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## CHAPTER 1. INTRODUCTION

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- 1.7. Repeal of Existing Ordinances
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### 1.1. Title

- A. These regulations shall be known as the Routt County Unified Development Code (UDC), as amended. They may also be referred to as “Regulations” or “Code.”

### 1.2. Purpose

- A. The purpose of this UDC is to promote and protect the health, safety, and general welfare of the present and future inhabitants of Routt County, Colorado, through the establishment and enforcement of comprehensive, efficient, clear, and consistent standards, regulations, and procedures for the planning, evaluation, approval, and implementation of land uses and development within the County.
- B. These regulations are adopted in accordance with the Routt County Master Plan and seek to address public health, safety, general welfare, future growth, housing, and economic development. This is a non-exclusive list of the goals of this UDC:
  - 1. Facilitate the adequate provision of transportation, water, wastewater, schools, parks, open space, and other public requirements;
  - 2. Ensure that public or private water supplies needed to furnish citizens with safe potable water are provided;
  - 3. Ensure the proper installation of sanitation improvements as needed for disposal of wastes, and ensure that such facilities are operated and maintained in the condition required to perform their function;
  - 4. Encourage the proper arrangement of roads in relation to existing or planned roads, parcels of land, and in accordance with the Master Plan;
  - 5. Lessen congestion in the streets and roads;
  - 6. Protect against fire, flood, and other causes of damage;
  - 7. Provide for drainage facilities needed for protection against flooding and restrict building on lands subject to flooding, areas covered by poor soils, and in areas poorly suited for building because of danger from landslides, avalanches, mud flows or other geologic hazards;
  - 8. Provide for adequate and convenient spaces for traffic, utilities, and access for fire-fighting apparatus;
  - 9. Ensure buildings have access to adequate light and air;
  - 10. Encourage a broad range of housing opportunities;
  - 11. Preserve open spaces and minimize rural sprawl;

12. Protect urban and rural development patterns as called for in the Routt County Master Plan;
13. Protect natural and historic resources in Routt County;
14. Encourage coordination of inter-jurisdictional public improvements plans and programs;
15. Provide public spaces for recreation in order to maintain recreational opportunities and the quality of life for the citizens of Routt County; and
16. Establish regulations to address other matters and land uses as the Planning Commission (PC) and the Board of County Commissioners (Board or BCC) deem necessary in order to best protect the interests of the public.

### **1.3. Authority**

- A. It is the intent of Routt County in adopting and enforcing this UDC to exercise all relevant authority and powers conferred on it by the laws of the State of Colorado, including, but not limited to, sections of the Colorado Revised Statutes, as amended. This includes:
  1. Title 24 Article 65.1 (Areas of State Interest);
  2. Title 24 Article 65.5 (Notification of Surface Development);
  3. Title 24 Article 67 (Planned Unit Development);
  4. Title 24 Article 68 (Vested Rights);
  5. Title 29 Article 1 Part 8 (Administration of Land Development Charges);
  6. Title 29 Article 20 (Local Government Land Use Control Enabling Act and Development Impact Fees);
  7. Title 30 Article 11 (Powers and Functions);
  8. Title 30 Article 15 (Police Power);
  9. Title 30 Article 20 (Public Improvements);
  10. Title 30 Article 28 (County Planning, Zoning, Subdivision);
  11. Title 34 Article 60 (Oil and Gas Conservation); and
  12. All other direct and indirect grants of authority to County governments to address land use issues and impacts addressed by this UDC.
- B. The provisions of this UDC were originally adopted and became effective on September 8, 1970 (Subdivision Regulations) and March 7, 1972 (Zoning Regulations), and have been amended over time, including reiterations on August 7, 1972 (Subdivision Regulations) and September 27, 2011 (Zoning and Subdivision Regulations). This amended and restated UDC supersedes all prior versions.
- C. Whenever any provision of this UDC refers to or cites a section of the Colorado Revised Statutes and that section is later amended or superseded, this UDC shall be deemed amended to refer to the amended section or most closely corresponding section.

#### **1.4. Applicability**

- A. Except as hereinafter provided, no structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved or altered unless in compliance with the Regulations herein specified for the Zone District in which it is located.
- B. This UDC applies to the entire area of Routt County, Colorado, except within incorporated municipalities.
- C. This UDC applies to all divisions of land into two or more parcels or interests for the purpose, whether immediate or future, of sale or building development or for re-subdivision into smaller parcels, as well as replats and consolidations. The Subdivision regulations of this UDC do not apply to division of land into two or more parcels where all resulting parcels are greater than 35 acres, none of which is intended for use by multiple owners.
  - 1. No person, firm, partnership, joint venture, association or corporation shall subdivide any tract of land, which is located wholly or in part in Routt County, Colorado, except those which lie in an incorporated town, nor shall any person, firm, or corporation sell, exchange or offer for sale, any parcel of land, which is in any part of a subdivision of a larger tract of land, nor shall any person, firm, or corporation, offer for recording any deed conveying such a parcel of land, or any interest therein, unless there shall be on file with the County Clerk and Recorder a plat of said subdivision having the endorsement thereon of the Board; which plat shall be of record at the time of such sale or offer.
- D. All complete applications submitted, and land uses commenced, subsequent to the passage of these Regulations shall be in accordance with all of the requirements hereof.
- E. No permits, building or other, shall be issued for the construction of any building or any other improvements requiring a permit, upon any land for which a subdivision approval is required by this UDC, unless and until the requirements thereof shall have been complied with. This requirement is not an exclusive remedy and Routt County may pursue other remedies as allowed in law or equity.
- F. If two or more regulations in this UDC conflict with one another, and/or apply to the same topic, or with other applicable laws and regulations, the stricter provision shall apply.

