approved by the State. Solid wood, slats, or screens may be required if necessary to screen the view of the cultivation area from adjacent roadways or properties.

   b. Portions of the fence may be required to be removable during periods when Outdoor Cultivation is not occurring, to allow the seasonal movement of wildlife through the property and where such removal would not compromise the security of the facility.

5-2907 Noticing Requirements

Two-step reviews require that the notice to adjacent and affected property owners include the date, location and contact information for the time of the public meeting. The notice
shall also include a provision that encourages the adjacent and affected property owners to provide written comments no later than one (1) week prior to the meeting date in order to be included in the meeting packets, although comments will be accepted up to the public meeting date.

The following noticing procedures shall apply:

5-2907 A. The owners, as recorded in the records of the county, of any land adjacent to or located within one-half (½) mile of any portion of the boundary of the parcel or tract containing the subject site and owners of each parcel of real property adjacent to or through which the designated Access Road extends from the nearest public road. Such notice shall be sent by the applicant or Planning Department at the applicant's expense at least twenty (20) days prior to the scheduled meeting date. Email notice to adjacent and affected property owners is encouraged if Email addresses are available from the County Assessor's Office. Persons notified and the distance of notice may be increased at the discretion of the County based upon size and scale of the proposed Facility, surrounding land use pattern and perceived impacts.

In addition to the required written notice under this provision, the applicant shall make a good faith effort (at a minimum contacting the County Planning Department and checking the records of the County Clerk and Recorders Office) to ascertain if any of the landowners required to be provided written notice, as part of an application, are also members of a condominium association or homeowner's association. If the result of the good faith examination identifies the existence of such condominium association or homeowner's association, the applicant shall provide written notice to these associations in the same manner as other landowners. Email notice to these associations is encouraged if Email addresses are available from the County.

5-2907 B. The public notice shall include the following:

1. A description of the location of the facility (including a legal and practical locational description and a vicinity map), a general site plan, a vicinity map which includes the designated Access Road to the facility, and the proposed activity under review.
2. Time and place of the public meeting.
3. The name and address of the applicant and/or its designated agent, and a statement that additional information may be obtained from the Planning Department.

5-2907 C. Posting of notice shall be made by the applicant by posting a sign (to be obtained from the County) in a conspicuous place on the property or closest public roadway at least twenty (20) days prior to the scheduled
meeting date.

5-2907 D. The applicant shall present proof of such notice by submitting a copy of the letter and a list of the landowners notified, together with an affidavit attesting to the mailing of such notice executed by the person responsible for providing such written notice, to the Planning Department.

5-2908 Commencement, Duration and Modification of Special Use Permit

The Special Use Permit shall become effective on the date of written approval by the County.

Special Use Permits are issued to the applicant and do not run with the land.

If an applicant desires to modify the subject Facility by changes to equipment, site layout, approved operating plan, etc., an amendment to the original application shall be submitted for review and approval. The Planning Department shall determine whether the modification has substantial impacts or is considered a minor amendment pursuant to County adopted standards for Medical and Retail Marijuana uses.

Special Use Permit approval shall only be valid as long as the applicant holds a current State and County License for the approved use.

5-2909 Disposal of Marijuana

Marijuana waste shall be stored, secured, and managed in accordance with applicable state laws, including but not limited to rules promulgated by the Colorado Medical Marijuana Enforcement Division and the Colorado Department of Revenue-Marijuana Enforcement Division (DOR-MED) in effect and as amended from time to time hereinafter.

5-2910 Definitions

Cultivation Area
Means a building, Greenhouse, or Outdoor Cultivation Area used for the growing of marijuana.

Enclosed
Means a permanent or semi-permanent area covered and surrounded on all sides. Temporary opening of windows and doors or the temporary removal of a wall or ceiling panels does not convert the area into an unenclosed space.

Extended Plant Count
Means County approval given to either a Medical Marijuana Patient or a Primary Caregiver to allow a plant count over twelve (12) marijuana plants but not more than twenty-four (24) plants on a Residential property, which shall only be applicable for
Patients whose physicians have recommended such an extended plant count as being medically necessary to address the Patient’s debilitating medical condition.

**Local Licensing Standards**
Means Local Licensing Standards as adopted and amended by the Board of County Commissioners.

**Locked Space**
Means secured at all points of ingress or egress with a locking mechanism designed to limit access, such as a key or combination lock.

**Medical Marijuana**
Means marijuana that is grown and sold pursuant to the Medical Code and includes seeds and Immature Plants.

**Medical Marijuana Business**
Means a Medical Marijuana Center, a Medical Marijuana Infused Product Manufacturer, or an Optional Premises Cultivation Operation.

**Medical Marijuana Center**
Means a Person licensed pursuant to the Medical Code to operate a business as described in section 12-43.3-402 C.R.S., and sells medical marijuana to registered patients or primary caregivers as defined in Article XVIII, Section 14 of the Colorado Constitution, but is not a primary caregiver.

**Medical Marijuana Infused Product**
Means a product infused with Medical Marijuana that is intended for use or consumption other than by smoking, including but not limited to edible product, ointments, and tinctures. Such products shall not be considered a food or drug for purposes of the “Colorado Food and Drug Act,” part 4 of Article 5 of Title 25, C.R.S.

**Medical Marijuana Infused Product Manufacturer**
Means a Person licensed pursuant to the Medical Code to operate a business as described in section 12-43.3-404, C.R.S.

**Medical Marijuana Patient (Patient)**
Means a person who has applied for and is entitled to receive a registry identification card with the Colorado Department of Public Health and Environment.

**Non-residential Property**
Means all other property than Residential Property as defined herein.

**Non-substantial Greenhouse**
Means a hoop house, high tunnel or other similar structure that is covered or uses a membrane or a soft pliable sheet, i.e. plastic sheeting, visqueen, tarps, canvas, polyethylene films or similar materials, to be used on a short-term basis.
Optional Premises Cultivation Operation
Means a Person licensed pursuant to the Medical Code to operate a business as described in section 12-43.3-403, C.R.S.

Outdoor Cultivation Area
Means a designated and approved outdoor area to grow marijuana.

Primary Caregiver
Means a person who is 18 years of age or older who has significant responsibility for managing the well-being of a patient who has a debilitating medical condition. Primary caregivers who cultivate medical marijuana for their patients must register with CDPHE and the DOR-MED. In order to be a primary caregiver who cultivates medical marijuana for his or her patients or transports medical marijuana for his or her patients, he or she shall also register with the state licensing authority and comply with all local laws, regulations, and zoning and use restrictions.

Personal Use/Recreational Marijuana
Means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate that is cultivated and/or consumed by a person twenty-one years of age or older for personal use by persons twenty-one years of age or older, but not for resale to others. Such Marijuana does not include industrial hemp.

Residential Area
Means an area as depicted on the maps attached as Exhibit I to this Section. These mapped areas may be amended as necessary by the County. New licensed marijuana facilities may not be located within one-half (½) mile of a Residential Area. A Residential Area may be zoned something other than WM, WMRA and F.

Residential Property
Means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. “Residential Property” also includes the real property surrounding a structure, owned in common with the structure that includes one or more single units providing complete independent living facilities.

Retail Marijuana
Means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate that is cultivated, manufactured, distributed, or sold by a licensed Retail Marijuana Establishment. “Retail Marijuana” does not include industrial hemp, nor does it include fiber produced from stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any
other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

**Retail Marijuana Cultivation Facility**
Means an entity licensed to cultivate, prepare, and package Retail Marijuana and sell Retail Marijuana to Retail Marijuana Establishments, but not to consumers.

**Retail Marijuana Establishment**
Means a Retail Marijuana Store, a Retail Marijuana Cultivation Facility, a Retail Marijuana Products Manufacturing Facility, or a Retail Marijuana Testing Facility.

**Retail Marijuana Product**
Means a product that is comprised of Retail Marijuana and other ingredients and is intended for use or consumption, such as, but not limited to, edible product, ointments and tinctures.

**Retail Marijuana Products Manufacturing Facility**
Means an entity licensed to purchase Retail Marijuana, manufacture, prepare, and package Retail Marijuana Product, and sell Retail Marijuana and Retail Marijuana Product to other Retail Marijuana Products Manufacturing Facilities and to Retail Marijuana Stores, but not to consumers.

**Retail Marijuana Store**
Means an entity licensed to purchase Retail Marijuana from a Retail Marijuana Cultivation Facility and to purchase Retail Marijuana Product from a Retail Marijuana Products Manufacturing Facility and to sell Retail Marijuana and Retail Marijuana Product to consumers.

**Retail Marijuana Testing Facility**
Means a public or private laboratory licensed and certified, or approved by the Division, to conduct research and analyze Retail Marijuana, Retail Marijuana Products and Retail Marijuana Concentrate for contaminants and potency.

**Substantial Greenhouse**
Means a solid, secured structure constructed to the design requirements for imposed loads (e.g., wind, snow, seismic activity) as required by the International Building Code. The exterior wall and roof coverings must be materials such as concrete, glass, metal, wood, polycarbonates or any such material that is tested and approved for such use.
EXHIBIT 1

Residential Areas and Residential Area Buffer Zones

A full size version of this map may be viewed on the County webMap at www.sanmiguelcountyco.gov
5-30: SHORT-TERM RENTAL

5-3001 General

This section shall govern the use and occupancy of a Single-family Residence, Condominium Unit or Duplex Unit by a third party for compensation for less than thirty (30) consecutive days. Accessory Dwelling Units and/or Caretaker Units and County R-1 Housing Deed-Restricted Units are not eligible for Short-Term Rental. The rental of accessory structures, recreational vehicles, camping spaces, and other spaces not located in primary dwelling unit is not allowed as a Short-Term Rental. A permit for a Short-Term Rental is not required in the West End (WE) Zone District; however, all applicable taxes shall be collected and remitted as set forth in Section 5-3001 A. Short-Term Rentals are prohibited in the Open Space (OS) Zone District, the High Country Area (HCA) Zone District, and the Affordable Housing Planned Unit Development (AHPUD) Zone District.

5-3001 A. Purpose

The purpose of this Section is to promote public health, safety and general welfare by establishing standards for rental of a Primary Residence for less than thirty (30) consecutive days. These regulations are also intended to ensure that individuals or entities that Short-Term Rent a residence in the unincorporated areas of San Miguel County are collecting and remitting the requisite State and County Sales Tax and County Lodging Tax. (C.R.S. 39-26-102 (11), (C.R.S. 39-26-104 (1) (f)) Any individual or entity advertising a residential unit for Short-Term Rental in any media including the Internet or who has hired a property manager to handle the Short-Term Renting of a residence is required to comply with the standards in Section 5-3001 and obtain a County Short-Term Rental Permit.

5-3001 B. Standards

I. County Permit. The owner(s) must complete the application for and obtain a Short-Term Rental Permit approval from the County. An approved Permit is valid for a two-year period and must be renewed every two years.

II. Registering with the Colorado Department of Revenue (CDOR). Short-Term Rental of a residential unit requires the property owner to file with the CDOR and provide the County Planning Department with a copy of their State Sales Tax License. Taxes may be collected and remitted by property managers or on-line rental platforms that book short term rentals on the owner’s behalf. The use of a property management company or on-line rental platform does not relieve the property owner of the responsibility to register with...
CDOR and to collect and remit taxes.

III. The County Short-Term Rental Permit number must appear in a conspicuous place on all Short-Term Rental advertising materials.

IV. The Short-Term Rental shall only be rented to a single party. If renting rooms instead of the entire dwelling unit, individual guest rooms shall not be rented out to multiple parties.

V. If the Short-Term Rental is not served by a municipal or community sewer system the Dwelling must have an onsite wastewater system recognized and approved by the County Environmental Health Department according to their applicable regulations. Existing systems do not need to be repaired or replaced unless required by the County Environmental Health Department.

VI. If the Short-Term Rental is not served by a municipal or community water system, the Dwelling must have a domestic well permitted by the Colorado Division of Water Resources that provides sufficient quantity and quality of potable water.

VII. Occupancy is limited to two (2) persons per bedroom or sleeping room unless the unit is on central sewer or additional occupancy has been incorporated into the capacity of the onsite wastewater treatment system (OWTS). In this case, the occupancy shall be limited to the number of people for which a County approved OWTS has been designed but in no case shall the occupancy exceed ten (10) people. Additional persons may be authorized through a specific Administrative Review process where it is determined that the OWTS as designed and built is adequate for the proposed use.

VIII. The rental residence will be inspected by the Building Department for surface type safety concerns such as emergency escape windows in bedrooms, smoke and CO detectors, and ingress/egress paths of travel for a fee determined by the current Building Code as adopted by the Board of County Commissioners on the initiation of an application for a Short-Term Rental Permit. Subsequent renewals at two (2) year intervals will only require an affidavit signed by the applicant that the unit complies with all safety standards as listed in this Section.
IX. Dwellings shall be equipped with operable smoke alarms and carbon monoxide alarms pursuant to State Statute (HB 091091) and the County’s current adopted building code. Dwellings must contain an operable fire extinguisher in proximity to the kitchen.

X. Parking Requirement: One (1) space per bedroom located on the subject property.

XI. Dwellings shall have adequate trash containers sufficient to serve the guests. All trash containers must be in a bear proof enclosed structure such as a garage, barn, shed or a container designed to be bear-proof per LUC Section 5-407 A.X.

XII. The property owner/manager shall provide each rental guest with a copy of “Being a Good Neighbor” and shall provide the County and the guest with the name, address and contact information, including a 24-hour contact telephone number of a current local contact person.

XIII. The property owner shall notify each adjacent property owner in writing of the name and contact information for the 24-hour local contact and shall do the same notification when local contact information changes.

XIV. It is the property owner’s responsibility to determine whether there are private declarations and covenants within their subdivision that prohibits or further restricts the Short-Term Rental of residences.

XV. The County Permit authorizes Short-Term Rental of a Primary Residence but the County is not responsible for the Short-Term Rental. Any concerns a renter has should be addressed to the local contact person or property owner.

5-3001 C. Revocation of County Permit

Any short term rental permit that the county issues pursuant to LUC Section 5-3001 B. shall constitute a Development Permit for purposes of LUC Section 1-301 and shall be subject to revocation in accordance with LUC Section 3-101 for a permittee’s failure to comply with any of the terms and/or conditions of the permit’s approval, as well as any applicable LUC provisions, including, but not limited to LUC Section 5-3001 B. Standards.
SAN MIGUEL COUNTY LAND USE CODE

ARTICLE 6

DEFINITIONS

For the purpose of this Code, certain words or phrases are defined as follows. Words used in the present tense include the future; singular words include the plural; plural words include the singular, and masculine words include the feminine.

Access

The manner by which persons reach parcels (including lots). Parcels may be reached overland by foot, horseback and/or vehicles using roads, driveways and/or trails approved for motorized use. Access does not include reaching parcels by aircraft.

Accessory Use/Structure

A use or structure naturally and normally incidental to, subordinate to, and devoted primarily to the principal use or structure of the premises. An accessory use or structure:

1. does not change the basic character of the premises (as determined by its principal use or structure);
2. is subordinate in area, extent and purpose to the principal use or structure served;
3. contributes to the comfort, convenience or necessity of occupants of the principal use or structure served; and
4. is located on the same lot or contiguous lots under the same ownership as the principal use or structure.

In no event shall an accessory use be construed to authorize a use not otherwise permitted in the Zone District in which the principal use is located, and in no event shall an accessory use or structure be established prior to the principal use or structure to which it is accessory. Kitchen and/or bath facilities shall be allowed in accessory structures only when such structures are associated with active mining operations.

Accessory Dwelling Unit

An additional dwelling unit, limited to a maximum of eight hundred (800) square feet, accessory to a single-family residence in the High Density, Medium Density or Low Density Zone District. The Floor Area of the Accessory Dwelling Unit shall be included in the Calculation for employee housing Impact Fee mitigation as defined in, and is subject to, Section 5-13 of this Code unless such unit is voluntarily deed restricted pursuant to LUC Section 5-1303 G. XIX.
**Active Open Space**

**Purpose:** The intention of this land use category is to maximize retention of the native plant and animal life but to allow more intense recreational uses than provided for in Passive Open Space. For example, the replacement of native grasses with sod would be incompatible with this type of open space. However, more impactive recreational uses than that allowed in Passive Open Space are allowed. This category serves as a middle ground between Passive Open Space and Recreation Areas.

**Definition:** Active Open Space is less-environmentally sensitive (than that in Passive Open Space) open land intended to be preserved for more intensive recreational uses than those allowed in Passive Open Space, but not to include those uses allowed in Recreational Areas. For example, organized play areas, developed Nordic ski trails or tracks, warming huts along trails, children’s play equipment and commercial and non-commercial horseback trails riding are permitted. Motorized vehicles are prohibited except for: construction and maintenance of permitted structures, play areas, trails, warming huts and Nordic ski trails and tracks. A development application proposing Active Open Space must receive approval from the Planning Commission and/or the Board of Commissioners, including approval of the specific use(s) requested, with a finding that the proposed uses do not conflict with environmentally sensitive lands, wildlife habitat, or scenic vistas.

**Activity of State Interest**

An activity that may be designated by the Board from among the following:

1. Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems.
2. Site selection and development of solid waste disposal sites.
3. Site selection of airports.
4. Site selection of rapid or mass transit terminals, stations, and fixed guideways.
5. Site selection of arterial highways and interchanges and collector highways.
6. Site selection and construction of major facilities of a public utility.
7. Site selection and development of new communities.
8. Efficient utilization of municipal and industrial water projects.

**Affordable Housing**

Residential dwelling units in the Telluride Region that are permanently deed restricted by the County’s R-1 Housing Deed Restriction that limit use and occupancy to persons (and their families) who live and earn their livings primarily in the R-1 School District of San Miguel County or such other deed restriction as approved by the BOCC.

**Agricultural Employee Dwelling Unit**

A dwelling unit provided on-site for the housing of an employee of an agricultural operation or a working ranch, accessory to the principal use.
Agricultural Operation
A business evidenced by a history of soil cultivation, crop production and/or the raising of livestock for human use or marketing purposes and occupying agricultural lands as classified by the County Assessor.

Agriculture
Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on natural prime or improved pastureland. Normal and customary agricultural activities include commercial greenhouses, tree farms and clearing of vegetation exclusively for growing of crops and/or grazing of animals.

Airport
The Telluride Regional Airport.

Airport Height Zones
(1) Approach Surface: a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface.
(2) Conical surface: a surface extending outward and upward at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
(3) Horizontal surface: a horizontal plane 150 feet above the established airport elevation.
(4) Primary Surface: a surface longitudinally centered on a runway extending 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of any point on the runway centerline.
(5) Transitional Surfaces: those surfaces extending outward and upward at right angles to the runway centerline extended at a slope of seven to one from the sides of the primary surface and approach surfaces. These surfaces continue until they intersect the horizontal and conical surfaces.

Area around a Key Facility
An area immediately and directly affected by a key facility.

Alley
A public way narrower than a street, permanently reserved as a secondary means of access to abutting property and not intended for general traffic circulation.

Alternative Living Space
A structure that is built or designed outside of mainstream construction, such as a “Tiny Home,” recreational vehicle, yurt, or cargo container, that may not meet all building code requirements for a dwelling, or may be classified as a vehicle, but can provide housing that includes facilities for cooking, bathing, and sleeping. Cooking and bathing facilities may be located in a separate or communal service building. Alternative Living Spaces shall be limited to five hundred (500)
square feet in floor area, excluding loft spaces with an average height of no more than four (4) feet. (A small house built on a foundation, in accordance with applicable building codes, is considered a Dwelling Unit.)

**Alternate Transportation**
Modes of transportation other than private automobile that provide adequately for the transportation needs of residents of a development or developments.

**Animal Shelter**
A place for the impoundment and disposition of animals and/or an establishment that houses and feeds stray animals (this does not include animal boarding kennels).

**Approved Water and Sewer System**
A system or facility utilizing distribution lines to bring water to a development, to provide it with fire-fighting capabilities and to treat, neutralize, stabilize and/or dispose of sewage, not including systems that utilize the absorption capability of soil to treat sewage, and approved by the appropriate fire protection district, the County Sanitarian and the Colorado Department of Health.

**Area of State or Local Interest**
An area, which may be designated by the Board, containing mineral resources; prone to natural hazards; maintaining a significant impact upon historical, natural or archaeological resources of statewide importance; or in which development may have a material effect upon a facility or the surrounding community.

**Arterial Highway**
Any highway constructed under the supervision of the State Department of Highways.

**Auto Repair Shop**
A business for repair and maintenance of automobiles, trucks, and other motor vehicles. All motor vehicles on the premises must carry a current registration and a work order with a completion date not to exceed 30 days. Motor vehicles without valid registration and or a work order shall be classified as salvage and junk, and may not be kept, stored or worked on in an auto repair shop.

**Avalanche**
A mass of snow or ice and other material that may become incorporated therein as such mass moves rapidly down a mountain slope.
**Basement**
That portion of a structure with fifty percent (50%) or more of its volume below natural grade.

**Bath Facilities**
That portion of a structure, which includes a bathtub, shower and/or other personal bathing or washing areas.

**Bear Proof Container**
An enclosed structure (such as garage, barn, shed) or waste management metal container with bear proof latch

**Bed and Breakfast**
A residential structure with an innkeeper in residence on-site that provides lodging and breakfast for temporary overnight occupants, limited to five separate bedrooms for compensation (except West End Zone District, where more rooms may be allowed). See Section 5-319 H. IV.e for the Wright’s Mesa Zone Districts.

**Billboard**
An outdoor advertising sign placed along a right-of-way; billboards generally are prohibited in San Miguel County.

**Board**
The Board of County Commissioners of San Miguel County, Colorado.

**Board of Adjustment**
The San Miguel County Board of Adjustment as established in Section 1-14 of the Land Use Code.

**Boarding House**
See "Rooming House."

**Building**
Any structure including a roof supported by walls, designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind that is erected for permanent location on the ground. Building includes yurts, removable sheds, and similar uses, but does not include signs or fences.
**Building Official**

The County employee primarily responsible for implementation of the building code, or that person's designee.

**Building Permit**

A permit issued by the Building Official, after the Planning Director has issued a development permit, that allows a developer to erect, construct, reconstruct, excavate for a foundation, alter or change the use of a building or other structure or improvements of land.

**Caretaker Unit**

A second residential unit on a parcel in the F District, subject to the provisions of Section 5-307 C, that provides caretaking for a non-resident homeowner and/or a long-term rental opportunity for local workers.

**Character (of a developed area)**

The density, height, coverage, setback, massing, fenestration, materials and scale of materials.

**Clustering**

The act of consolidating and closely grouping development within a parcel for the purpose of protecting and/or preserving common open space areas, environmentally sensitive lands, wildlife habitats, view planes, open meadows, scenic foreground and wetlands, and to encourage the efficient provision of utility facilities and public transportation and, in the High Density Zone District, to facilitate non-vehicular access.

**Collector Street**

A street that functions primarily to distribute traffic within neighborhoods, and which carries through traffic and provides access to abutting property.

**Commercial Development**

Includes, but is not limited to: expansion or construction of office, retail, wholesale, warehouse, manufacture, commercial recreation, restaurant/bar and/or service-commercial operations by the addition of square footage. Commercial development creates growth impacts on the community.

**Common Open Space**

A parcel of land, area of water, or a combination of land and water within the site designated for a planned unit development designated and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development. The common open space presumes Passive Open Space. Recreation Areas or Active Open Space shall be permitted within Common Open Space as allowed by Planning Commission or Board of Commissioner review. Common Open Space is presumed to be private unless otherwise agreed to by the landowner and the Board of Commissioners.
Community Water System
A residential water system serving 25 or more year-round residents and/or 15 or more service connections used by year-round residents.

Compatible
Having harmony in design and appearance, Use and/or function with existing vegetation, topography and/or existing land Uses in an area.

Condominium, Attached
A residential dwelling unit in a structure containing two or more such units, the living spaces of which are individually owned; the balance of the property (both land and building) is owned either in common by the owners of the individual units or by an association consisting of such owners.

Condominium, Detached
One of at least two individually owned, unconnected residential dwelling units located on property owned either in common by the owners of such units or by an association consisting of such owners.

Conservation Easement
A voluntary, legally binding agreement that limits certain types of uses or restricts development from taking place on a piece of property now and in the future, while protecting the property's agricultural, ecological or open space values.

Construction/Contractor Office and Staging Area
A facility from which a construction company or other building industry contractor operation is based, which may occur in addition to a single-family residence, and on which an office may be located and only vehicles registered to that company and materials for use off-site may be stored. No manufacturing, fabrication or other work involving those vehicles or materials, except for routine repair and maintenance, may be performed on-site.

Constructive Notice
Notice that shall be deemed given as a result of actual notice or any action by the County recorded in the public record maintained by the County Clerk.

Contiguous
Sharing a common border at more than a single point of intersection and in such a manner that the shared boundaries are touching and not separated except by boundaries of public or private rights-of-way, watercourses or water bodies, or other minor geographical divisions of similar nature running parallel and between the shared boundaries. Contiguity is not the mere touching of points at intersections.
**Corrosive soil**

Soil that contains soluble salts that may produce serious detrimental effects in concrete, metal or other substances it contacts.

**County Surveyor**

Elected official with the duties and powers defined by C.R.S. 30-10-903 and as authorized by the Board of County Commissioners.

**Critical Wildlife Habitat (applies to 5-1004 Golf Course Standards only)**

Areas including but not limited to Winter Concentration, Migration Corridors, Production as mapped by the Colorado Division of Wildlife and as documented by the Colorado Natural Heritage Program study, and where Development may potentially impact the health and survival of a species or of the population of the species resident in San Miguel County.

**Cul-de-sac**

A short local street terminating in a vehicular turnaround.

**Current Impact Rate**

The rate shall change at the beginning of each calendar year to reflect the trend of the purchasing power or real value of the United States Dollar. The adjustment shall be based on the Consumer Price Index for All Urban Consumers, U.S. City Average, for All Items (1983-1984 = 100) published by the United States Department of Labor, Bureau of Labor Statistics. The current trash-impact rate shall change by the same percentage as the percent change in the Index figure.

**Current Trash-impact Rate**

The current trash-impact rate is 10 percent of the current impact rate and shall be calculated in the same manner.

**Data Center**

A facility containing networked computers, servers, storage systems and computing infrastructure that organizations use for the storage, processing or distribution of large amounts of data. Data Centers may be collocated within the organization or entity that owns or manages the data, or may be a remote facility used for cloud computing and storage, or may be used for the processing of cryptocurrency transactions. Data Centers may also be referred to as server farms, data storage centers, or crypto mines.

**Day Care Center**

A facility licensed by the Colorado Department of Social Services (defined by that department as "Child Care Center") that is maintained for the whole or part of a day for the care of five or more children under the age of 16 years who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care, and with or without
stated educational purposes. A day care center must provide County and State approved water and sewer systems and shall provide one off-street parking space per employee, a child loading/unloading area of adequate dimensions (preferably off-street) and adequately sized indoor and outdoor play areas.

**Day Care Home**
An accessory use facility licensed by the Colorado Department of Social Services that provides care for two or more children not related to each other, or for children from more than one family, not related to the care provider. Care shall be provided for each child for more than two consecutive full days (seven or more hours each) on a regular weekly basis. If established in conjunction with a residential use, a day care home shall meet the requirements of a home occupation. If established in conjunction with an institution or business, its use shall be limited to children of employees or guests of that institution or business and shall provide two off-street parking spaces.

**Dedication**
The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses often constitute conditions for approval of a development.

**Deed Restricted Housing**
Affordable Housing with the Deed Restriction set forth in Section 5-1304 R-1 Housing Deed Restriction, or as approved by the BOCC. See definition for affordable housing.

**Demolition**
The act of demolishing a structure.

**Density**
The maximum number of dwelling units per gross acre of land permitted in a Zone District, as set forth in Article 5.

**Developable Land**
Land as a location for structures and which can be developed free of hazards to, without disruption of, and without significant impact on, natural resource areas.

**Developer**
Any person, partnership (public or private), association or agency that prepares raw land for the construction of buildings or causes to be built physical building space for use primarily by others, during which preparation the land or the creation of the building space is in itself a business and is not incidental to another business or activity.
Development
The physical extension and/or construction of urban land Uses. Development activities include: Subdivision of land; change in the intensity of Use of land; construction, reconstruction, Demolition or partial Demolition or alteration of Buildings, roads, utilities, and other facilities; commencement of drilling (including wells and/or Soil sampling involving heavy equipment), Mining, or Excavation; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetation cover (with the exception of agricultural activities). Exempted are routine repair and maintenance and normal and customary ranching and agriculture-related activities.

Development Fee
See "Impact Fee."

Development Permit
A permit issued by the Planning Director that allows a Developer to engage in Development in compliance with all applicable sections of this Code and further enables the Developer to seek a Building Permit that would allow the Developer to commence actual Development. A revegetation plan and a weed control plan shall apply to all Development Permits issued and shall be approved by the County.

Development Right
A landowner’s right to improve or develop a property with a residential use or structure allowed pursuant to a Zoning District designation in accordance with all applicable provisions of the Land Use Code.

Duplex Residence
Two-family dwelling with the units either side-by-side or in an over-under configuration. In the side-by-side configuration, the units share a common wall, while in the over-under configuration, they are stacked. A minimum of twenty percent (20%) of the length of the two walls in common shall be shared between the units, regardless of whether the wall is shared by all floors of the units. The shared walls in common shall not be the walls of a breezeway, or similar accessory structure, but may include the walls of a garage.

Dwelling Unit
A separately enterable, self-sufficient room or combination of rooms containing kitchen and bath facilities and designed for or used as a residence by an individual, single family or guests, independent of other families or guests.

Easement
A property right given by an owner of land to another person or entity for specific limited use of that land.
**Electric Distribution Line**
An Electric Distribution Line is any electric line operated at over 600 volts.

**Electric Service Line**
An Electric Service Line is any electric line operated at less than 600 volts and is typically less than 300’ feet in length.

**Employee Housing**
See definition for Affordable Housing.

**Employee Housing Impact Fee**
A fee paid in lieu of the provision of required deed restricted housing in order to mitigate the impacts of development and land use to the employee housing stock managed or controlled by the County.

**Employee Housing Mitigation Plan**
A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for a proposed development.

**Encumber**
To legally obligate by contract or otherwise commit to use by appropriation or other official act of the County or Telluride R-1 School District.

**Engineer**
A registered professional engineer.

**Environmentally Sensitive Land**
All land within wetlands (designated by the Army Corps of Engineers and/or the Environmental Protection Agency) or the 100-year floodplain, within 50 feet of the centerline of any perennial stream, with slopes of 35 percent or greater encompassing at least one acre, and/or with known geologic hazard areas, wildlife migration corridors and/or critical wildlife habitats.

**Equestrian Center**
A facility in the Low Density (LD) Zone District, the primary activity of which is the business of recreational horseback riding and instruction, boarding of horses and competitive riding activities, subject to the equestrian center standards in Section 5-24.

**Erosion**
The loosening and transportation of rock and soil debris by wind, rain, or running water; the
gradual wearing away of the upper layers of earth.

**Erosion Control Structures**
All facilities necessary to control the direction, depth, velocity and volume of water flow within a development, and to mitigate erosion and related water quality impacts resulting from development.

**Essential Personnel**
Employees who must be available to respond to a workplace (within a specific amount of time) in order to continue critical infrastructure operations or services.

**Essential Services**
The development or maintenance of public utilities or County-approved underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment.

**Evidence**
Any relevant and competent testimony, map, table, chart, contract or other document offered, prepared or certified by a person qualified to attest to a specific claim or condition.

**Excavation**
The formation of a cavity formed by cutting, digging or scooping earth.

**Exclusionary Zoning**
Illegal development regulations resulting in the exclusion of individuals and/or families from a community on the basis of income or ethnic background.

**Expansive Soil and Rock**
Clay-containing soil and rock that expands upon wetting and shrinks upon drying.

**Exterior Architectural Feature**
The architectural style, design and general arrangement of the exterior of a structure, including but not limited to, texture, materials, windows, lights, signs and other fixtures appurtenant to a structure.

**Family**
Two or more persons related by blood or marriage, or between whom there is a legally recognized relationship, or not more than 5 unrelated persons occupying the same dwelling unit.
**Fee Payer**
That person or entity who pays an Impact Fee, or that person's legal successor in interest with the right or entitlement to any refund or reimbursement of previously paid School Impact Fees and which has been expressly transferred or assigned to the successor in interest.

**Fence**
A structure that serves as a barrier intended to prevent escape or intrusion, to mark a boundary, to shield or screen view or to serve any similar purpose. Fences in the Open Space Zone District (see Section 5-314 C.) and in Wildlife Habitat Areas (see Section 5-407 A.) are subject to specific standards.

**Final Plat**
A map of the subdivision showing accurate surveying by a registered surveyor. The map shall show all streets, alleys, blocks, lots and all other requirements listed in Sec. 4-5.

**Finished Grade**
The elevation of the ground surface, following development, next to the completed walls of a structure, prior to placement of any fill material.

**First Responder**
A person with specialized training who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance; an emergency response provider.

**Flex Space**
A use that provides spaces within a development of varying sizes, configurations and orientations that can be configured in ways that serve different uses and activities compatible with the project and property. Uses could include food/beverage processing (such as a brewery, distillery, coffee roaster, bakery, caterer, etc.); local services (such as laundry, dry cleaning, etc.); arts and crafts (art studios, media, maker spaces for jewelry/clothing, furniture, crafts, etc.); construction trades (such as carpenters, plumbers, welders, etc.) as well as compatible accessory/ancillary retail uses. Flex Space could include uses and activities typically associated with light industrial uses. Flex Space generally does not include uses and activities located outside of a building and does not require exterior storage yards and similar supporting areas outside of the building.

**Flood Control**
All facilities necessary to control the direction, depth, velocity and volume of water flow within a development to mitigate potential damage to the development by flooding.

**Floodplain**
An area adjacent to a stream that is subject to flooding by the "intermediate regional flood" of that stream and thus is sufficiently adverse to past, current or foreseeable construction or land use
as to pose a significant hazard to public health and safety or to property. Where the "intermediate regional flood" has not been determined, floodplain shall mean an area five vertical feet or twenty horizontal feet, whichever is greater, from the high-water line or the high-water profile of the maximum flood of record, whichever method of computation is greater, on any river, stream, or natural drainage channel.

**Floor**
The top surface of an enclosed area within each story of a building, including storage areas, stairways, elevator shafts, basements and accessory uses and structures.

**Floor Area**
The sum area of all Floors protected by an impervious covering calculated using the exterior dimensions of the adjacent walls. This does not include covered decks, porches, patios, or covered surfaces not enclosed by exterior walls. Floor Area includes horizontal surfaces in Basements that have a vertical height in excess of five feet. A Garage, as defined in Article 6, is not included in the calculation of Floor Area. However, to encourage energy efficiency, where earth ship, cob, straw bale, or true adobe construction is used, Floor Area will be calculated using the interior dimensions of the adjacent walls.