#### **1.5. Consistency with the Master Plan and other Sub-Area Plan**

- A. It is the intention of Routt County to implement planning policies adopted by the Board of County Commissioners and Planning Commission in the Routt County Master plan, Sub-Area plans, and other planning documents through the application of this UDC.
- B. The Goals and Policies of the Routt County Master Plan and adopted and acknowledged Sub-Area plans were incorporated in the creation of this UDC. In addition, reasonable consideration has been given to the physiographic and other natural characteristics of the Zone Districts, and their individual suitability and capability for particular uses, with a view to conserving the value of natural resources for the general welfare and encouraging the most appropriate uses of land throughout the County.

- C. The adopted plans include the Routt County Master Plan as well as adopted sub-area plans, and jointly adopted sub-area plans (generally “Sub-Area Plans”). In addition the County has acknowledged certain Municipal Plans, which also function as sub-area plans.
- D. The Board of County Commissioners reaffirms its commitment that this UDC and any amendments thereto be in general conformity with adopted plans and other planning studies; however, the Board of County Commissioners hereby expresses its intent that neither this UDC, nor any amendment thereto, may be challenged on the basis of any alleged nonconformity with any planning document, unless otherwise provided by law.

#### **1.6. Repeal of Existing Ordinances**

- A. All previous Zoning Regulations, Subdivision Regulations, and 1041 Regulations shall hereby be repealed in their entirety, as of the effective date of the enactment of this Unified Development Code.

#### **1.7. Severability**

- A. It is hereby declared to be the intention of the County that the chapter, sections, subsections, paragraphs, sentences, clauses and phrases of this UDC are severable, and if any such chapter, section, subsection, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining chapters, sections, subsections, paragraphs, sentences, clauses or phrases of this UDC since the same would have been enacted without the incorporation into this UDC of such unconstitutional or invalid chapter, section, subsection, paragraph, sentence, clause or phrase.



## CHAPTER 2. ZONING AND LAND USES

### SECTION 1: ZONE DISTRICTS

- 2.1 **General**
- 2.2 **Zone Districts Established**
- 2.3 **Official Zone District Plan**
- 2.4 **Agriculture and Forestry (AF)**
- 2.5 **High Density Residential (HDR)**
- 2.6 **Mountain Residential (MR)**
- 2.7 **Mountain Residential Estates (MRE)**
- 2.8 **Manufactured Home Residential (MHR)**
- 2.9 **Commercial (C)**
- 2.10 **Industrial (I)**
- 2.11 **Mining (M)**
- 2.12 **Stagecoach Outdoor Recreation (SOR)**
- 2.13 **Stagecoach Mountain Residential (SMR)**
- 2.14 **Historic Towns (HT)**
- 2.15 **Planned Unit Development (PUD)**
- 2.16 **Tier 2 Targeted Growth Area Overlay (TO-2)**
- 2.17 **Tier 3 Targeted Growth Area Overlay (TTO-3)**
- 2.18 **Airport Overlay**

#### 2.1. General

- A. In order to ensure that all development furthers the intent of the Routt County Master Plan and complies with this UDC, it is necessary and proper to establish a series of Zone Districts to ensure that each use is compatible with surrounding land uses, supports the intent of the Sub- Area Plans of the County and promotes the health, safety, and welfare of the present and future inhabitants of Routt County.
- B. In their application and interpretation, the provisions of this Chapter shall be considered minimum requirements. Nothing herein shall impair the obligations of, or interfere with, private agreements or covenants in excess of the minimum requirements; however, Routt County is not responsible for enforcing private covenants or agreements.
- C. Graphics are included depicting basic dimensional requirements for each zone district and shall be used for reference only. Illustrations are intended only to show general characteristics of the dimensional requirements in a zone district, and do not show specific requirements related to locations or buildings. If a standard shown in an illustration is inconsistent with the respective table of dimensional standards or other text, the standards in the table and text shall govern. Dimensions shall be measured as defined in the text of the UDC, including exceptions, development standards, and definitions for terms of measurement (height, setbacks, etc.).
- D. Wastewater Collection.