**Floor Area Ratio**
The total floor area of a building or buildings on a lot divided by the gross area of the lot, expressed as a ratio.

**Freestanding Sign**
Any sign permanently affixed to the ground, supported by a standard or legs or other self-supporting structure used solely for that sign, and physically separated from any building or structure.

**Front Yard**
The yard extending the full width of a parcel, the depth of which is measured by the least horizontal distance between the front lot line and the nearest surface of the principal building, and such distance is referred to as the front yard setback.

**Garage**
A building or portion of a Building in which only motor vehicles used by the residents, owners, and/or tenants of the Building or Buildings on the premises are stored or kept.

**Gasoline Station**
A place of business for the retail sales of gasoline, which may or may not exist in conjunction with an auto repair shop, based upon specific zoning requirements.
Geologic Hazard

A geologic phenomenon sufficiently so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property, including:

(1) Avalanches, landslides, rockfalls, mudflows, and unstable or potentially unstable slopes;
(2) Mancos shale, talus slopes, and faults;
(3) Seismic effects;
(4) Radioactivity;
(5) Ground subsidence; and
(6) Areas of expansive soil and rock, and corrosive soil.

Geologic Hazard Area

An area that contains or is directly affected by one or more geologic hazards.

Gross Area

The total area of a site minus any dedicated rights-of-way and surface easements.

Ground Subsidence

The downward displacement of surface material caused by natural phenomena such as removal of underground fluids, natural consolidation or dissolution of underground minerals, or by manmade phenomena such as underground mining.

Groundwater

Subsurface water within and below the zone of continuous saturation.

Guest Ranch

An establishment providing lodging for no more than 40 temporary overnight occupants. Full meals must be provided for overnight guests and may be provided for others. It may include employee lodging and accessory facilities for overnight guests.

Hazard to Air Navigation

Any structure, growth, stationary or mobile object that has an adverse effect on the safe and efficient utilization of navigable airspace.

Height

The maximum possible upward distance to the top of a building, measured adjacent to a building at a right angle to the horizon line from each and every point on the finished grade, except that:

(1) The ridge of a gable, hip, gambrel or similar pitched roof may extend up to five feet above the specified maximum height limit;
(2) Chimneys, flues, vents or similar structures may extend up to ten feet above the specified maximum height limit, ski lift towers may extend up to 50 feet above the specified maximum limit, and wind turbines may extend above the specified maximum limit with One-step Planning
Commission Special Use Permit Approval;
(3) Water towers and mechanical equipment may extend up to five feet above the specified maximum height limit;
(4) Church spires, bell towers and like architectural features, as well as flag poles, may extend over the specified maximum height limit;
(5) Schools, churches and public administration buildings in residential zone districts may exceed the established height limitation by fifty percent, provided they comply with all other requirements for the zone district and that the total floor area of the structure does not exceed the total area of the lot on which the building is located.

**Historic and Archaeological Resource**

Any known historic or archaeological structures, site or areas within unincorporated San Miguel County.

**Historic and Archaeological Resource of Statewide Importance**

Historic and Archaeological Resource that has been officially included in the National Register of Historic Places, designated by statute or included in an established list of places compiled by the State Historical Society.

**Home Occupation**

A non-retail service, business, occupation or trade conducted entirely within a residential building or accessory structure for gain or support by a resident of the dwelling, and no other, which:

(1) Is clearly incidental and secondary to the residential use of the building;
(2) Does not change the essential residential character of the use;
(3) Employs no more than one non-resident of the building;
(4) Operates pursuant to a valid occupational license for the use held by the resident of the dwelling unit, if required;
(5) Is confined to no more than fifty percent of the total floor area of the main level of the dwelling, or up to 2,000 sq. ft. of floor area, whichever is less;
(6) Complies with all applicable provisions of Section 5-704 D.II.c. regarding signs;
(7) Does not sell any stock in trade, merchandise, supplies or products on the premises, except that such items may be sold if accessory to the non-retail home occupation use;
(8) Does not store outside of the dwelling unit any equipment or materials used in the home occupation;
(9) Does not utilize mechanical, electrical or other equipment or items that produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building or accessory structure;
(10) Provides off-street parking to accommodate the needs of the home occupation; and
(11) Does not include any of the following uses: antique shop, beauty parlor, medical clinic, mortuary, nursing home, restaurant, veterinary clinic or dance studio.

**Home Occupation for the West End Zone District**
A service, business, occupation or trade conducted entirely within a residential building or accessory structure for gain or support by a resident of the dwelling, which:
(1) Is clearly incidental and secondary to the residential or agricultural use of the building;
(2) Does not change the essential residential or agricultural character of the use;
(3) Provides off-street parking to accommodate the needs of the home occupation; and
(4) Multiple Home Occupation uses are allowed per residence.

Hospital
A public or private facility that:
(1) Provides in- and out-patient care, medical and/or dental, ward, surgery, laboratory, physical therapy, diagnostic, radiology, emergency medical and/or pharmacy services;
(2) Contains administration offices, gift shop, waiting rooms, kitchen (to service hospital patients, staff and visitors), and similar uses; and/or
(3) Health service and prepaid health maintenance offices, ambulance garage, heliport and/or parking lot.

Hotel
A building containing three or more individual rooms for the purpose of providing overnight lodging facilities on a short-term basis to the general public, for compensation, with or without meals, and that has common facilities for reservation and cleaning services, combined utilities and on-site management and reception.

Hunting Lodge
A seasonal establishment providing lodging for no more than 15 temporary overnight occupants during hunting seasons only (except in the Wright’s Mesa Rural Agricultural and West End Zone Districts where more occupants may be allowed), the primary purpose of which is to provide a base for hunting excursions led by the proprietor or other employee or contractor of the establishment.

Impact
The effect of any direct manmade actions or indirect repercussions of manmade actions on existing physical, social, or economic conditions.

Impact Fee
A fee, also called a development fee, levied on the developer of a project by a city, county or other public agency as compensation for otherwise-unmitigated impacts the project will produce.

Impervious Surface or Cover
Material placed over the surface of the ground (e.g. pavement, sidewalks, roofs, driveways) that reduces the infiltration of precipitation into the ground.
**Improvement**
Any additions to raw land or buildings such as structures, infrastructure (i.e., streets, sewers, etc.)

**Improvement Permit**
A permit issued by the County Building Official after Final Plat approval that allows development of required improvements within a subdivision.

**Indirect Lighting**
Reflected light sources, not including internal illumination or luminous materials.

**Key Facility**
A public facility or public service structure that serves or would serve the residents of a community or region.

**Kitchen**
Any room in a structure for the preparation and cooking of food that contains any of the following facilities: stove, refrigerator (except those not larger than 6 cubic feet), sink (excluding wet bar sinks not larger than 12"x12"), oven, range, and cooktop. Second kitchens and the installation of electrical wiring, gas piping and/or plumbing to accommodate the aforementioned appliances in a potential second kitchen are prohibited in the Affordable Housing Planned Unit Development (AH PUD) Zone District and the San Miguel Canyon Area. Commercial kitchens may be installed as second kitchens in all areas of the County; however, a commercial kitchen must be inspected and approved by the County Environmental Health Director. In areas where second kitchens are prohibited, a commercial kitchen, if installed must be removed if the commercial operation ceases, and may not be used for preparation of food consumed in the residence.

**Landslide**
Falling, slipping or flowing of a mass of land from a higher to a lower elevation.

**Licensed Premises**
Means the premises specified in an application for a license under Article 43.3 (House Bill 10-1284), which are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, or sell medical marijuana in accordance with the provisions of this article.

**Local Street**
A street that functions primarily to provide access to abutting property.

**Lot**
A legally created parcel of land shown with a separate and distinct number or letter on a subdivision plat recorded in the San Miguel County Courthouse, or a parcel described by metes and bounds with access to at least one dedicated public right-of-way and held under separate ownership.

**Lot Area**
The total horizontal area within the lot lines of a lot, including any covering public and private subsurface easements, except any area beneath the mean-water line of a water body or within any public or private right-of-way.

**Lot Depth**
The shortest horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**Lot Lines**
1. **Front**: the property boundary line dividing a lot from a street or from the property boundary line from which road access is obtained.
2. **Rear**: the property boundary line opposite the front lot line.
3. **Side**: any property boundary lines other than front and rear lot lines.

**Lot Width**
The mean distance between the side lot lines measured parallel to the front yard setback line.

**Lumber Mill**
A facility for the sawing, joining, pressing, or other processing of cut timber into planks, boards, and other building materials. A facility that generates finished wood products, such as furniture, is not a lumber mill.

**Mass Transit**
A coordinated system of transit modes providing transportation for the general public.

**Master Plan**
*The San Miguel County Comprehensive Development Plan* and/or one of its constituent Master Plans, such as the *Telluride Regional Area Master Plan*.

**Mineral**
An inanimate constituent of the earth, in either solid, liquid or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing
or construction material. Excluded are surface or ground water subject to appropriation for domestic, agricultural or industrial purposes, as well as geothermal resources.

**Mineral Exploration**

The prospecting and exploration stages of mining. Prospecting involves the initial search for an area, utilizing geological, geophysical, geochemical and/or typographical surveys. Exploration involves determining whether an area contains commercially viable mineral reserves, utilizing drilling and trenching techniques to obtain samples of ore deposits for testing.

**Mineral Processing**

The processing of mined material including, but not limited to: screening, crushing, storing, washing, mixing, leaching, separating, batching for concrete or asphalt, and other similar or related operations or processes.

**Mineral Resource Area**

An area with commercially viable mineral reserves, including but not limited to areas of significant historical mining activity, significant present mining activity or planned mining development, or where mineral rights are held by mineral permit or valid mining claim.

**Minimization**

To reduce to as low as reasonable attainable.

**Mining**

The act or process of extracting resources, such as coal, oil or minerals from the earth.

**Mobile Home**

A structure designed to be transported after fabrication and equal to or exceeding eight feet in width and/or 32 feet in length, excluding towing gear and bumpers. Such a structure is suitable for human habitation on a year-round basis when equipped with required plumbing, heating and electrical facilities. Mobile homes have integral chassis or permanent hitches to allow future movement. Any substandard-size mobile homes occupied at the time of adoption of these regulations shall be allowed to continue.

**Mobile Home Park**

Any plot of ground upon which two or more mobile homes occupied or intended to be occupied for dwelling or sleeping purposes are located for any period of time, regardless of whether a fee is required for such accommodations and whether the mobile home and/or land are owned by the occupants.

**Mobile Home Park Accessory Building**

A building providing laundry facilities operated by the mobile home park management, recreational facilities, storage and all other activities, facilities and uses authorized or approved
by the Board under Section 5-504.

**Mobile Home Park Accessway**
A way providing access for vehicular traffic from a mobile home stand to an abutting collector street, cul-de-sac street or a service street.

**Mobile Home Park Stand**
That portion of an individual mobile home space reserved for the placement of a mobile home, and structures or additions appurtenant to the mobile home.

**Multi-family Unit**
A dwelling unit in a structure containing three (3) or more such dwelling units, not including hotels and lodges, but including town houses, with accessory use facilities limited to an office, laundry, recreation facilities and off-street parking used by the occupants. One or more dwelling units located within an office, retail, or service commercial building, including (a) Live-work Housing unit(s) (See Section 5-1305 B.V.), shall also be considered (a) multi-family dwelling unit(s).

**Natural Grade**
The highest natural elevation of the ground surface, prior to development, next to the proposed walls of a structure. If the natural grade has been disturbed immediately prior to development, the Building Official may establish the natural grade.

**Natural Resources of Statewide Importance**
Shorelands of major publicly owned reservoirs and significant wildlife habitat areas in which particular wildlife species identified by the Colorado Division of Wildlife of the Colorado Department of Natural Resources could be endangered.

**Neighborhood**
The area adjacent to or surrounding existing or proposed development and characterized by common use or uses, density, style and age of structures and environmental characteristics.

**Net Leasable Commercial and Office Space**
The area within a commercial or office building designed for lease to a tenant for commercial or office use, excluding any area dedicated to bathrooms, stairways, circulation corridors and mechanical areas, but including any areas exterior to the building designed for lease to a tenant for commercial or office use.

**Noise**
Any sound that interferes with speech and hearing, is intense enough to damage hearing or is
otherwise annoying or unwanted.

**Nonconforming Lot**
A lot that fails to meet the minimum lot size or width standards for the Zone District in which it is located.

**Nonconforming Structure**
Any structure legally permitted at the time it was first developed that is not permissible under the area and bulk requirements for the Zone District in which it is located.

**Nonconforming Use**
Any use legally permitted at the time it was first developed that is not permissible under the regulations for the Zone District in which it is located.

**Non-community Water System**
A non-residential water system that serves 25 or more people per day for at least 60 days per year in such facilities as restaurants, motels, campgrounds, etc.

**Non-transient, Non-community Water System**
A non-residential, non-community water system that regularly serves 25 or more of the same people for more than six months per year in such facilities as schools, workplaces, hospitals, etc.

**Non-unit Space**
The commonly shared floor area within a lodge or hotel, such as lobbies, hallways, stairways, recreational areas and dining rooms.

**Office**
A use where business, professional, or governmental services are made available to the public, including:
1. Business Office - an office for use by persons such as realtors, travel, advertising or insurance agents and property managers providing both products and services, or the home office of a company that sells retail or wholesale products or provides professional services.
2. Professional Office - an office for use by persons such as physicians, dentists, lawyers, architects, engineers, accountants and other professionals who primarily provide services rather than products.

**Off-site Sign**
A type of directional sign generally prohibited in San Miguel County that directs attention to a business, commodity, service, entertainment, attraction or product sold, offered or existing elsewhere than upon the same lot where the sign is located, including billboards.
Off-street Parking
Land anywhere except within a public right-of-way used for parking, storing, or displaying motor vehicles, mobile homes and similar items. Off-street parking shall be paved with all-weather surfacing or covered with gravel and shall be maintained in a usable condition at all times.

Optional Premises
Means the premises specified in an application for a medical marijuana center license with related growing facilities in Colorado for which the licensee is authorized to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the State Constitution.

Optional Premises Cultivation Operation
Means a person licensed to operate a business as described in the State Medical Marijuana Code. An optional premises cultivation license may be issued only to a person who grows and cultivates medical marijuana at an additional Colorado licensed premises contiguous or not contiguous with the licensed premises of the person’s medical marijuana center license or the person’s medical marijuana-infused products manufacturing license.

Overburden
All earth and other materials lying above natural mineral deposits and other excavated materials that are disturbed from their natural state in the process of excavation.

Owner
Any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by entirety with concurrent legal or beneficial title to the whole or to part of a building or land.

Parcel
Any quantity of land and water for which location and boundaries can be established that is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park
Publicly owned land used for active or passive recreational purposes or as a wildlife refuge.

Park Maintenance Building
A building within a park used for park operation and maintenance purposes, including but not limited to storage and repair of park vehicles and equipment, greenhouse or park offices.

Passive Open Space
Purpose: The intention of this land use category is to maximize retention of the native plant and animal life and to minimize the impact of human uses. For example, the replacement of
native grasses with sod would be incompatible with this type of open space, as would recreational activities that disturb the native plant and animal life.

Definition: Passive Open Space is environmentally sensitive open land, wildlife habitat, scenic vistas intended to be preserved in their natural state free of development, structures, and organized play areas. Passive recreational uses including walking, biking, jogging, nature and undeveloped Nordic ski trails, picnicking, and non-commercial horseback riding trails and bike paths are permitted. Active recreational uses and motorized vehicles are prohibited. Normal and customary agricultural and ranching activities, public access easements and rights-of-ways, underground utility easements, unpaved trails and interpretive signage are allowed. Unqualified references to Open Space in this Land Use Code means Passive Open Space.

**Patient**

Means a person with a valid patient medical marijuana registry card and adequate, currently valid proof of identification.

**Person**

An individual, corporation, corporate agent, government agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest or any other legal entity.

**Planning Director**

The County employee primarily responsible for planning and zoning administration for the County, or that person's designee.

**Plat**

A map and supporting materials describing land proposed for development and serving as an instrument for recording of real estate interests with the County Clerk and Recorder.

**Platted subdivision lot**

Any lot created pursuant to state law, which has received subdivision approval by the Board of County Commissioners since September 1, 1972. (See also Lot.)

**Population Density**

A measure of the number of persons that could be accommodated in a development, determined on the following basis:

1. Hotel or Lodge Unit, Guest Ranch or Bed and Breakfast Bedroom - 1.5 people;
2. Dwelling Unit with Floor Area less than 900 sq. ft. - 2 people
3. Dwelling Unit with Floor Area between 900 sq. ft. and 1,500 sq. ft. - 3 people
4. Dwelling Unit with Floor Area greater than 1,500 sq. ft. - 4 people

**Population Level**

The potential number of people accommodated by a development, in accordance with the
population density allowed on a final plat.

**Portable/Wheeled Sign**
A sign not permanently affixed to the ground, a building, or other permanently affixed structure, which may be moved from place to place and which may be mounted on wheels.

**Potentially Unstable Slope**
An area susceptible to landslide, mudflow and/or rockfall hazard(s) or to accelerated creep of slope-forming materials.

**Pre-application Conference**
An informal conference held between County staff and a potential developer for the purpose of obtaining information and guidance prior to formal filing of a land use application.

**Preliminary Plan**
The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

**Present Value**
The current value of past School Impact Fee payments, taking into account inflation. In making the Present Value calculation, the Consumer Price Index (CPI) for All Urban Consumers, U.S. City Average, for all items (1983-1984) published by United States Department of Labor, Bureau of Labor Statistics shall be used. Present Value is calculated by multiplying the past School Impact Fee payment by the ratio of the CPI for current year to the CPI for the year in which the payment was made.