1. Connection to a central sewer collection system (CSCS) shall be required for certain development, as specifically outlined in each Zone District. This connection can be to a new CSCS, an existing municipal or other special district CSCS, or through an extension of an existing CSCS. A CSCS includes secondary treatment and disinfection facilities as approved by the Colorado Department of Public Health and Environment (CDPHE) and the local health authority.
2. When an on-site treatment of wastewater (OWTS) is permitted in the Zone District, it shall comply with Colorado's On-site Wastewater Treatment Systems Act, C.R.S. § 25-10-101, *et seq.*, and all applicable State and County regulations.

E. Water Systems.

1. Connection to a central water system shall be required for certain developments, as specifically outlined in each Zone District. This connection can be to a new central water system, an existing municipal or other special district central water system, or through an extension of an existing central water system.
2. When an on-site well is permitted in the Zone District, it shall comply with the requirements of the Colorado Division of Water Resources, and all applicable State and County regulations.

## 2.2. Zone Districts Established

- A. Base Zone Districts. Base zone districts are established initially by the adoption of the County's Official Zone District Plan and subsequently amended through a rezoning approval (see **Chapter 4, Section 4.30**). Such approval authorizes the full range of development allowed by the standards applicable to the base zone district.
- B. Overlay Zone Districts. Overlay zone districts are established initially by the adoption of the County's Official Zone District Plan and subsequently approved through a rezoning (see **Chapter 4, Section 4.30**). These zones are superimposed over one or more underlying Base Zone Districts or Planned Unit Development Zone District(s).
- C. General Requirements.
  1. **Table 2.20** identifies the allowed uses for all parcels in all zone districts. If a use cannot be identified in accordance with **Section 2.20.C**, then it is not permitted. Some uses have specific review processes, which are outlined in **Section Chapter 4, Section 4.10**.
  2. Maximum or desired density may not be achievable on every lot or parcel, as the development must comply with applicable setbacks, coverage, parking, drainage, public improvements, landscaping, and other code requirements.
  3. **Chapter 9, Section 9.11, Calculations and Measurements**, identifies the method used to calculate dimensional requirements identified in each Zone District.
  4. Adjustments to minimum lot size, minimum lot frontage, and/or setbacks, may be approved through a Variance, Land Preservation Subdivision (LPS), or Planned Unit Development (PUD) process.
  5. Non-conforming structures, lots, and land uses lawfully established prior to the effective date of this Code may continue pursuant to **Chapter 5, Non-Conformities**.

6. The tables for each zone district identify the only areas where new buildable lots may be created.

### **2.3. Official Zone District Plan.**

- A. The location and boundaries of the Zone Districts established by this Chapter are shown in the full text of the zoning resolutions and on the Routt County Official Zone District Map, and any amendments made thereafter pursuant to law, which together constitute the Official Zone District Plan. The Official Zone District Plan, is, by reference, incorporated into the UDC. A copy of the official Zone District Plan can be located in the Planning Department at all times for inspection by the general public during regular business hours. Changes in zones per the written resolutions shall be made according to the requirements of this UDC.
- B. Zone District Boundaries. Except where otherwise specified on the Official Zone District Plan, zoning boundaries shall follow lot lines, parcel lines, section lines, municipal incorporation limits, centerlines of watercourses, right-of-way centerlines or extensions thereof, other recognized land lines, or other lines drawn to scale on the Official Zone District Plan.
  1. In the instance of a rezoning, all land between property lines and the right-of-way centerlines shall be included in the rezoning.
  2. On unsubdivided land or where a zoning boundary divides a lot or parcel, the location of such boundary, unless indicated by dimensions, shall be determined by scale of the Official Zone District Map.
  3. Where a zoning boundary coincides with a right-of-way line and said right-of-way is subsequently vacated, the zoning boundary shall then follow the zoning of the property to which the vacated right-of-way was accrued.
  4. When any parcel of land contains more than one Base Zone District, the predominant zone district on the parcel shall apply. This determination is made by the Planning Director.
- C. Boundary Clarifications.
  1. When there is a discrepancy in the Official Zone District Plan, the Planning Director shall determine the zone district boundary and the Official Zone District Plan shall be updated.
  2. Any appeal of the Director's determination of a zone district boundary shall be heard by the Board of County Commissioners per **Chapter 4, Section 4.70.**

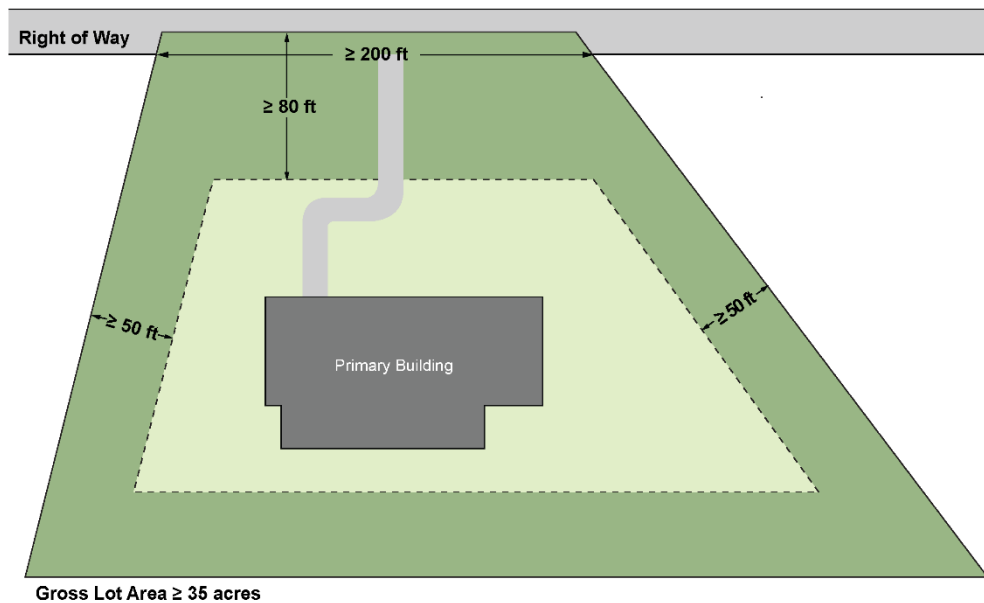
### **2.4. Agriculture and Forestry (AF) Zone District**

- A. Purpose. The AF Zone District applies to the productive agricultural and forested lands of Routt County and preserves the visual, productive, and cultural values associated with agriculture and agricultural lifestyles in rural, unincorporated areas of Routt County. It also provides for other uses, most requiring permits. Most permitted uses are allowed in order to provide an agricultural producer a means by which to supplement their agricultural incomes.. Limited Residential uses are permitted.
- B. Dimensional and Infrastructure Requirements

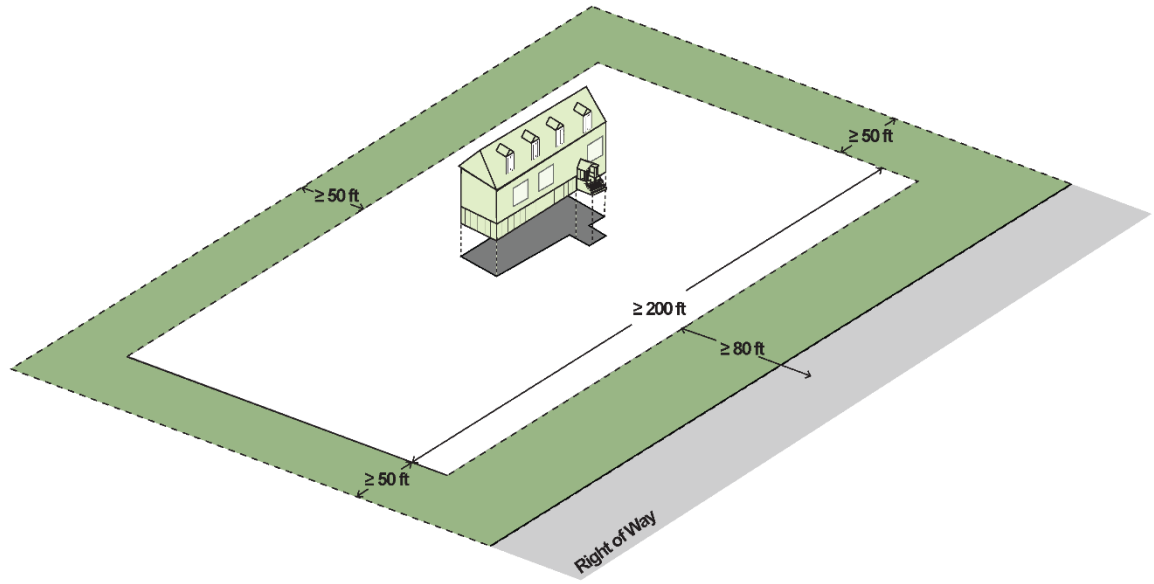
1. Table 2.4-1 identifies the dimensional and infrastructure requirements for all parcels in the AF Zone District.

<b>Table 2.4-1: Agricultural and Forestry (AF) Zone District Dimensional and Infrastructure Requirements</b>	
<b>Minimum Gross Lot/Parcel Area</b>	35 acres, except as approved through the LPS process
<b>Minimum Property Line Setbacks</b>	The more restrictive of: 50 feet from all property lines or 80 feet from the centerline of a public road
<b>Maximum Height</b>	40 feet
<b>Maximum Residential House Size</b>	7,500 square feet
<b>Sewer Collection</b>	<ul style="list-style-type: none"> <li>• OWTS permitted</li> <li>• CSCS permitted</li> </ul>
<b>Water System</b>	On-site wells and central systems permitted
<b>Creation of new buildable lots</b>	Permitted everywhere, except Tier 2