**Primary Caregiver**
Means a natural person, other than the patient or the patient’s physician, who is eighteen years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition and provides medical marijuana to the patient pursuant to the State Medical Marijuana Code,

**Primary Residence**
A Primary Residence is considered the main dwelling on a parcel. This dwelling can be a single-family home, a condominium, a one-to-four unit residential building or a manufactured home. There can be only one Primary Residence.

**Principal Use**
The primary use for which a parcel and any buildings thereon may be developed. Only one principal use is allowed per legally created parcel, except as allowed through the Planned Unit Development process, or through the One-step Planning Commission Approval and Special Use Permit processes in the Forestry, Agriculture and Open (F), Heavy Commercial (HC), Public (PUB) Zone Districts. See Section 5-319 E. IV. Principal Use for the Wright’s Mesa Zone Districts. Two principal uses per parcel are allowed in the West End (WE) Zone District. Normal and customary agricultural and ranching activities may occur where there exists another principal use.

**Projecting Sign**

Any non-free-standing sign, affixed to or supported by a building or structure, that projects beyond the surface of that portion of the building or structure to which it is affixed or supported by more than six inches.

**Prospecting**

Inspection and exploration of an area for mineral deposits.

**Public Facilities/Services**

Major capital improvements, including but not limited to transportation, sewer, solid waste, drainage, water, education and parks and recreation facilities.

**Public Land**

Land owned by a not-for-profit organization.

**Public Lands for Dedication and Ownership**

Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land to be dedicated to public use.

**Public Right-of-way**

Any parcel of land unobstructed from the ground to the sky dedicated or appropriated to the general public.

**Public Use**

Land, buildings and/or facilities owned or operated by a government agency.

**Rear Yard**

A yard extending the full width of a parcel, the depth of which is measured by the least horizontal distance between the rear lot line and the nearest surface of the principal building, and such distance is referred to as the rear yard setback.
Recreational Areas

Recreational Areas are non-environmentally sensitive land intended to be preserved for more intensive, active recreational uses than those allowed in Active Open Space. Development and structures for athletic fields, golf courses, tennis courts, play grounds, equestrian facilities (including paddocks, training rings, stables and indoor riding facilities), and other sites requiring construction and maintenance, other than trails allowed in Passive or Active Open Space are permitted. A development application proposing Recreational Areas must receive approval from the Planning Commission and/or the Board of County Commissioners including approval of the specific use(s) requested, with a finding that the proposed uses do not conflict with environmentally sensitive lands, wildlife habitat, and scenic vistas.

Recreation Building

A building devoted to public recreation use including but not limited to, golf, swimming pool and tennis clubhouses, exercise rooms, playground and playfield activity centers or clubhouses. A recreation building may include kitchen facilities, bath facilities, toilets, locker facilities and halls for assembly.

Referral Agencies

Agencies or persons that may, in the opinion of the Planning Office or the Board, be affected by a development proposal or be otherwise competent to provide relevant information or analysis concerning the potential impacts of the proposal. These agencies include, but are not limited to:

1. The appropriate school district;
2. Appropriate offices of each municipality within a two-mile radius of any portion of the Site;
3. Appropriate offices of each county within a two-mile radius of any portion of the Site;
4. Utility, local improvement and service districts, or ditch companies;
5. Each planning commission with jurisdiction over the area;
6. Neighborhood caucus groups;
7. Homeowner's associations;
8. The appropriate soil conservation district board(s);
9. The County Attorney;
10. The County Building Official;
11. The County Engineer;
12. The County Extension Agent;
13. The County Road and Bridge Department;
14. The County Environmental Health Director;
(15) The Colorado Department of Health;
(16) The Colorado Department of Highways;
(17) The Colorado Division of Mines;
(18) The Colorado Division of Wildlife;
(19) The Colorado Engineer;
(20) The Colorado Forest Service;
(21) The Colorado Geological Survey;
(22) The Colorado Historical Society;
(23) The Colorado Land Use Commission;
(24) The Colorado Oil and Gas Commission;
(25) The Colorado Water Conservation Board;
(26) The U.S. Forest Service;
(27) Canal and Ditch Company; and
(28) In cases of Wetland reviews, a qualified hydrologist.

Remodeling
Any act that changes one or more of the exterior architectural features of a building.

Request for Interpretation
A legal interpretation of (a) specific section(s) of the Land Use Code and/or of a particular boundary or designation of the County Zoning Map as such pertains to a specific development proposal.

Residence
A single-family, duplex or multi-family structure.

Residential Use
Used or legally could be used for dwelling purposes, not including hotel or lodge uses.

Retirement of a Development Right
A permanent, irrevocable prohibition of any and all development on a property.

Ridgeline
Any landform comprised of connected topographic high points from which at least one slope
descends.

**Right-of-way**
Land on which facilities such as roads, railroads, canals, utilities, and other similar uses exist or may be constructed.

**Riparian Lands**
Riparian lands are comprised of the vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near freshwater.

**Road Improvements**
Improvements to public roads including widening existing alignments, changing road surface types (e.g., dirt to gravel, gravel to paved) and major realignments. Such improvements may be subject to Section 30-28-110(1)(d), C.R.S.

**Road Maintenance**
Maintenance to public roads includes grading, repairs, pothole repairs, placing fill, or replacing drainage structures (maintenance includes the use of updated materials for culverts, cribbing and drainage related repairs). Blasting in the HCA Zone District is limited to maintenance activities as described herein. Repair or restoration of damage to existing public roads in the HCA Zone District, as a result of natural catastrophes or “acts of God”, may be allowed Subject to One-step Board of County Commissioner Review, as set forth in LUC section 5-321 G. IV. Expedient Repairs are allowed to provide for public safety in bona fide emergencies as determined by the San Miguel County Road Superintendent.

**Rock**
A relatively solid and consolidated naturally formed mass of mineral material.

**Rockfall**
The descent of rocks from higher to lower elevation.

**Rooming House**
Any structure where persons are housed for compensation, by the day or week, including hotels, motels, lodges, boarding houses and dwellings into which the general public is received. Each room intended for sleeping shall be maintained in a clean and sanitary condition and has:
1. At least 70 square feet of habitable floor area;
2. At least 30 additional square feet of floor space for each additional intended occupant; and
3. Access to a flush toilet, lavatory, basin, and tub or shower in working order and properly
connected to water and sewer systems, with a minimum of one toilet for each four occupants. Sleeping shall not be permitted in the halls of rooming houses without the express permission of the Board of County Commissioners in response to a public emergency.

**Runway**

An area of an airport prepared for aircraft takeoff and landing along its length capable of accommodating aircraft of 12,500 maximum gross pounds or greater under visual flight rules.

**San Miguel Canyon Area**

All developable land within one mile of the San Miguel River between the western edge of the Telluride Region and the base of Norwood Hill, excluding parcels or portions thereof that lie atop one of the mesas adjoining the river canyon.

**School (as relating to a Medical Marijuana Business)**

Means a public or private preschool or a public or private elementary, middle, junior high or high school. The State or Local Licensing Authority shall not receive or act upon an application for the issuance of a state or local license if the building in which medical marijuana is to be sold is located within one thousand feet of a school, an alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential childcare facility. The local licensing authority of a county by rule or regulation, the governing body of a county, by resolution, may vary the distance restrictions imposed by the state for a license or may eliminate one or more types of schools, campuses, or facilities from the application of a distance restriction established by or pursuant to the state regulations.

**School Capital Facilities**

An improvement with a useful life of ten (10) years or more, by new construction or other action, which increases the service capacity the Telluride R-1 School District.

**School Impact Fee**

The payment of money imposed upon and paid by new residential development as a condition of development approval as its proportionate share of the cost of providing School Capital Facilities needed to serve such development.

**Seismic Effects**

Direct and indirect effects caused by an earthquake or an underground nuclear detonation.

**Separate Ownership**

Pertains to a lot or parcel not contiguous with or adjacent to another lot or parcel or real property owned by the same owner.

**Setback**
Open space at grade between a structure and the property line of the lot on which the structure is located, measured by the horizontal distance between the lot line and the closest projection of the principal or accessory building. Each setback shall remain unoccupied and unobstructed from the ground upward, except for fences. Where no public dedication exists and the lot line extends to the centerline of the right-of-way, the required yard setback shall equal the distance specified under zone district regulations, plus an additional distance equal to one-half the right-of-way width.

**Shop-craft Business or Industry**

Any establishment producing one-of-a-kind products made by hand or with limited mechanical assistance, including but not limited to cloth and basket weaving, pottery making and glass blowing.

**Short-Term Rental**

A Primary Residence (residential dwelling) that is rented for durations of less than thirty (30) consecutive days to a single party. This includes dwellings rented out by individual owners and dwellings rented out on behalf of an owner by a property management entity. A Short-Term Rental may be an entire dwelling or a single bedroom. Accessory Dwelling Units and/or Caretaker Units and County R-1 Housing Deed-Restricted Units are not eligible for Short-Term Rental. The rental of accessory structures, recreational vehicles, camping spaces, and other spaces not located in a primary dwelling unit is not allowed as a Short-Term Rental. A Permit for a Short-Term Rental is not required in the West End (WE) Zone District. Short-Term Rentals are prohibited in the Open Space (OS) Zone District and the High Country Area (HCA) Zone District. Hotels, Bed and Breakfasts, Guest Ranches, and Hunting Lodges are excluded from this definition and require an application and review through a Special Use Permit process.

**Short-Term Rental Permit**

Property owners must obtain a “Short-Term Rental Permit” from the County prior to Short-Term renting a residence pursuant to Land Use Code Section 5-30.

**Sidewalk**

That portion of the sidewalk area paved with an impervious surface for use by pedestrians.

**Sidewalk Area**

That portion of a street between the curb line, or the lateral line of a roadway, and the adjacent property line, intended for use by pedestrians, and also known as "border area," "parkway," "park strip" or "planting strip."

**Side Yard**

A yard extending from the front yard to the rear yard, the width of which is measured by the least horizontal distance between the side lot line and the nearest surface of the principal building, and
such distance is referred to as the side yard setback.

**Sign**
Any object, device, display, symbol, light or structure affixed to, painted on, placed on or incorporated in a building surface or structure, or displayed from or within a building or structure, or standing freely upon a site, and which is designed to be visible from outside and used, intended or designed to convey or direct information or a message to the public concerning the identification of the premises, or to advertise or promote the interests of any private or public firm, person, organization, service or product.

**Single-family Dwelling** (same as Single-family Residence)

**Single-family Residence**
An individual residential dwelling that is developed with open yards on all sides of the dwelling unit. Single-family Residence includes all manufactured housing (pursuant to C.R.S. 30-28-115(3)), including all mobile homes on permanent foundations, but does not include recreational or other wheeled vehicles.

**Site**
One or more parcels with one or more structures.

**Sketch Plan**
A map of a proposed subdivision, drawn and submitted in accordance with the requirements of this Code, to evaluate feasibility and design characteristics at an early state in the planning of development.

**Ski Area**
All ski slopes and trails and other places under the control of a ski area operator and administered as a single enterprise within the state of Colorado.

**Slope**
The gradient of the ground surface defined in degree or percent.

**Soil**
Relatively loose, unconsolidated earth material overlying bedrock.

**Solid Waste**
A general category of disposed goods that includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes, and wood.
Square Footage
The size of a structure measured in "square feet," as defined in the Uniform Building Code.

Stream or Creek
Any natural channel or depression through which water flows continuously, intermittently or periodically, including any artificial modification of a natural channel or depression.

Street
A public or private way, other than an alley, that affords the principal means of access to abutting property.

Structure
Anything constructed, installed or portable that requires location on a parcel, including a movable building that can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently, and also including roads, walkways, paths, fences, swimming pools, tennis courts, signs, sheds and other accessory construction, but not including poles, lines, cables or other transmission or distribution facilities of public utilities.

Subdivider
A developer proposing to create a subdivision.

Subdivision
The division of any parcel of land into two or more parcels, separate interests or interests in common, except when such division:
(1) Creates parcels of land each 35 or more acres, none of which is intended for use by multiple owners;
(2) Creates parcels of land, such that the land area of each parcel, when divided by the number of interests therein, results in 35 or more acres per interest;
(3) Is caused by order of any court in this state or by operation of law;
(4) Is caused by a lien, mortgage, deed of trust or any other security instrument;
(5) Is caused by a security or unit of interest in any investment trust regulated under the laws of this state, or any other interest in an investment entity;
(6) Creates cemetery lots;
(7) Creates an interest or interests in oil, gas, minerals, or water that is now and hereafter severed from the surface ownership of real property; or
(8) Is caused by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common; unless the Board finds that steps were taken to establish one of the above conditions (1-8) solely to prevent the division from qualifying for this definition. The Board of County Commissioners may choose to exempt any specific division of land from this definition when it finds that the division is beyond the intent and purpose of subdivision regulations. See Section 5-12.
Subdivision Improvements Agreement
One or more security arrangement(s) that may be accepted by the County to secure the construction of such public improvements as are required by this Code as a condition of the approval of a subdivision.

Tiny Home
A small house built on a trailer that includes cooking and bathing facilities, generally classified as a recreational vehicle. A Tiny Home may or may not comply with Federal Motor Vehicle Safety Standards and/or other applicable regulations. (A small house built on a foundation, in accordance with applicable building codes, is considered a Dwelling Unit.)

Tourist Accommodation
Any dwelling unit intended to be occupied primarily by visitors to San Miguel County, located in a facility which offers customary on-site management and services for visitors, excluding any structure used primarily as a residence but used occasionally by visitors to San Miguel County.

Trail
A multi-purpose easement designed to provide safe and easy passage for non-motorized means of travel.

Trail Clearing
The vertical (v.) clearance from the trail tread to overhead obstructions, or the horizontal (h.) clearance from the edge of the trail tread to obstructions within the required vertical clearance. Figure 5-2 shows the total required horizontal clearance for both sides combined. For Nordic skiing trails, the vertical clearance shown indicates distance above maximum snow depth, and the horizontal clearance indicates the overall requirement including the trail tread width.

Trail Cross Slope
The slope measured perpendicular to the centerline of the trail.

Trail Cross-slope (X-slope) Range
The range of existing topographic slopes on which a particular type of trail may be constructed economically.

Trail Maximum Profile
The maximum slope measured along the centerline of a trail commonly accepted for a particular type of use. Profiles shown in Figure 5-2 for Nordic skiing trails are for easy, recreational use.
Trail, Multi-use

Multi-use trails are designed for the most restrictive of several types of uses they can accommodate. Urban multi-use trails typically accommodate high-volume pedestrian and road biking uses; rural multi-use trails typically accommodate equestrian, hiking, mountain biking and sometimes road biking uses; mountain multi-use trails typically accommodate equestrian, hiking and mountain biking uses.

Trail Switchback Radius

The distance from the point where opposing legs of a trail switchback meet to the inside edge of the trail tread on either leg.

Trail Tread

The useable surface of a trail.

Treeline

The elevation above which trees do not grow (generally ranging from 11,200' to 11,900' above mean sea level in San Miguel County), usually characterized by the lack of soil and the predomination of rock at the surface.

Use

The purpose for which land or a building is designated, arranged or intended, or for which it either is or may be occupied or maintained.

Variance

A departure from any provision of zoning requirements for a specific parcel, except use, without changing the zoning ordinance or the underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zone district.

Visual Runway

A runway intended solely for the operation of aircraft using visual approach procedures.

Wall Sign

Any sign painted, placed on, incorporated in or affixed to a building wall, window or canopy, or any sign consisting of cut-out letters or devices affixed to a building wall, window or canopy with no background defined on the building wall, window or canopy, with the exposed face of the sign located in a place substantially parallel to the wall, window or canopy surface on which it is placed.

Wetlands

Areas periodically inundated and normally characterized by the prevalence of vegetation that
requires saturated soil conditions for growth and reproduction, excluding lands periodically irrigated for agricultural purposes.

**Wildfire Area**
An area containing or directly affected by a wildfire hazard.

**Wildfire Hazard**
The potential for a wildfire sufficiently adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. Wildfire hazard is based on terrain slope, historical wildfire behavior and vegetation types.

**Winter Maintenance**
Winter Maintenance on public roads includes snow plowing, snow cat grooming or the use of similar equipment or machinery for the purpose of clearing and/or opening the road so it may be traveled on by conventional automobiles and trucks including 4-wheel drive vehicles.

**Working Ranch**
Land used for profit-oriented agricultural operations such as cattle and sheep grazing and/or farming.

**Yard**
Open space not wholly or partially enclosed by buildings, not in an alley or street, unoccupied and unobstructed from the ground skyward, except by building eaves, architectural projections, balconies, fire escapes, uncovered porches, slabs, patios, walks and steps, fences, hedges and walls. Areas within public and private subsurface easements shall be included in the yard area. (See "Front Yard," "Rear Yard," and "Side Yard.")

**Zone District**
A designated area of the County for which prescribed land use requirements and building and development standards are uniform and listed in this Code.
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APPENDIX B
SAN MIGUEL COUNTY
COLORADO

Street Naming
and Addressing Standards

Adopted July 6, 2005
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I. DESCRIPTION OF THE STANDARDS

A. TITLE AND PURPOSE

1. Purpose: San Miguel County establishes these Standards in order to provide for the uniform assignment of property address numbers, to provide for the naming of new streets and renaming of existing streets with conflicting or duplicate names in order to provide for efficient emergency services and provide for the safety of the residents of San Miguel County, and to provide for the enforcement of these Standards.

2. Short Title: For the purposes of identification, these regulations shall be known as the “Street Naming and Addressing Standards”.

3. The County uses a variety of addressing systems, which are discussed and described in Section II A (Pre-existing Address Systems) and Section II C1 (County Mile Marker Address Numbering System).

B. AUTHORITY

The county’s legal authority to promulgate these Standards is derived from the following relevant Colorado statutes, as well as its inherent police power authority as a political subdivision of the State of Colorado, and as a body corporate and politic:

1. Section 30-11-107(1)(h), C.R.S., provides that the Board of County Commissioners of each county has the power at any meeting “to lay out, alter, or discontinue any road running into or through such county, and also to perform such other duties respecting roads as may be required by law;”

2. Section 30-28-110(3)(a), C.R.S., provides that “All plans of streets or highways for public use, and all plans, plats, plots, and replots of land laid out in subdivision or building lots and the streets, highways, alleys, or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the board of county commissioners for review and subsequent approval, conditional approval, or disapproval. It is not lawful to record any such plan or plat in any public office unless the same bears thereon, by endorsement or otherwise, the approval of the board of county commissioner and after review by the appropriate planning commission.”

3. Section 30-28-113(1), C.R.S., provides in pertinent part that “In order to accomplish such [zoning] regulation, the board of county commissioners may
divide the territory of the county which lies outside of cities and towns into
districts or zones of such number, shape, or area as it may determine, and,
within such districts or any of them, may regulate the erection, construction,
reconstruction, alteration, and uses of buildings and structures and the uses of
land, and may require and provide for the issuance of building permits as a
condition precedent to the right to erect, construct, reconstruct, or alter any
building or structure within any district covered by such zoning resolution.”

4. Section 30-28-115(1), C.R.S., provides in pertinent part that “Such [zoning]
regulations shall be designed and enacted for the purpose of promoting the
health, safety, morals, convenience, order, prosperity, or welfare of the present
and future inhabitants of the state, including lessening the congestion in the
streets or roads or reducing the waste of excessive amounts of roads,
promoting energy conservation, securing safety from fire, floodwaters, and
other dangers, providing adequate light and air, classifying land uses and
distributing land development and utilization, protecting the tax base, securing
economy in governmental expenditures, fostering the state’s agricultural and
other industries, and protecting both urban and nonurban development.

5. The “Local Government Land Use Control Enabling Act of 1974” at Section
29-20-104, C.R.S., provides in pertinent part that the County, as a local
government, acting within its jurisdiction has the authority to plan for regulate
the use of land by: “(g) Regulating the use of land on the basis of the impact
thereof on the community or surrounding areas; and (h) Otherwise planning
for and regulating the use of land so as to provide planned and orderly use of
land and protection of the environment in a manner consistent with
constitutional rights.”

6. The “Colorado Governmental Immunity Act” at Section 24-10-106.5 (1),
C.R.S., “Duty of Care,” provides in pertinent part that “In order to encourage
the provision of services to protect the public health and safety and to allow
public entities to allocate their limited fiscal resources, a public entity or
public employee shall not be deemed to have assumed a duty of care where
none otherwise existed by the performance of a service or an act of assistance
for the benefit of any person. The adoption of a policy or a regulation to
protect any person’s health or safety shall not give rise to a duty of care on the
part of a public entity or public employee where none otherwise existed. In
addition, the enforcement of or failure to enforce any such policy or regulation
or the mere fact that an inspection was conducted in the course of enforcing
such policy or regulation shall not give rise to a duty of care where none
otherwise existed.” Accordingly, any act or omission in the promulgation,
implementation, administration, and/or enforcement of these regulations, shall
not be deemed to create a legally enforceable duty of care or to constitute a
breach of any legally enforceable duty of care by San Miguel County, its
officials, employees, or agents, for the benefit of any specific person or
persons.
C. APPLICABILITY

These Standards shall apply to all lands within the unincorporated area of San Miguel County and any incorporated areas included through intergovernmental agreement.

D. SEVERABILITY

Should any provisions or parts thereof of these Standards be judicially declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Standards as a whole, or any provision thereof other than the article, section or regulation so declared to be unconstitutional or invalid.

E. REPEALS

These Standards repeal and rescind all previously adopted addressing and street naming standards, systems, regulations and/or procedures, including Land Use Code 5-502(h).

F. GENERAL PROVISIONS

1. Only the Board of County Commissioners or its appointed representative – the Addressing Official – may assign, approve, or change an address.
2. The Addressing Official shall be responsible for the administration of these standards, including specifically enforcement powers and duties under the San Miguel County Land Use Code Section 1-16 (Enforcement and Penalties).
3. The Addressing Official shall process applications for address number assignments, address number reassignments, street naming and street name changes. The Addressing Official may designate an authorized representative for any part of the process.
4. The Geographic Information Systems Department shall be responsible for the maintenance of all maps and data related to addressing, including the Official Street Name List and Maps.
II. General Guidelines for Addressing and Street Naming

A. Addressing Systems

1. New Systems Prohibited
   To avoid confusion, the County shall not permit new addressing systems to be established, except where new systems are established and approved by the Board of County Commissioners in accordance with these Standards. The assignment of new address numbers will comply with Section II C (Address Number Assignment Standards), except where a pre-existing address system has been approved and adopted.

2. Pre-Existing Address Systems
   a. In areas where an addressing system has been in use prior to adoption of these Standards, the Addressing Official may issue addresses in accordance with that system even if that system does not correspond with the County system.
   b. The Addressing Official shall, in co-operation with any other jurisdictions concerned, determine and mark on the Official Maps of Addressing Systems (Exhibit 6) the limits of areas affected by any pre-existing address system. These maps shall be maintained by the Geographic Information Systems Department.
   c. Addresses in a pre-existing address system area shall be assigned according to that system as described on the map of the area in Exhibit 6.

B. Street Naming Standards

Street names may be requested by the property owner(s) or developer subject to the approval of the Addressing Official. The Addressing Official will consider and may approve requested street names using the following guidelines:

1. Street Naming
   a. Any private street within the unincorporated area of the County may be officially named. The County requires street names for private streets to be reviewed and approved by the Addressing Official to avoid duplication.
   b. In unincorporated San Miguel County, it is up to the discretion of the Addressing Official to determine whether a street must be named.
Factors taken into account include but are not limited to: the number of residences currently or potentially using the roadway for access; the length of the roadway; and, the configuration of the roadway.

c. Existing street names may be changed by the Addressing Official if they do not comply with the guidelines in Section II B1f (Selection of Street Names), in accordance with Section III A1 (Procedures for Naming).

d. The County does not accept any liability for maintenance or signage by naming private streets. Naming of private streets is done in the interest of public safety.

e. Assignment of a name to a roadway does not affect or change the physical improvement standards of that roadway; the designation as a “named street” is for 911 addressing purposes only.

f. Street names must be approved by the Addressing Official in order to be used for addressing, signage, or publicity.

g. Selection of Street Names

(1) Street names should be easy to read and easy to spell, at the Addressing Official’s discretion, so that the public is able to use the name in an emergency situation regardless of limited reading and pronunciation skills.

(2) All new street names shall use the commonly accepted spelling, according to Merriam-Webster’s Standard Collegiate Dictionary.

(3) All new street names must use only accepted suffix designations (See Section II B1h (Suffix Designations).

(4) Street names should not be duplicated due to public health and safety issues. All new street names must be unique within San Miguel County, including incorporated areas. Names duplicating those in surrounding jurisdictions which share emergency dispatch services (e.g. Montrose County) should be avoided. A street name is considered a duplicate if any of the following conditions exist:

(a) A street has the same name as another street even if their suffix designations differ (e.g. Pine St, Pine Rd), unless excepted by Section B1g(2).

(b) A street name sounds similar to the name of another street despite a difference in spelling (e.g. Alpenglow, Alpine Glow).

(5) Street Names to Avoid

(a) Numerical names (1st, 2nd, etc.) or single alphabet letters.

(b) Complicated names or names with unconventional spelling.

(c) Names which include words or syllables which might be confused with directional or suffix designations (e.g. Northglenn Drive or Circle Drive).
(d) Names which contain hyphens, slashes, apostrophes, or other special characters, e.g. Dave-Wood Road, Sandy’s Fort Drive, L&M Drive.

(e) Names which are the same as, or similar to, an existing subdivision name, excepting when the street is within the named subdivision.

(f) Long street names which will not fit on a standard forty-two (42) inch length sign, with letters at least four (4) inches high.

(g) Obscenities or derogatory terms.

h. Naming and Street Configuration

(1) Roadways that the Addressing Official has determined do not need be named, according to Section IIB 1b, should assume the name of the intersecting through street. (Figure 1)

![Figure 1](image1)

However, where there is a series of long and short roadways accessed from the same intersecting through street, each roadway should have separate names. (Figure 2)

![Figure 2](image2)

(2) A street may bear the same name as its intersecting through street with a different suffix designation without being considered a name duplication. (Figure 3)
(3) In peculiar circumstances where a road loops back on itself for a substantial length, the Addressing Official can make the determination in the public interest and safety to give a street two (2) different prefixes using a logical breaking point. (Figure 4)

(4) Major arterials and highways which change direction for a significant distance may change directional prefixes at the most logical and convenient break point.

(5) Streets located on the same alignment in the same geographical region should bear the same name and directional prefix even though they are not connected, if, in the discretion of the Addressing Official, there is a reasonable expectation that they can connect in the future.

(6) A street running in one direction shall have one name only and shall have the same name throughout its entire length. However, if a street changes direction for a substantial distance the portion of the street running in a different direction may be given another name at the discretion of the Addressing Official.

i. Suffix Designations

(1) Any combination of words that can be homonyms with accepted suffixes are not allowed, (e.g. High Way, Rode Street)

(2) Any suffixes not designated as preferred on the list in Exhibit 1 shall not be used for new streets.
(3) These rules apply to new streets.
(4) Standard abbreviations for suffix designations shall follow the USPS guidelines in Publication 28, Appendix C, as summarized in Exhibit 1.

2. County Road Naming System
   a. County Roads are historically named with a combination of letters and numbers. The numbers indicate the approximate distance, in miles and tenths of miles, of the origin of the road from the Utah border (increasing from west to east). The letters are assigned ascending from south to north. After the letter “Z”, the letters begin again at “AA”.
   b. Primarily north – south County Roads are named with a number first, then a letter (e.g. 44Z). Primarily east – west County Roads are named with a letter first, then a number (e.g. X48). There shall be no punctuation in the name except to indicate fractions (e.g. 44.5Z).
   c. County Roads which continue across any state highway are designated to be east, west, north or south, dividing at the highway. For example, Highway 145 divides 44Z in the Norwood area into 44Z S and 44Z N, and Highway 141 divides U29 into east and west segments at Basin. There shall be a space between the road name and the direction indicator.

3. Street Name Display Standards
   a. Street name signs shall match the street name on the San Miguel County Official Street Name List and Maps (Exhibit 6).
   b. All named streets, public and private, shall be signed.
   c. All street name signs shall conform to the standards detailed in the Sign Display Standards (Exhibit 2).
   d. Private signs shall conform to the aforementioned standards, but must be of a different color. Private signs may be exempted from the standards at the discretion of the Addressing Official.

C. Address Number Assignment Standards

1. County Mile Marker Address Numbering System
   a. The system by which addresses are assigned in San Miguel County (except in incorporated areas and areas which retain a pre-existing address system) shall be by the calculation of the distance as measured in miles (to 3 decimal places) from the nearest intersecting, officially named street to the approved driveway/access, using 1000 addresses per mile. The final digit is rounded either up or down, depending on which side of the street the access is located, according to Section II C1b.
   b. Address numbers shall be assigned with odd numbers on the north side
of east-west streets and the west side of north-south streets, and with even numbers on the south side of east-west streets and the east side of north-south streets. The odd/even relationship should be maintained along the entire length of a street.

c. Existing address numbers on or near the property must be evaluated for consistency.

d. A sufficient interval must be left between address numbers to allow for future development.

e. The potential address range of the street must be identified. The potential address range determines which addresses may be assigned along a given street section. For example, an address number of 1220 cannot be assigned on a street with a potential address range of 1000-1099.

f. Addresses must be assigned in numerical sequence. The addresses along a street should increase consistently in one direction. Address numbers should not be assigned out of sequence. Number 1789, for instance, should not fall between 1735 and 1741.

g. Addresses across the street from one another should be similar. If 1645 is in use on the odd-numbered side of a street, one should expect to find numbers close to 1644 or 1646 on the even side. In practice, some variation from this guideline is to be expected, but it should be followed as closely as possible.

h. An address shall be complete and official only if it contains all of the following elements:

   (1) Number (Value denoting distance from the approved road origin. Fractions or alphabetical letters shall not be included in an address number).

   (2) Street Name (As shown on the Official Street Name Map and recognized by the Addressing Official). Street name shall include an accepted suffix designation.

i. An address may contain additional elements, as assigned by the Addressing Official in accordance with Section II C2.

   (1) Directional Prefix

   (2) Unit Number

j. Whenever possible, duplication of address numbers on similar streets shall be avoided (e.g. 2202 Elk Way, 2202 Elk Wallow Drive).

2. Frontage

   a. Address numbers shall be assigned to properties at their point of frontage on a named street.

   (1) A building on a corner lot shall be assigned an address on the street the driveway accesses. (Figure 5)
(2) A building on a large parcel shall be assigned an address for the point at which its private driveway intersects a named street. (Figure 6)

(3) Clustered accessory structures on a large parcel shall be assigned unit numbers (e.g. A, B, C) at the discretion of the Addressing Official. The unit numbers should increase in a clockwise direction from the driveway. (Figure 7)

b. Address numbers must be displayed according to Section II C4 prior to occupancy of structures on the property.
c. Where two (2) or more separate businesses or residences are contained in one building or complex, a single address shall be assigned to that building or complex, and unit numbers (e.g., Suite 1, Apt. 1, etc.) shall be assigned to each door by the property owner. Private clustered housing developments with no more than two (2) points of vehicular access, including mobile home or RV Parks may likewise be assigned a single address with unit numbers.
3. **Vacant, Unplatted Property**
   Vacant, unplatted property, including 35-acre development sites, will not be assigned an address until a driveway location is determined for a structure or a permit is required for electrical service or other purposes. If the point at which the driveway intersects a named road is changed, the address will have to be changed accordingly.

4. **Address Number Display Standards**
   a. Address number signs shall display only the County-assigned address number.
   b. All address number signs shall conform to the standards detailed in the Sign Display Standards (Exhibit 2).
   c. Pre-existing signs may be exempted from the standards at the discretion of the Addressing Official.
   d. It shall be the duty of the owner of a building to post the correct address number of that building in accordance with those standards within sixty (60) days of notification of the correct address by the Addressing Official.
   e. Any incorrect address number shall be removed and replaced with the correct number by the property owner within sixty (60) days of notification of the correct address by the Addressing Official.
   f. Where unit numbering is necessary, the property owner is responsible for posting unit numbers in a logical and appropriate manner within sixty (60) days of notification of the correct address by the Addressing Official or within sixty (60) days of notice to comply.
III. Addressing Process

A. Procedures for Naming of New Streets or Changing of Street Names

1. The Addressing Official may initiate street naming or street name changes that are determined to be in the interest of the public’s health, safety and welfare.

2. Filing
   a. Any person may initiate the process to name or change the name of a public or private roadway within San Miguel County by filing an application with the Addressing Official, using the Street Name Application (Exhibit 2).
   b. Included in the application shall be the following items:
      (1) A list of names, mailing addresses and physical addresses of all affected parties as listed in records of the San Miguel County Assessor within sixty (60) days of the application date, which includes property owners or condominium unit owners, whose parcel or unit is adjacent to, accessed by, crossed by or otherwise intersected by the roadway.
      (2) Current street name and new street name, with three (3) alternate choices.
      (3) A petition containing the signatures of, or individual letters from, affected parties as described in Section III A2b(1) indicating support of the selected street name(s).
         i. If the street name selected is approved by the Addressing Official and at least fifty-one percent (51%) of the affected parties as described in Section III A2b(1) agree the application shall be processed at no charge.
         ii. If the street name selected is unacceptable to the Addressing Official or less than fifty-one percent of the affected parties as described in Section III A2b(1) agree, the applicant may appeal the application to the Board of County Commissioners for a hearing. The appeal filing shall be submitted to the Planning Department and include a fee of Two Hundred Fifty Dollars ($250).
      (4) A statement of the reasons why the street name change is needed. (e.g., eliminate duplicate name, help improve
emergency services to the area, how the request conforms to Section II B1 [Street Naming], etc.)

(5) A map showing the vicinity of the roadway that is the subject of the application. If a recorded plat map showing the street exists, it shall be submitted as part of the application.

(6) Description of the beginning and end of subject roadway. If a recorded description of the street exists, it shall be submitted as part of the application.

c. When a Development Permit Application is submitted for construction of streets which access multiple parcels of 35 acres or more, the developer or property owner shall submit a street naming proposal to the Addressing Official which includes: (1) a map of the overall tract illustrating street layout, the name proposed for each street, and (2) an alphabetical list of the proposed street names, together with an alternate name for each name proposed, and English translations for any foreign language names. The Addressing Official shall review the street-naming proposal for duplication of names, appropriateness of names, and for overall compliance with the street naming policies outlined in Section II B (Street Naming Standards). The Addressing Official may modify or amend the proposal as he or she deems necessary in order to bring it into conformance with the street naming policy. The decision of the Addressing Official may be appealed to the Board of County Commissioners within thirty (30) days after action by the Addressing Official.