### C. AF Zone District Dimensions Diagrams



AF Dimensions



Axon: AF Dimensions

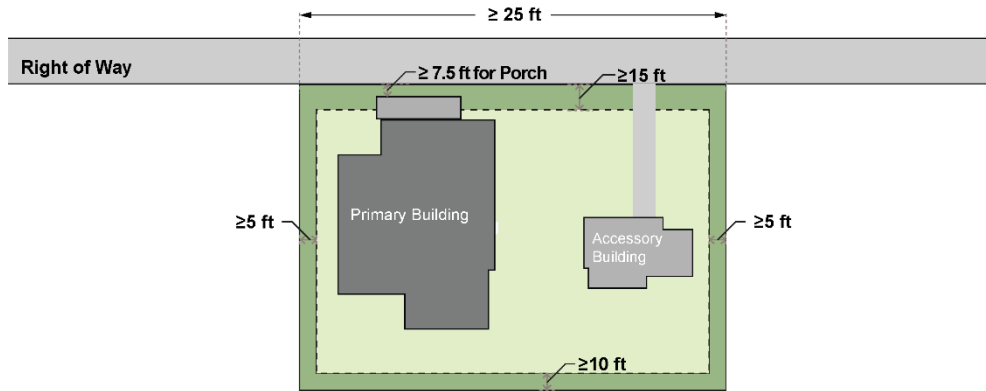
## 2.5. High Density Residential (HDR) Zone District

- A. Purpose. The HDR Zone District is designed to provide areas for a variety of housing types including single-family, two-family, and multiple-family dwellings in identified high density growth areas, designed in a manner to create livable space in a community setting and support walkable, bikeable, and transit oriented communities. The Zone District also provides for other uses (most requiring permits) to create a balanced residential area.
- B. Dimensional and Infrastructure Requirements
1. Table 2.5-1 identifies the dimensional and infrastructure requirements for all parcels in the HDR Zone District.

<b>Table 2.5-1: High Density Residential (HDR) Zone District Dimensional and Infrastructure Requirements</b>	
<b>Minimum Gross Lot Area</b>	3,000 square feet/Dwelling unit
<b>Minimum Lot Frontage</b>	25 feet
<b>Minimum Property Line Setbacks</b>	
<b>Front</b>	15 feet; 7.5 feet for porches
<b>Side</b>	5 feet
<b>Rear</b>	10 feet
<b>Maximum Height</b>	40 feet
<b>Maximum Residential House Size</b>	7,500 square feet
<b>Sewer</b>	<ul style="list-style-type: none"> <li>• CSCS required</li> <li>• Vaults allowed through an agreement with Morrison</li> </ul>

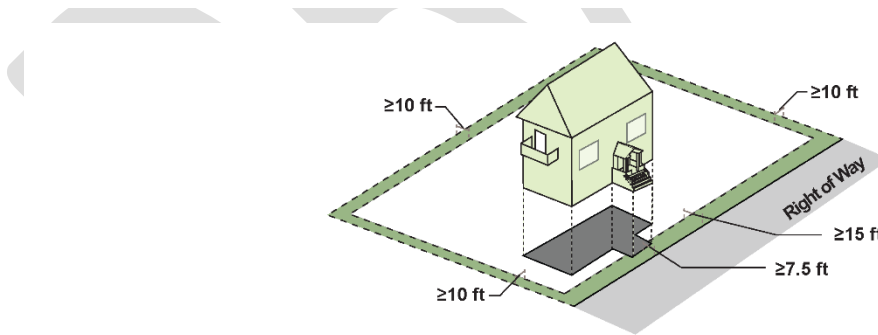
	Creek Water and Sanitation District if parcel is located within its boundaries
<b>Water System</b>	Central water system required
<b>Creation of new buildable lots</b>	Permitted in Tier 2 only

C. HDR Zone District Dimensions Diagrams



Site Density  $\geq 3,000$  sqft/dwelling unit  
 Gross Lot Area  $\geq 3,000$  sqft

HDR Dimensions



Axon: HDR Dimensions

## 2.6. Mountain Residential (MR) Zone District

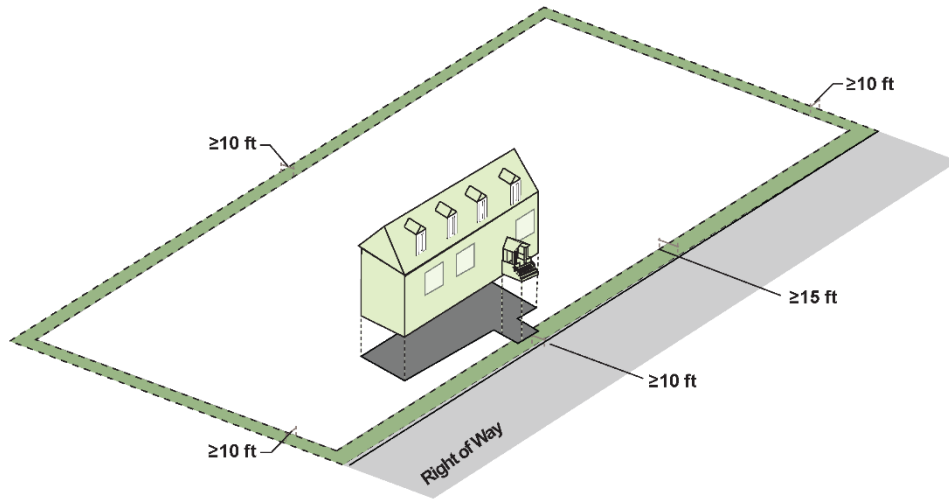
A. Purpose. The MR Zone District is designed to provide areas for single family dwellings on sites that are at least half an acre in growth areas and existing rural subdivisions. The MR district is designed in a manner to create livable space in a rural setting that has access to services that may be unavailable in other areas of the county.