3. Hearing

Upon receipt of an appeal of the Addressing Official’s decision on an application for a new street name or street name change, the Clerk to the Board of County Commissioners shall set a public hearing date before the Board of County Commissioners allowing at least fourteen (14) days prior notice to the public. Notice of the hearing shall be pursuant to Section 3-9 (Public Notice) of the San Miguel County Land Use Code. At the hearing, the Board of County Commissioners may grant, conditionally grant, or deny the request. A Board decision to grant, conditionally grant, or to deny, the request shall be set forth in a written resolution, which shall set forth the basis for the decision in accordance with the applicable provisions of these Standards. The Board, in its discretion, may continue the matter until a stated time and date for further consideration.

4. Protests

Any person may appear in protest to the requested street name change or new street name at the public hearing or submit written protests at least twenty-four (24) hours in advance of the public hearing. Once a petition for a street name change or new street name has been submitted, any person signing the petition may protest the action, but no signature(s) may
be withdrawn.

5. Exceptions
The Board of County Commissioners may elect to initiate a street name change or to name an unnamed roadway without filing an application and waive any fee requirements or other portions of this process.

6. Official Street Name Map
When street name changes or new street names are adopted by the Board of County Commissioners or the Addressing Official, they will automatically become part of Exhibit 5, the Official Street Name List and Map, which may be a singular document or combination of several.

7. Effective Date
A street name change or new street name shall become effective sixty (60) days after the date of Address Official or Board approval unless a longer term is designated.

8. Sign Installation
A Street Name sign reflecting the approved street name shall be posted by the applicant within sixty (60) days of the date of Board approval unless a longer term is designated by the Board. In the interests of public safety, street name signs shall conform to the standards in Section II B3 (Street Name Display Standards).

9. Address Renumbering
When a street name is changed or new street names are adopted by the Board of County Commissioners or the Addressing Official, the Addressing Official shall create new address numbers, according to Section II C (Address Number Assignment Standards), for any previously assigned addresses that are affected and notify each owner of the new address. The previously assigned addresses will become invalid sixty (60) days after the date of Board approval unless a longer term is designated by the Board.

B. Subdivision Review Procedures

1. Street Naming for New Subdivisions
   a. During Preliminary Subdivision or Preliminary Planned Unit Development Plat map review, the developer shall submit a street naming proposal to the Planning Department, which includes: (1) a
map of the overall tract illustrating street layout, the name proposed for each street, and (2) an alphabetical list of the proposed street names, together with an alternate name for each name proposed, and English translations for any foreign language names. The Planning Department shall review the street-naming proposal for duplication of names, appropriateness of names, and for overall compliance with the street naming policies outlined in Section II B. The Department may modify or amend the proposal as it deems necessary in order to bring it into conformance with the street naming policy. The decision of the Department may be appealed to the Board of County Commissioners within thirty (30) days after action by the Department. The approved street names shall be included in the Final Plat map.

b. Street name signs, conforming to standards approved by Section II B3 (Street Name Display Standards) shall be installed by the developer at the intersection of all streets and highways and at such other locations as may be determined to be necessary.

2. Address Numbering for New Subdivisions
   a. The Addressing Official may create an address numbering scheme for the parcels according to Section II C (Address Assignment Standards), and the address numbers shall be included in the Final Plat map.
   b. If any address number monuments are installed, they shall conform to the standards in Section II C4 (Address Number Display Standards).

C. Procedures for Assignment of Address Numbers
   1. Address numbers are created using the location of the driveway or access, according to Section II C (Address Number Assignment standards); therefore, no addresses will be assigned until a driveway location has been approved and constructed except at the discretion of the Addressing Official. This address shall be considered temporary until the completion of the structure to which the address is assigned.
   2. Any application for a Building Permit, Development Permit, Septic Permit, Special Use Permit or Driveway Access Permit may require the assignment or change of an address number.
   3. Any citizen may request the assignment of an address number if a driveway location exists, using the Address Number Assignment Application (Exhibit 4).

D. Correcting and Changing Address Numbers
   If an incorrect address is being used, the Addressing Official shall contact the owner by telephone, mail or electronic mail to correct the address. An Official Address Notification Form (Exhibit 5) shall also be sent to the owner to enclose when correcting their address for mortgage, insurance, utilities, alarm company, etc.
E. Dissemination of Addresses

All addresses and street names, whether they are new, changed, or corrected, temporary or permanent, shall be disseminated to the following entities by the Addressing Official within one week of assignment:

- San Miguel County MSAG Coordinator
- San Miguel County Sheriff’s Office
- San Miguel County Assessor
- San Miguel County Clerk & Recorder’s Office
- San Miguel County GIS Department
- San Miguel County Building Department
- San Miguel County Road and Bridge Department
- Any other appropriate emergency response agency(ies) (e.g. Montrose Sheriff’s Dispatch)
- Appropriate fire district
- Appropriate United States Post Office
- Any private entities who enter into a monetary contract with San Miguel County for address and street update information
IV. DEFINITIONS

For the purposes of these Standards, the following terms are defined as follows:

Access
The manner by which persons reach parcels (including lots). Parcels may be reached overland by foot, horseback and/or vehicles using roads, driveways and/or trails approved for motorized use. Access does not include reaching parcels by aircraft.

Accessory Use/Structure
A use or structure naturally and normally incidental to, subordinate to, and devoted primarily to the principal use or structure of the premises. An accessory use or structure:

1. does not change the basic character of the premises (as determined by its principal use or structure;
2. is subordinate in area, extent and purpose to the principal use or structure served;
3. contributes to the comfort, convenience or necessity of occupants of the principal use or structure served; and
4. is located on the same lot or contiguous lots under the same ownership as the principal use or structure.

In no event shall an accessory use be construed to authorize a use not otherwise permitted in the Zone District in which the principal use is located, and in no event shall an accessory use or structure be established prior to the principal use or structure to which it is accessory. Kitchen and/or bath facilities shall be allowed in accessory structures only when such structures are associated with active mining operations.

Address
A physical property location identification including the following elements: Address Number, Street Name, (and Unit Number, if applicable) “Address” may differ from the “mailing address”.

Address Number
The numeric designation element of an address, created using an address system. Also refers to the physical representation (sign).

Addressing Official
The person appointed by the Board of County Commissioners to administer these street naming and address numbering procedures and standards.

Addressing System
The method by which physical addresses are generated.
Alley
A public way narrower than a street, permanently reserved as a secondary means of access to abutting property and not intended for general traffic circulation.

Arterial Highway
Any highway constructed under the supervision of the State Department of Highways.

County Road
A public road established by the County pursuant to the applicable requirements of Colorado law, which has been duly designated as a County Road on the County’s official County Road Map and Inventory.

Dedicated Street
A named or unnamed roadway located on land that is publicly owned or otherwise subject to County jurisdiction, and reserved for public use (a.k.a. public dedicated right-of-way).

Delivery Address
Same as “Address”.

Directional Prefix
A prefix assigned to a street based on its overall direction and its location within an existing addressing system. The directional prefix is not part of the street name, but exists for addressing and 9-1-1 purposes.

Driveway
An unnamed roadway not located on publicly owned land, or land under County jurisdiction, providing access to a single building.

Frontage
The point at which a driveway meets a named roadway.

Mailing Address
The US Postal Service address used to deliver postal mail to the recipient. Mailing address may differ from the “physical address”.

Physical Address
Same as “Address”.

Pre-existing Addressing System
An addressing system for an area, in use prior to adoption of these Standards, which remains the official addressing system for that area as determined by the Addressing Official.

Public Street
A named or unnamed roadway located on publicly owned land, or land under public jurisdiction.

**Private Street**
A named roadway not located on publicly owned land, or land under County jurisdiction, providing access to two or more buildings. Also, a private street is not owned by a public entity.

**Road**
Term used interchangeably with “Street”.

**Roadway**
Generic term used to describe any surface which may be traveled by a vehicle, regardless of jurisdiction, ownership, level of improvement or naming status.

**Situs Address**
Same as “Address”.

**Street**
A public or private roadway, other than an alley, that affords the principal means of access to abutting property.

**Street Name**
The official name of a roadway, including a name and a suffix designation.

**Suffix Designation**
A descriptive qualifier at the end of a street name.

**Unit Number**
A number or alphabetical letter appended to an address number indicating a separate unit (apartment, suite, accessory structure etc.) within a building, complex or cluster of accessory structures that is assigned a single address.

V. Exhibits

1. Suffix Designations and Abbreviations
2. Sign Display Standards
3. Street Name Application
4. Address Number Assignment Application
5. Official Address Notification Form
6. Official Street Name List and Maps (Adopted separately)
## EXHIBIT 1  
**SUFFIX DESIGNATIONS AND ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Accepted Suffix Designation</th>
<th>Standard Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avenue</td>
<td>AVE</td>
<td>A roadway or thoroughfare that is continuous and not limited to a single subdivision</td>
</tr>
<tr>
<td>Boulevard</td>
<td>BLVD</td>
<td>Street with a landscaped median dividing the roadway.</td>
</tr>
<tr>
<td>Circle</td>
<td>CIR</td>
<td>Discouraged but allowed, at the discretion of the Addressing Official. Specifically, a looped street that terminates on the same road at two points is discouraged, particularly in situations where confusion may arise to emergency responders due to duplicate intersection descriptions.</td>
</tr>
<tr>
<td>Court</td>
<td>CT</td>
<td>Permanently dead-end street or terminating in a cul-de-sac.</td>
</tr>
<tr>
<td>Drive</td>
<td>DR</td>
<td>A curvilinear street.</td>
</tr>
<tr>
<td>Highway</td>
<td>HWY</td>
<td>Used to designate State or Federal roads only.</td>
</tr>
<tr>
<td>Lane</td>
<td>LN</td>
<td>Minor street within a subdivision</td>
</tr>
<tr>
<td>Place</td>
<td>PL</td>
<td>Permanently dead-end street, terminating in a cul-de-sac, or short through street.</td>
</tr>
<tr>
<td>Road</td>
<td>RD</td>
<td>A designated thoroughfare</td>
</tr>
<tr>
<td>Street</td>
<td>ST</td>
<td>The common or default suffix.</td>
</tr>
<tr>
<td>Trail</td>
<td>TRL</td>
<td>Limited to use on non-vehicular trails and recreational trails. An exception would be for historical uses that include the suffix of trail, such as &quot;Overland Trail.&quot; Not allowed for new vehicular streets.</td>
</tr>
<tr>
<td>Way</td>
<td>WAY</td>
<td>A curvilinear street.</td>
</tr>
<tr>
<td>Plaza, Square, Walk</td>
<td>PLZ, SQ, WALK</td>
<td>All reserved for non-motorized areas and paths.</td>
</tr>
</tbody>
</table>
EXHIBIT 2
SIGN DISPLAY STANDARDS

The standardization of signs is necessary to assist emergency responders to find locations rapidly. Uniform signage helps to ensure that signs will be:
- Easily recognizable,
- Easily readable,
- Visible at night,
- Visible in adverse weather conditions,
- Visible when the snow is deep

STREET NAME SIGNS
All street name signs shall conform to the following standards

A. Dimensions
   1. Length of sign blade not to exceed forty-two inches (42”).
   2. Sign blade to be six inches (6”) wide
   3. Four inches (4”) shall be the minimum letter height for names.
   4. Two inches (2”) letter height to be used for suffix designations (and directional prefixes, if used).

B. Materials and Characteristics
   1. Signs shall be constructed of sturdy material, preferably extruded aluminum with a .090 web thickness and a .250 flange thickness.
   2. Sign letters shall be reflective.
   3. Legend and background shall be contrasting color.
      a. County designated roads shall have white letters on a green background.
      b. Private roads may use other colors, such as white letters on a blue background.
   4. Street names shall not be abbreviated on signs, except for approved suffix designations (Exhibit 1)

C. Placement
   1. Sign shall be no less than 60 inches and no more than 84 inches from the ground.
   2. All signs placed on County Road rights-of-way shall be approved by the County Road and Bridge Supervisor or appointed representative.

ADDRESS NUMBER SIGNS
All address number signs shall conform to the following standards

A. Placement
   i. Address numbers shall be located so as to be legible from the street on which the address is assigned.
   ii. Where a building is not clearly visible from the street on which it is addressed, its address numbers shall be posted at the point at which its private driveway intersects that street, as well as on the building.

B. Characteristics
   Standardized address number signs shall be requested from the Addressing Office and installed by the County.
EXHIBIT 3
STREET NAME APPLICATION INSTRUCTIONS

(A street name application may require a non-refundable Filing Fee of $250)

1. Prepare a list of possible names for the street. Please keep in mind that proposed street names that duplicate other existing street names in San Miguel County will not be approved. Other guidelines for avoiding inappropriate street names may be found in the Street Naming and Addressing Standards, Section II B. Contact the Addressing Official with your primary new street name choice and three alternate choices for a preliminary review of the street names prior to the circulation of a street name petition.

2. Prepare a complete mailing and physical address list of all affected parties, according to the records of the San Miguel County Assessor within 60 days of the date of application, which includes property owners or condominium unit owners whose parcel or unit is adjacent to, accessed by, crossed by or otherwise intersected by the roadway. A preliminary list may be obtained through the Geographic Information Systems Department, but the applicant must certify that, to best of their knowledge, the information is complete and accurate.

3. Prepare a petition indicating support for the Street Name Change or New Street Name that contains the signatures of affected parties (as described above). Please use the appropriate attached petition or a similar format.

   - If at least 51% of the affected parties indicate their approval of the Street Name Change or New Street Name by signing the petition, the $250 filing fee will be waived.
   - If fewer than 51% of the affected parties indicate their approval of the Street Name Change or New Street Name by signing the petition, a public hearing will be necessary and a non-refundable $250 filing fee will be required.

4. Complete and submit the attached Street Name Application Form.

5. Obtain and submit a map from the Geographic Information Systems, Building or Planning Departments showing the vicinity of the street. If a recorded plat map of the roadway exists, please submit that as well.

6. Submit the non-refundable filing fee of $250, if applicable.

7. Contact the Addressing Official to schedule an appointment to review the Street Name Change or New Street Name Application.

8. Please note that if approval is granted, a street name sign reflecting the approved street name shall be posted by the applicant within sixty(60) days of the date of Board approval unless a longer term is designated by the Board. In the interests of public safety, street name signs shall conform to the standards in Section II B 3 of the Street Naming and Addressing Standards.

If any of the above steps have not been completed, the Application will not be accepted for review. Acceptance of the Application does not guarantee approval of the street name change or new street name. The affected parties will receive written notification informing them of the status of the Application, if it has been accepted or rejected for processing, and, if accepted, the Addressing Official’s/Board of County Commissioners’ decision.
If you have any questions regarding the process, please contact the Addressing Official. Also, see the Street Naming and Addressing Standards in the San Miguel County Land Use Code (available online: www.sanmiguelcounty.org).
SAN MIGUEL COUNTY STREET NAMING AND ADDRESSING STANDARDS

SAN MIGUEL COUNTY ADDRESSING OFFICE

STREET NAME APPLICATION FORM

Please check one:

☐ New Street Name: To name a street that is currently unnamed.
☐ Street Name Change: To change the name of a street that is currently named.

Applicant Contact Information:

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone Number</th>
<th>Fax Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mailing Address              | Physical Address | City, State | Zip  |

Subject Street

Current Name (if applicable): ____________________________

Proposed Name: ____________________________

Alternate Name Choices:

NOTE: Changing the suffix designation does NOT constitute an alternate choice (e.g. Dirt Road, Dirt Lane, Dirt Street)

1. ____________________________

2. ____________________________

3. ____________________________

Please attach a vicinity map to this form. (May be obtained from the GIS Department.)

Description of beginning and end of the segment of the street to be named (e.g. intersection with another named street, end of street, length in miles from a beginning point).

Reasons for requesting a street name change or new street name (e.g. eliminate duplicate name, improve emergency service response, how the request conforms to the Street Naming and Addressing Standards). You may write on this form or attach a letter.
STREET NAME CHANGE PETITION

“We the undersigned, petition the San Miguel County Board of County Commissioners to change the current name of ____________________________________________ to the proposed name of ____________________________________________. The reason for the change is ____________________________________________

_______________________________________________________________________
_______________________________________________________________________

Attached is a description and map of the above-referenced roadway.”

Please provide at least three (3) alternate street name choices. NOTE: Changing the suffix of a name does not constitute an alternate choice. For example: Dirt Rd, Dirt Dr, Dirt St.

Alternate street name choices are as follows:
1. __________________________________
2. __________________________________
3. __________________________________

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Signature</th>
<th>12 Digit Parcel Number</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Petition Circulated by: ____________________________________________

Printed name                     Signature                     Date
NEW STREET NAME PETITION

“We the undersigned, petition the San Miguel County Board of County Commissioners to name the roadway described by the attached Street Name Application Form and map with the name of _______________________________________________________.

Please provide at least three (3) alternate street name choices. NOTE: Changing the suffix of a name does not constitute an alternate choice. For example: Dirt Rd, Dirt Dr, Dirt St.

Alternate street name choices are as follows:
1. ________________________________
2. ________________________________
3. ________________________________

Owner Name                  Signature                     12 Digit Parcel Number  Date
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________
_____________________________  _________________________  ________________________  ________

Petition Circulated by:   ________________________________  _________________________  ________
Printed name  Signature  Date
EXHIBIT 5
OFFICIAL ADDRESS NOTIFICATION FORM

This address is a □ NEW address, or □ CHANGED address.

The address ________________________________ is effective:

________________

The old address (if applicable) __________________________ expires:

________________

Addressing Official Date

________________

Location: _________________________________

 Parcel Identification Number: ______________

San Miguel County Tax District Number: ______

Voter Precinct: ______________

Commissioner District: __________

Colorado House: ______

Colorado Senate: ______

Emergency Service Zone Number: __________
APPENDIX C

SAN MIGUEL COUNTY LAND USE CODE

STATE OF COLORADO GUIDELINES
FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS
(BY REFERENCE)
APPENDIX E

SAN MIGUEL COUNTY LAND USE CODE

EMPLOYEE HOUSING IMPACT FEE METHOD
& CALCULATION TABLES
EMPLOYEE HOUSING IMPACT FEE METHOD

The Employee Housing Impact Fee Method is based on the difference between the free market price of housing in the Telluride Region and the price that is affordable to households with incomes equivalent to the Area Median Income (AMI). The following procedures shall be used by County Planning staff to calculate Employee Housing Impact Fee, which shall be updated by April 30 each calendar year.

**Step 1 – Area Median Income** is currently determined by the following procedure:

1. Use the most recently updated US Department of HUD “Very Low Income” figures for San Miguel County, Colorado for 2- and 4-person households. These are 50% of Area Median Income, so Area Median Income is double these figures. The 100% AMI is used to establish the AMIs for the Impact Fee.
2. Planning staff shall update the fee annually as new US Department of HUD “Very Low Income” figures are released.
3. Based on this procedure, the Area Median Incomes for San Miguel County are:

<table>
<thead>
<tr>
<th>Area</th>
<th>Fiscal Year</th>
<th>Persons in Family 2</th>
<th>Persons in Family 4</th>
<th>Income Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>SMC</td>
<td>2018</td>
<td>$68,000</td>
<td>$84,900</td>
<td>50%</td>
</tr>
<tr>
<td>SMC</td>
<td>2019</td>
<td>$68,200</td>
<td>$85,200</td>
<td>50%</td>
</tr>
<tr>
<td>SMC</td>
<td>2020</td>
<td>$65,200</td>
<td>$81,500</td>
<td>50%</td>
</tr>
<tr>
<td>SMC</td>
<td>2021</td>
<td>$68,400</td>
<td>$85,500</td>
<td>50%</td>
</tr>
<tr>
<td>SMC</td>
<td>2022</td>
<td>-</td>
<td>-</td>
<td>50%</td>
</tr>
<tr>
<td>SMC</td>
<td>2023</td>
<td>-</td>
<td>-</td>
<td>50%</td>
</tr>
<tr>
<td>SMC</td>
<td>2024</td>
<td>-</td>
<td>-</td>
<td>50%</td>
</tr>
<tr>
<td>SMC</td>
<td>2025</td>
<td>-</td>
<td>-</td>
<td>50%</td>
</tr>
<tr>
<td>SMC</td>
<td>2026</td>
<td>-</td>
<td>-</td>
<td>50%</td>
</tr>
</tbody>
</table>

* This AMI calculation is pursuant to the County Employee Housing Impact Fee Mitigation

**Step 2 – Determine the Maximum Affordable Dwelling Unit Price**

1. Using the 100% Area Median Income from Table 1 determine the Affordable Monthly Housing Payment (30% of Monthly Income).
2. Determine the Affordable principal and interest (80% of payment) and HOA dues, property taxes, and insurance portion (20% of payment).
3. Calculate the Maximum Affordable Mortgage using assumed mortgage interest rate (5%).
4. Calculate the Maximum Affordable Price of Dwelling Unit (5% down payment).

**Step 3 – Compile Free Market Dwelling Unit Sales Prices**

1. Utilize the Telluride Multiple Listing Service (MLS) to find and compile real estate sales that fit the following parameters:
i. Sales that occurred within the three (3) previous calendar years; and  
ii. Free Market* Dwelling Units; and  
iii. Duplex and multi-family occupancy; and  
iv. Studio, one (1), two (2), and three (3) bedrooms; and  
v. Within Telluride Region as defined in the County Master Plan.

* Free Market = housing units that are not subject to use or occupancy restrictions, such as deed-restricted housing or time share restrictions.

**Step 4 – Determine the Market Dwelling Unit Average Sales Price per Square Foot**

1. Determine the average of the three (3) previous calendar years’ annual average sales price per square foot of Free Market Dwelling Units from Step 3.  
2. Calculate the Free Market Price per Unit. Multiply the Market Price per square feet (s.f.) of heated Floor area determined in this step by the Assumed Affordable Unit Size (1075 s.f. for four-person household, 850 s.f. for two-person household).

**Step 5 – Calculate the Market-Affordability Gap/Fee**

1. Subtract the Free Market Unit Price from the Maximum Affordable Price to determine the Market–Affordability Gap per unit.  
2. Divide the Market –Affordability Gap per unit by Assumed Affordable Unit Size (1075 s.f. for four-person household, 850 s.f. for two-person household) to determine the Employee Housing Mitigation Fee per SF.  
3. (For reference only) Determine the per employee gap fee. Divide the Market – Affordability Gap per unit by 1.6 (employees per unit).
### Table 2  Impact Fee Calculation

<table>
<thead>
<tr>
<th>San Miguel County Fee Calculation Model</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/10/2022</td>
<td></td>
</tr>
</tbody>
</table>

#### Income Targets

- **Area Median Income (AMI)** 100% - household size 2 & 4
- Maximum Income $65,200 $81,500 (Enter data here (HUD))

#### Affordable Price

- **Affordable Monthly Payment (30%)** $1,630 $2,038
- **Affordable principal and interest (80% of pmt)** $1,304 $1,630
- **HOA dues, property taxes, insurance (20%)** $326 $408
- **Assumed Mortgage interest rate** 5.0% 5.0%
- **Maximum mortgage** $242,911 $303,639
- **Maximum affordable price - 5% down** $255,696 $319,620

#### Market Price

- **Market Price per SF of heated floor area** $824 $824 (Enter Market Price per SF here)
- **Assumed Affordable Unit Size** 850 1075
- **Market Price per Unit** $700,256 $885,618

#### Market-Affordability Gap/Fee

- **Market Price per SF for affordable unit** $444,560 $565,998
- **Per SF of affordable unit (per unit gap/Unit Size)** $523 $527
- **Per Employee (per unit gap/1.6 employees per unit)** $277,850 $353,749

#### Components of the model are summarized below

**Income Targets**

- Based on 2019 HUD Area Median Family Income (AMI) for San Miguel County - 100% AMI is $85,200 4 person household
- 2020 Household persons per occupied unit: San Miguel County - 2.24, Telluride - 2.16, Mountain Village 1.94

**Affordable Price**

- A mortgage interest rate of 5.00% is used for 2020 calculation.
- affordable housing payment = 30% of income
- mortgage principal and interest = 80% of affordable payment
- HOA fees, property taxes and insurance = 20% of affordable payment
- mortgage term is 30 years at a fixed rate

**Market Sales Price per Square Foot**

- Area Covered: Sales within the Telluride Region Master Plan Area are used for San Miguel County's fee calculation
- Free market sales of units with duplex and multi-family buildings, ad with no housing deed-restrictions or occupancy restrictions
- Time Period of Sales: prior three year period
- Unit Sizes: Avg of Min. and Max SF for 2Br and 3Br units Teli Aff Hsg Guidelines 8/13/2019

**Conversion Factors**

- Factor of 1.6 employees per unit was used. This figure was generated in 2005 Employee Housing Impact Fee Support Study. 1.6 per 2011; 1.56 per 2018 Housing Needs Asses
- To convert into per-square foot fee amounts: used Assumed Affordable Unit Size square fee per affordable unit
### Table 3 Impact Fee Calculator 2022

#### New Construction

<table>
<thead>
<tr>
<th>Variables</th>
<th>Square</th>
<th>Footage</th>
<th>Mitigation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Floor Area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affordable Housing Floor Area</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Constants

- Maintenance FTE's Coefficient: 0.070174
- Exponential Coefficient: 0.000322
- Average Construction FTE's: 0.0044
- Sq. Ft. Per Employee per LUC § 5-1303 E I a: 400
- Impact Mitigation Rate per LUC § 5-1303 G XV: 0%
- Per SF of affordable unit (per unit gap/Unit Size): $527

**Mitigation Calculation**

- Employees Generated: 0.070174
- Employee Housing SF to be provided: -
- Impact Fee: -
- Credit for Affordable Housing Unit constructed: -
- 50% Phasing Credit available till 5/31/2023: -
- Net Impact Fee: 0

#### Additions

<table>
<thead>
<tr>
<th>Variables</th>
<th>Square</th>
<th>Footage</th>
<th>Mitigation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXISTING Residential Floor Area</td>
<td>2000</td>
<td>5000</td>
<td>(C15*0.00024)-0.3</td>
</tr>
<tr>
<td>ADDITIONAL Residential Floor Area</td>
<td>5001</td>
<td>12000</td>
<td>0.9</td>
</tr>
<tr>
<td>Total Residential Floor Area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affordable Housing Floor Area</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Constants

- Maintenance FTE's Coefficient: 0.070174
- Exponential Coefficient: 0.000322
- Average Construction FTE's: 0.0044
- Sq. Ft. Per Employee per LUC § 5-1303 E I a: 400
- Impact Mitigation Rate per LUC § 5-1303 G XV: 0%
- Per SF of affordable unit (per unit gap/900 SF): $527

**Mitigation Calculation**

- Employees Generated: -
- Employee Housing SF to be provided: -
- Impact Fee: -
- Credit for Affordable Housing Unit constructed: -
- 50% Phasing Credit available till 5/31/2023: -
- Net Impact Fee: 0
APPENDIX F

SAN MIGUEL COUNTY LAND USE CODE

SUBDIVISION IMPROVEMENTS AGREEMENT FORM
THE SUBDIVISION IMPROVEMENTS AGREEMENT
FOR
(Name of the Development)
(Date)

THIS AGREEMENT is entered into this ______ day of ______, 20__, between SAN MIGUEL COUNTY ("County"), a governmental entity, and __________ ("Developer").

WHEREAS, C.R.S. 30-28-137(1) requires that prior to the recording of a Final Plat, the Board of County Commissioners of San Miguel County ("Board") must enter into a subdivision improvements agreement wherein the Developer agrees to construct those public improvements required by the County and which agreement requires the pledging of collateral that is sufficient, in the judgment of the Board, to make reasonable provision for the completion of the required improvements in accordance with design and time specifications set forth in the agreement; and

WHEREAS, C.R.S. 30-28-101, et seq., especially 30-28-133, requires that a condition of Board approval of any preliminary or final plat is the Developer's compliance with County subdivision regulations, including making all payments, dedications and exactions provided therein; and

WHEREAS, the Developer is the subdivider of the real property development ("Development") known and described as (legal description)__ located in San Miguel County Colorado, and has presented to the County a Final Plat for this Development; and

WHEREAS, the San Miguel County Land Use Code and State statutes require the execution of an Subdivision Improvements Agreement ("Agreement") between the Developer and the County whereby the Developer shall agree to construct certain improvements, the completion of which are guaranteed to the County, prior to filing the Final Plat; and

WHEREAS, the County seeks to protect the health, safety and general welfare of the community by requiring the completion of various improvements in the Development and thereby limit the harmful effects of substandard development and subdivision; and

WHEREAS, the purpose of this Subdivision Improvements Agreement ("Agreement") is to protect the County from incurring the cost of completing the improvements under this Subdivision Improvements Agreement and not to benefit those providing work, services or material or the lot or home buyers in the Development; and the purpose of this Agreement is further to guarantee performance of Developer's other obligation.

NOW, THEREFORE, in consideration of the mutual promises contained herein, IT IS AGREED AS FOLLOWS:

1. Construction of Improvements. The Developer agrees to construct or to enter into a contract with such person, firm or corporation as is chosen by the Developer to construct the required improvements, including water distribution system (for commercial, municipal and domestic uses, and for landscaping and fire protection), sanitary sewers, storm drainage, roads,
bridges and associated improvements, fire protection system, street monuments, electrical system, public trails and landscaping (hereinafter referred to as "Improvements"); more specifically described in Exhibit A that is attached hereto and incorporated herein by this reference. The required Improvements shall be constructed in accordance with the Plans and Specifications submitted by the Developer and in accordance with all applicable legal standards. The Developer's obligation to complete the Improvements will arise upon final plat approval by the County and will be independent of any obligations of the County contained herein and will not be conditioned upon the commencement of construction in the Development or sale of any lots or Improvements within the Development. Developer shall obtain all applicable federal, state, county, and municipal approvals and permits required for construction of the Improvements, including, but not limited to, domestic water system(s), sewer and/or septic system(s), and road(s).

In addition, the Developer will ensure that telephone service will be available within the immediately adjacent easements and/or rights-of-way of each platted lot in the Development prior to or at the time the certificate of occupancy or satisfactory final building inspection is issued by the County for the respective lot. No security will be required to ensure the availability of telephone service.

2. Regulations and Specifications. The required Improvements shall be designed and constructed in accordance with the County's regulations and specifications in effect as to the date of this Agreement, other applicable state or federal regulations, if any, the Final Plat of the Development, and the Plans and Specifications retained by the County Engineer and the County Planning Department, all of which are hereby incorporated herein by reference and made a part of this Agreement. All Plans and Specifications shall have been submitted to and reviewed for exceptions by the County Engineer and the County Planning Director prior to submission of the Final Plat for approval or execution. No changes, additions, and/or deletions to the Improvements, from the approved Plans and Specifications, shall become effective until and unless approved by the County Engineer and the County Planning Director.

3. Completion Date. The required Improvements shall be completed no later than (insert mutually agreed upon completion date), unless the County, in its sole discretion, grants in writing an extension of this completion date to the Developer. A written extension agreement shall be signed by the Chairman of the Board and the Developer. No less than sixty (60) days prior to the above scheduled completion date, or any extension thereof, the Developer shall notify the County Planning Director in writing of the upcoming completion deadline and include a progress report which shall include a statement of whether the Developer expects to complete the required Improvements by the completion date. The Developer's failure to provide this notice shall be grounds for the County to withdraw from the commitment guarantee in accordance with this Agreement (See e.g. par. 11, 16, 23, etc.).

4. Estimated Cost. The Developer’s engineer of record for the Development shall be responsible for the preparation of the construction estimate for the required Improvements. Prior to execution of this Agreement and the Developer’s submittal of the Commitment Guarantee, the County Engineer shall review the estimate, which review shall include, but not be limited to, determining that the estimate includes all required Improvements, and that the amount of the financial guarantee is consistent with the Engineer’s estimate. Should the County Engineer find
and determine that the engineer’s estimate is inaccurate, or otherwise require revision, the Developer’s engineer shall revise his estimate in accordance with the County Engineer’s findings. The Developer’s Commitment Guarantee shall be consistent with such revised construction estimate. The cost of constructing the Improvements is estimated to be $________. This cost estimate is based upon the assumption that the work will be performed by an independent contractor, was prepared by and bears the seal of an engineer licensed to practice in the State of Colorado, which shall be attached hereto as Exhibit "B."

This estimated construction cost includes the estimated present construction cost, and an additional amount equal to twenty percent of the estimated construction costs, which shall be retained for the duration of the warranty period following substantial completion of the improvements, plus an estimated inflation factor determined by the County and calculated to the completion date. If change orders are required during the course of construction that increase the cost by more than five percent (5%) of the estimated cost of any subsequently agreed amount that may result from increased costs of material or labor, the amount of the commitment guarantee shall be adjusted accordingly. The Developer shall notify the County in writing of any such change and supply the County with the adjusted commitment guarantee.

5. Commitment Guarantee. Developer's performance under this Agreement is guaranteed by (insert description of financial guarantee provided: escrow deposits, irrevocable letters of credit. Deeds of trust, or other conveyances of real property are unacceptable as security). The commitment guarantee will be retained by the County until released or used as provided in this Agreement. Should the Improvements not be completed at least thirty (30) days prior to the expiration of any commitment guarantee, the Developer agrees to the extension of said guarantee and designates the County his agent to request said extension. The Developer shall pay all costs of guarantee extension; and it is mutually understood and agreed that the County will pay no interest to the Developer on the commitment guarantee. If the County determines guarantee is insufficient to warrant construction of Improvements, the County shall notify the Developer who shall produce such additional security as the County determines necessary.

6. Transfer of Title. If the County is to have any ownership interest or maintenance responsibility in the Improvements, before commencing the construction of any of the required Improvements, the Developer shall acquire, at its own expense, good and sufficient title to all lands and facilities traversed by any required Improvements. In addition, if County is to have ownership in dedications of parks, trails, right-of-ways, covenants, etc., for this Development, Developer shall acquire at its own expense good and sufficient title to all such property. All such property, lands and facilities so required shall be conveyed to the County and all necessary documents of conveyance shall be furnished to the County prior to and for recording with the Final Plat.

7. Release of Liability - Insurance. The Developer shall indemnify and save harmless the County from any and all suits, actions or claims of every nature and description occurring during the period of construction of the required Improvements and for one year thereafter, and caused by, arising from, or on account of the construction process or any other Developer obligations hereunder, and pay any and all judgments rendered against the County on account of any such suit, action or claim, together with all reasonable expenses and attorney's fees incurred by the County in prosecuting or defending such suit, action or claim.
8. **Insurance.** The Developer shall ensure that all contractors and other employees engaged in the construction of the required Improvements will maintain workmen's compensation insurance. Before proceeding with any construction of the required Improvements, the Developer shall provide the County with written evidence of Public Liability Insurance with limits not less than Five Hundred Thousand Dollars ($500,000.00) for bodily injury, One Hundred Thousand Dollars ($100,000.00) for property damage in coverage forms approved by the County Attorney and protecting the County against any and all claims for damages to persons or property resulting from or installation of any required Improvements on public property. The policy will provide that the County shall be notified at least thirty (30) days in advance of any reduction in coverage, termination or cancellation of the policies. Such notice shall be sent certified mail. The Developer also warrants that any contractors engaged by or for the Developer to construct the required Improvements shall maintain Public Liability Insurance coverage in limits not less than those mentioned above.