### B. Dimensional and Infrastructure Requirements

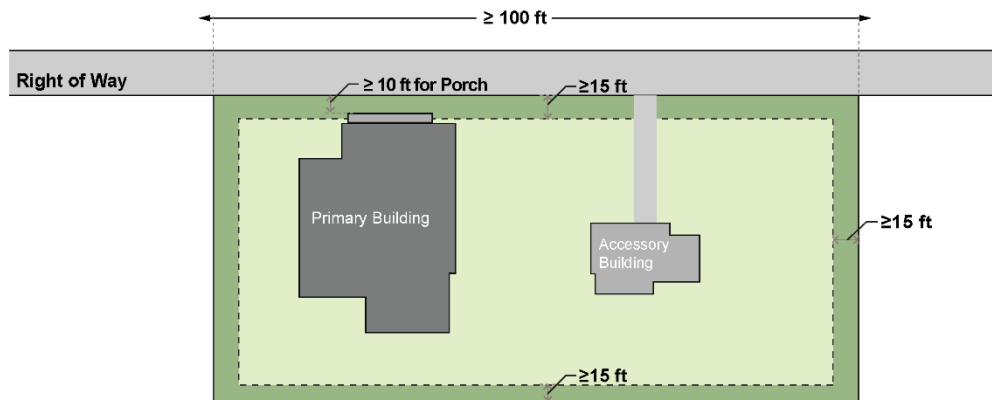
1. Table 2.6-1 identifies the dimensional and infrastructure requirements for all parcels in the MR Zone District.

<b>Table 2.6-1: Mountain Residential (MR) Zone District Dimensional and Infrastructure Requirements</b>	
<b>Minimum Gross Lot Area</b>	0.5 acres per Dwelling Unit
<b>Minimum Lot Frontage</b>	100 feet
<b>Minimum Property Line Setbacks</b>	15 feet
<b>Maximum Height</b>	40 feet
<b>Maximum Residential House Size</b>	7,500 square feet
<b>Sewer Collection</b>	CSCS required. Parcels that were under 5 acres without CSCS prior to <b>XXX 2024</b> are not required to have a CSCS.
<b>Water System</b>	Central water system required. Parcels that were under 5 acres without a central water system prior to <b>XXX 2024</b> are not required to have a central water system
<b>Creation of new buildable lots</b>	Permitted in Tier 2 only

C. Mountain Residential (MR) Zone District Dimensions Diagrams



Axon: MR Dimensions



Gross Lot Area  $\geq .5$  acres

MR Dimensions

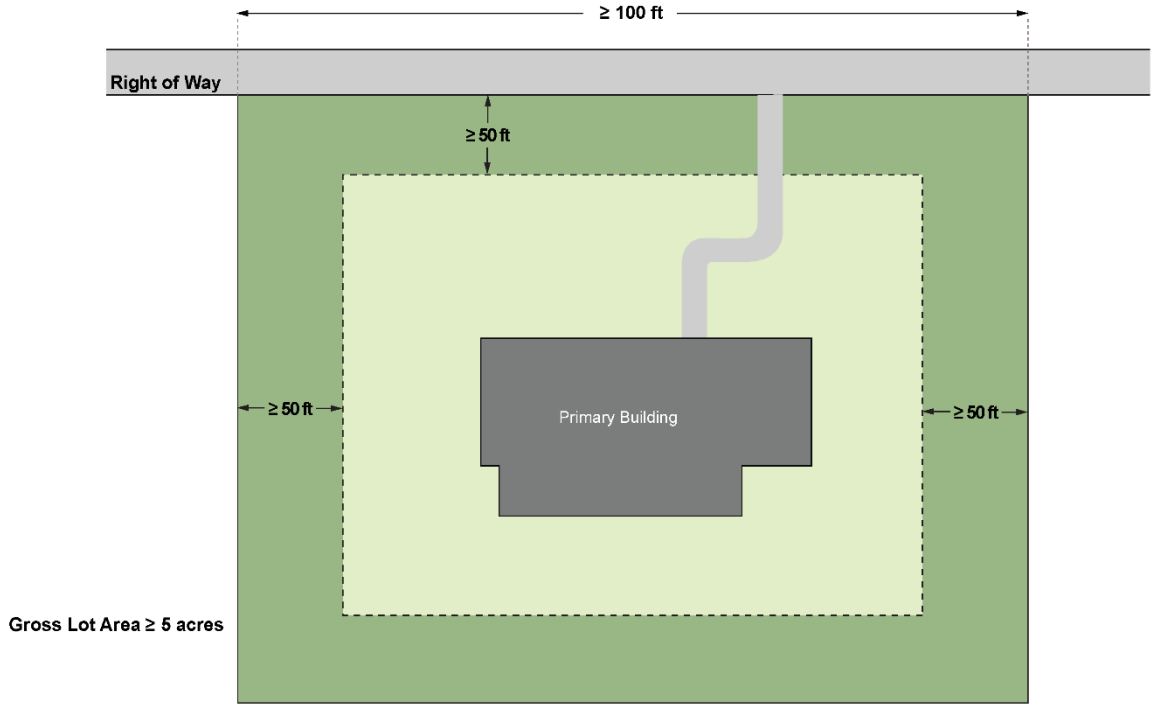


**2.7. Mountain Residential Estates (MRE) Zone District**

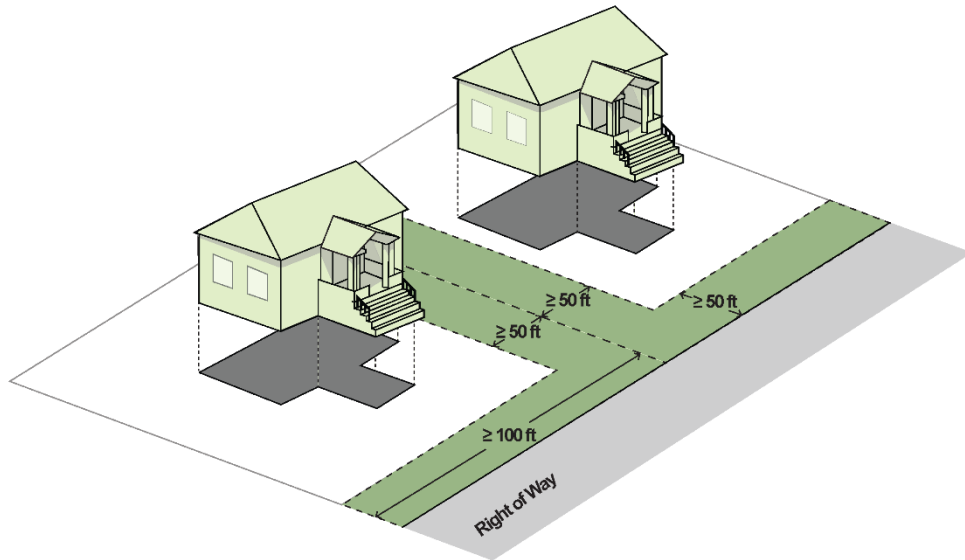
- A. Purpose. The MRE Zone District provides areas for single family dwellings in growth areas and existing rural subdivisions. The standards are designed in a manner to create livable space in a rural setting and ensure that development is compatible with adjacent agricultural uses.
- B. Dimensional and infrastructure requirements
  - 1. Table 2.7-1 identifies the dimensional and infrastructure requirements for all parcels in the MRE Zone District.

<b>Table 2.7-1: Mountain Residential Estates (MRE) Zone District Dimensional and Infrastructure Requirements</b>	
<b>Minimum Gross Lot Area</b>	5 acres 2.5 acres with both CSCS and Central Water System
<b>Minimum Lot Frontage</b>	100 feet
<b>Minimum Property Line Setbacks</b>	50 feet
<b>Maximum Height</b>	40 feet
<b>Maximum Residential House Size</b>	7,500 square feet
<b>Sewer Collection Requirement</b>	<ul style="list-style-type: none"> <li>• OWTS permitted</li> <li>• CSCS permitted</li> </ul>
<b>Water System Requirement</b>	<ul style="list-style-type: none"> <li>• On-site system permitted</li> <li>• Central water system permitted</li> </ul>
<b>Creation of new buildable lots</b>	Permitted in Tier 2 and Tier 3 only