9. **Warranty.** The Developer hereby warrants that all required Improvements will be installed in a good and workmanlike manner and in accordance with the provisions of Sections 1 and 2 hereof.

10. **Release of Commitment Guarantee.** From time to time, as required Improvements are substantially completed, the Developer may apply in writing to the County Planning Director and to the County Engineer for a partial release of the commitment guarantee. The application must show:

   a. Dollar amount of commitment guarantee;
   b. Work completed, including dollar value;
   c. Work not completed, including dollar value;
   d. Amount of previous releases; and
   e. Amount of commitment guarantee requested released.
   f. Release or waivers of mechanics liens of all persons who have furnished work, services or materials.
   g. Certification by the Developer's engineer that all of the work included in the application is substantially complete, and complies with all applicable plans and specifications.

Upon receipt of the application, the County or its agent shall inspect the Improvements both completed and those uncompleted. If the County determines from the inspection that the Improvements shown on the application as being substantially completed have been completed as provided herein, a portion of the commitment guarantee shall be released. The release shall be made in writing signed by the County Engineer and approved by the County Planning Director. The amount to be released shall be the total amount of the commitment guarantee less (i) twenty percent (20%) of the original amount of the commitment guarantee and (ii) one hundred percent (100%) of the projected costs of the Improvements not completed. Notwithstanding the foregoing provisions, the Developer shall not apply for a partial release of the commitment guarantee in the amount less than twenty percent (20%) of the total original amount, except for the last such release. The Improvements shall be considered to be "substantially complete" when all of the required
Improvements, or a designated portion thereof, are sufficiently complete, in accordance with the approved plans and specifications, that they can be used for their intended purpose.

11. Failure to Comply with Specifications -- Agreement Cancellation. If the County determines that the required Improvements have not been constructed in accordance with the Plans and Specifications provided to and reviewed by the County Engineer pursuant to paragraph 2 above, the County shall notify the Developer of noncompliance setting forth in writing the reasons for noncompliance. Such written notification shall set forth a reasonable schedule for correction of the improvements in noncompliance. Should the County determine at any time that the guarantee on deposit is insufficient to complete construction of said Improvements, the County may require the Developer to deposit additional funds which the County deems necessary to complete the Improvements. Should the Developer fail or refuse to comply with the County’s directive to increase the Commitment Guarantee within the time period specified, the County may declare the Developer to be in default of its obligations. If the County determines that the Developer can not and/or will not construct any or all of the Improvements in accordance with this Agreement, the County may, upon written notification to the Developer and the commitment guarantor, and without the necessity of public hearing, withdraw from the commitment guarantee such funds as may be necessary, in the opinion of the County, to construct or complete said Improvements in accordance with the agreed specifications.

12. Completion Procedures and Inspections. Upon substantial completion of all of the Improvements, the Developer’s designated project engineer shall prepare and deliver to the County Planning Director and the County Engineer in writing a proposed Certificate of Substantial Completion for all of the required Improvements constructed and in place, certifying that such Improvements have been constructed in substantial compliance with the approved plans and specifications, and requesting the County Engineer’s inspection of all of the substantially completed Improvements. The Engineer’s Certificate of Substantial Completion for all of the required Improvements, upon review and approval by the County Engineer of the required Improvements, shall establish the date of Substantial Completion for warranty purposes. The County Engineer or his agent, within thirty days of receipt of the engineer’s Certificate of Substantial Completion for all of the required Improvements, shall inspect said Improvements and shall notify the Developer in writing of nonacceptance or approval of the substantially completed Improvements. However, no County Engineer substantial completion inspection shall occur during the months of November through May. If the Improvements are not accepted, the reasons for non-acceptance shall be stated in writing and corrective measures shall be developed by the County with the assistance of the Developer and at the Developer's sole expense. Should the developer fail or refuse to implement the corrective measures required by the County within the specified cure period, the County at its discretion, may declare the Developer to be in default of its obligations, and following written notice to the Developer, the County may, but shall not be obligated to, draw upon the Commitment Guarantee.

Upon issuance by the Developer’s designated project engineer of a Certificate of Substantial Completion of all of the required Improvements, and the approval of the Certificate by the County Engineer, the amount of security in the Commitment Guarantee may be reduced in accordance with the provisions of paragraph 10 above to twenty percent (20%) of the project engineer’s estimated cost for said Improvements. Said twenty percent (20%) retention shall be for
the purpose of insuring the correction of the Improvements due to deficiencies in workmanship and/or material during the warranty period by the Developer. As-built engineering drawings shall be submitted for all utility installments and roads upon completion of all required utility and road improvements and prior to request for, or issuance of, certificates of occupancy. Nothing herein shall be construed to require the County to make inspections during periods when climatic conditions make thorough inspections unfeasible.

13. Final Inspection, Warranty Period, and Maintenance for Improvements. The warranty period for required Improvements shall run for one year from certification of substantial completion for all of the required Improvements, as approved by the County Engineer. Final Inspection of the required improvements by the County Engineer shall be performed within thirty days after expiration of the warranty period and shall only occur in the months of June through October. However, the Developer’s warranty obligations shall not expire until the County Engineer’s approval of all required improvements following Final Inspection. During the warranty period, the Developer shall, at its own expense, make all needed repairs or replacements due to defective materials or workmanship, including Improvements not constructed in substantial compliance with the approved plans and specifications for the Development, and shall be responsible for all maintenance of said Improvements. Developer’s warranty obligations shall remain in full force and effect until the defects and deficiencies in the required Improvements specified in the County Engineer’s Final Inspection report have been corrected to the County’s satisfaction. It is specifically understood that the Developer will be responsible for road maintenance or care, including snow removal or street cleaning, unless and until the road maintenance or care is finally accepted and that the Developer is responsible for maintenance of all Improvements as provided herein. In the event of default of any of these obligations by the Developer, the County, with prior written notice to the Developer, may do the same at the sole expense of the Developer and withdraw from the commitment guarantee to pay for such expenses.

Landscaping shall be inspected only during the month of July and at least three (3) months after preliminary approval. The County shall notify the Developer in writing of non-approval or of final approval. If the Improvements are not approved, the reasons for the County Engineer’s non-approval shall be stated in writing and corrective measures shall be developed and implemented by the Developer within the cure period specified in the Notice of Non-approval, with the assistance of the Developer and at Developer's sole expense. Should the Developer fail or refuse to implement the specified corrective measures within the cure period specified in the County’s notice of non-approval the County may declare the Developer to be in default of its obligations and upon prior written notice to the Developer proceed to draw upon the Commitment Guarantee to the extent required to complete the Improvements.

If the Improvements, following the County Engineer’s final inspection, are found to be in compliance with plans and specifications, the County, following a Resolution of Approval of Improvements by the County Commissioners, shall release the remaining retained balance of the commitment guarantee for such approved Improvements.

All improvements intended or designated for common use within the development and not dedicated to and accepted by the County, shall be maintained in perpetuity by the Developer or an association of homeowners in the development. Until a homeowners association has been formed,
14. **Recording Agreement.** After receiving Final Plat approval, the Developer shall record this Agreement with the Clerk and Recorder of San Miguel County, Colorado, and with the Final Plat of the above-referenced development. However, both this Agreement and the Final Plat shall be submitted to the County Planning Director for final review immediately prior to recording.

15. **Events of Default.** The following conditions, occurrences or actions will constitute a default by the Developer during the completion period:

   a. Developer's failure to complete construction of the improvements within the time period specified.
   b. Developer's failure to complete construction of the Improvements within two years of final plat approval.
   c. Developer's failure to cure the defective construction of any improvement within the applicable cure period.
   d. Developer's insolvency, the appointment of a receiver for the Developer or the filing of a voluntary or involuntary petition in bankruptcy respecting the Developer.
   e. Foreclosure of any lien against the development or a portion of the development or assignment or conveyance of the development in lieu of foreclosure.
   f. Developer's failure to comply with any other material provision of this Agreement or with any federal, state or county law or regulation effecting the property, including the County Land Use Code.

16. **County's Rights Upon Default.** In the event of default by the Developer occurs, the County may draw on the commitment guarantee. The County will have the right, but no obligation, to complete Improvements itself or contract with a third party for completion, and the Developer hereby grants to the County, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Development for the purposes of constructing, maintaining, and repairing such Improvements. Alternatively, the County may assign all, or any part of, the proceeds of the commitment guarantee to the Developer’s successor(s) in interest, such as the Homeowner’s Association, if any, individual lot purchasers, or a subsequent developer, including a lender, who has acquired the Development, or a portion, by purchase, foreclosure or otherwise who will then have the same rights of completion as the County. If and only if, the Homeowner’s Association, individual lot purchasers, or a subsequent developer (including a lender) agrees in writing to complete the unfinished Improvements. In addition, the County may also suspend Final Plat approval during which time the Developer will have no right to sell, transfer, or otherwise convey lots or homes within the Development without the express written approval of the County or until the Improvements are completed and accepted by the County.

17. **Enforcement.** If the County determines that there is or has been a violation of any applicable federal or state laws or regulations, County regulations, Planning Commission requirements, and/or the terms and provisions of this Agreement by the Developer or his agents, including any independent contractor(s) hired by the Developer, the County Planning Director may issue a cease and desist order. Thereafter, the Developer acknowledges irreparable harm and injury
to the County for purposes of an application by it to the Courts for a restraining order hereunder. Should the County deem the collateral on deposit insufficient to guarantee completion of the required Improvements, the County may require the Developer or successors to post additional collateral to guarantee completion of Improvements. The County has the right to pursue any remedy provided by this Agreement or by law and, if the County obtains any such remedy, attorney's fees and costs. As an alternative to the remedies provided by this paragraph and paragraph 11, the County has the right to withdraw its approval of the Development.

18. **Miscellaneous.** This Agreement runs with the land and is binding on and inures to the benefit of the heirs, representatives, transferee, successors and assignees of the parties. The paragraph headings are descriptive only and neither amplify nor limit the substantive material. The failure to enforce or the waiver of any specific requirements of this Agreement by either party shall not be construed as a general waiver of this Agreement of any provision herein, nor shall such action act to stop either party from subsequently enforcing this Agreement according to the terms hereof. This Agreement shall be subject to and deemed to incorporate all present and future ordinances and regulations of the County applicable thereto. Should any section, paragraph, clause or provision of this Agreement be declared by a court of competent jurisdiction to be invalid, said decisions shall not affect the validity of this Agreement as a whole or any part hereof other than the part declared to be invalid, and the parties hereby affirm that they would have entered into this Agreement and each of its provisions independently of each of its other provisions. The Developer is not an agent or employee of the County. This Agreement constitutes the entire integrated understanding of the parties regarding the subject matter set forth herein and no prior or contemporaneous promise, representation, term, condition, or understanding shall be of any legal force or effect, unless embodied herein in writing, or in a written amendment mutually agreed to by the parties.

19. **Disclosure to and Consent of Mortgagee and Lender.** The Developer hereby represents that he has disclosed the terms of this Agreement to any mortgagees of the Development involved and to all lenders who have provided financing to the Developer for the construction of this project and that said mortgagees and lenders consent to this Agreement as evidenced by their authorized signatures below.

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Execution of this Agreement by a lender or holder(s) of Deed(s) of Trust signifies their consent to this Agreement but does not obligate them to perform any of the terms of this Agreement unless they or one of them takes title to all or a portion of the subject Development.
20. **Notice.** All notices, demands or writings in this Agreement provided to be given or made or sent that may be given or made or sent by either party hereto to the other, shall be deemed to have been fully given or made or sent when made in writing and deposited in the United States mail, certified and postage pre-paid, and addressed to the party at the following address:

San Miguel County  
Board of County Commissioners  
P. O. Box 1170  
Telluride, CO 81435

with copies to:  
San Miguel County Attorney  
P. O. Box 791  
Telluride, CO 81435

The address to which any notice, demand or writing may be given or made or sent to any party as above provided may be changed by written notice given by such party as above provided.

21. **Subsequent Plats.** Approval of subsequent Final Plats by the Board will be based, in part, upon the extent to which the terms and conditions of this Agreement have been met by the Developer. Approval may be withheld if substantial compliance is not had with the terms hereof and the submissions required herein.

22. **Cumulative Remedies.** The Developer acknowledges that the Board reserves the right to sue for specific performance and to seek other remedies allowed at law or in equity if Developer does not strictly comply with all the provisions of this Agreement and any plans, specifications or other approvals granted as a result of this Agreement or in any subsequent agreement entered into by the parties.

23. **County - No Duty.** If the Improvements are not installed or are not properly installed pursuant to this Agreement, then the County shall have the right, but not the duty or obligation to either the Developer or any third-party, to complete the construction of the Improvements. The parties acknowledge and agree that if the County, in its sole discretion, chooses to attempt to complete the Improvements, then:

23.1 **Use of Collateral Proceeds.** The Board of County Commissioners shall use all liquid collateral and all net proceeds from the sale of any collateral pledged pursuant to this Agreement for the purpose of completing the Improvements and for no other purpose; and

23.2 **No Obligation.** The Board shall have no obligation to utilize any other funds or assets of the County to pay for the completion of any Improvements; the parties acknowledge that the County has no duty or obligation of any nature, to either the Developer or any third-party, to complete or repair any or all of the Improvements.
24. **Financial Disclosure.** Subject to the provisions of paragraphs 24.1, 24.2 and 24.3, from time to time upon the written request of the Board, the Developer shall allow the County to review its then most recent audited financial statements.

24.1 **Confidentiality.** All financial information provided by the Developer to the County shall be done in absolute and strict confidence. Under no circumstance shall any of the financial information provided by Developer be disclosed in any manner to any person other than a member of the Board, the San Miguel County Attorney, San Miguel County Planner, and one certified public accountant employed by the County to assist it in its review of the financial statements.

24.2 **Return of Material.** After the completion of the review of the financial information, all statements, reports, copies, notes and paperwork of any kind that were prepared for or in conjunction with the financial review shall be returned to Developer. Neither the County nor any officer, agent or employee of the County shall retain any personal notes, information or paperwork of any nature in regard to the financial disclosure.

24.3 **Annual Limit.** The County may only request to review an audited financial statement once during each calendar year. The parties acknowledge that often times delays occur in the preparation of audited financial statements and; therefore, subject to the limitation set forth in the following sentence, if the audited financial statements have been completed, then the Developer shall provide them to the County within five (5) days of the County's request. Nothing to the contrary withstanding, the Developer shall have no obligation to have the audited financial statements completed before the November 1st following the end of the applicable fiscal year.

24.4 **Executive Sessions.** The financial information disclosed to the County pursuant to this paragraph shall only be discussed in executive sessions properly called in conjunction with the regular meetings of the Board.

24.5 **Solvency Representation.** The Developer represents to the County that at the time of execution of the Agreement that it is solvent.

25. **Vested Rights.** The County does not warrant by this Agreement that the Developer is entitled to any other approvals required by the County, if any, before the Developer is entitled to commence development or to transfer ownership of property in the Development. Developer’s vested rights for this Development, if any, are determined by the vested rights sections of the County Land Use Code (Section 3-14) and by CRS 24-68-101, et seq.

26. **Third Party Rights.** No person or entity that is not a party to this Agreement will have any right of action under this Agreement. Provided, however, that any purchaser of land subject to a plat restriction which is the security portion of this Agreement or the purchaser of land within the Development may bring an action to enforce this Agreement and the conditions of the Development permit as provided in the Land Use Code and State statutes. It is the intent of the parties that no third party beneficiary rights shall be created by this Agreement, except pursuant to section 30-28-137(3), C.R.S.
27. **Benefits.** The benefits of this Agreement to the Developer are personal and may not be assigned without the express written approval of the County. Such approval may not be unreasonably withheld, but any unapproved assignment is void. Notwithstanding the foregoing, the burdens of this Agreement are personal obligations of the Developer and also will be binding on the heirs, successors, and assigns of the Developer. There is no prohibition of the right of the County to assign its rights under this Agreement. The County will release the original Developer's guarantees if it accepts new security from any developer or lender who obtains the Development. However, no act of the County will constitute a release of the original Developer from his liability under this Agreement.

28. **Governmental Immunity.** Nothing contained in this Agreement constitutes a waiver of the County's immunity under applicable state law.

29. **Personal Jurisdiction and Venue.** Personal jurisdiction and venue for any civil action commenced by either party to this Agreement whether arising out of or relating to this Agreement or guarantees will be deemed to be proper only if such action is commenced in District Court for San Miguel County. The Developer expressly waives his right to bring such action in or to remove such action to any other court whether state or federal.

30. **Amendments.** If the County determines that certain provisions of this Agreement fail to achieve the goal of limiting the County's liabilities and/or obligations under this Agreement, the County may modify the Agreement without the consent of the Developer.

EFFECTIVE DATE: ________________________, 20__.

(DEVELOPER)

ATTEST: By: ___________________________
         (Authorized Signatory)
By: ___________________________

STATE OF COLORADO )
        ) ss.
COUNTY OF SAN MIGUEL )

Acknowledged, subscribed and sworn to before me this ____ day of ____________, ____, by (Developer).

Witness my hand and official seal.
My commission expires:______________ Notary Public
SAN MIGUEL COUNTY COMMISSIONERS

ATTEST:

By: _______________________
   Chair

By: _______________________
   Deputy Clerk

STATE OF COLORADO )
   ) ss.
COUNTY OF SAN MIGUEL )

Acknowledged, subscribed and sworn to before me this _____ day of ______________, _____, by
as Chair of the Board of Commissioners for San Miguel County and by ______________ the
Deputy Clerk of San Miguel County.

Witness my hand and official seal.

My commission expires: ____________ Notary Public
SAN MIGUEL COUNTY LAND USE CODE

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