C. Mountain Residential Estates (MRE) Zone District Dimensional Diagrams



MRE Dimensions



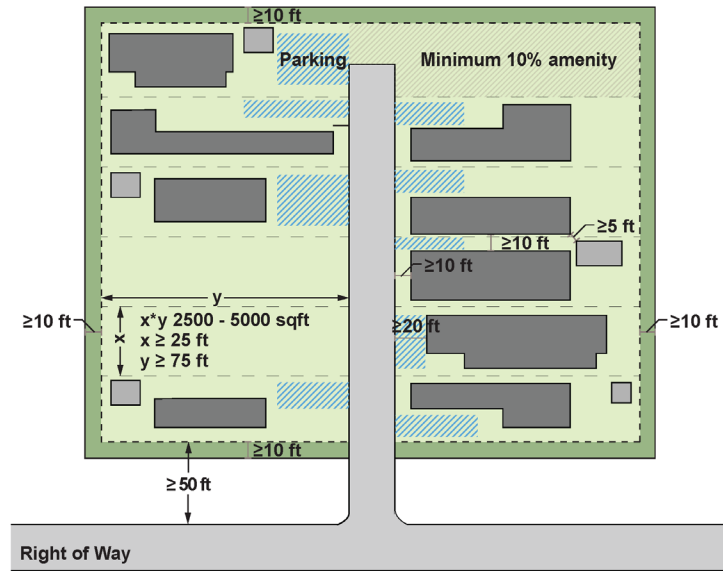
Axon: MRE Dimensions

**2.8. Manufactured Home Residential (MHR) Zone District**

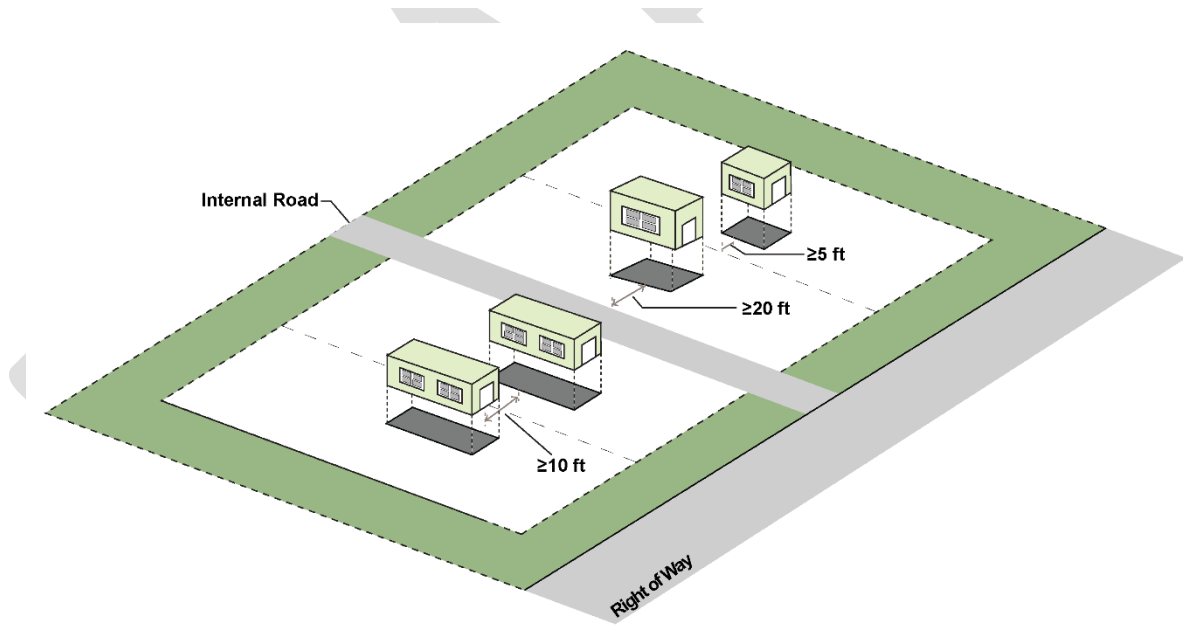
- A. Purpose. The MHR Zone District is intended to provide areas for affordable, high-density residential development in growth areas and existing rural subdivisions, designed in a manner to create livable space in a rural setting, in proximity to municipal services to reduce unnecessary commutes.
- B. Dimensional and Infrastructure Requirements
  - 1. Table 2.8-1 identifies the dimensional and infrastructure requirements for all parcels in the MHR Zone District.

<b>Table 2.8-1: Manufactured Home Residential (MHR) Zone District Dimensional and Infrastructure Requirements</b>	
<b>Minimum Overall Lot Area</b>	1 acre
<b>Setbacks</b>	
<b>Property Line Setbacks</b>	10 feet (all sides)
<b>Public Road Setbacks</b>	50 feet from edge of pavement
<b>Minimum Home Lot Size</b>	2,500 square feet
<b>Maximum Home Lot Size</b>	5,000 square feet
<b>Minimum Home Lot Width</b>	25 feet
<b>Minimum Home Lot Depth</b>	75 feet
<b>Minimum Home Separation</b>	10 feet
<b>Minimum Accessory Building Separation</b>	5 feet from an adjacent unit
<b>Minimum Home Front Setback</b>	20 feet from edge of internal access road, or; 10 feet if parking provided in side yard
<b>Maximum Height</b>	25 feet
<b>Maximum Residential House Size</b>	2,000 square feet
<b>Sewer Collection</b>	CSCS required
<b>Water System</b>	Central water system required
<b>Creation of new buildable lots</b>	Permitted in Tier 2 and Tier 3 only

C. Manufactured Home Residential (MHR) Zone District Dimensional Diagrams



MHR Dimensions



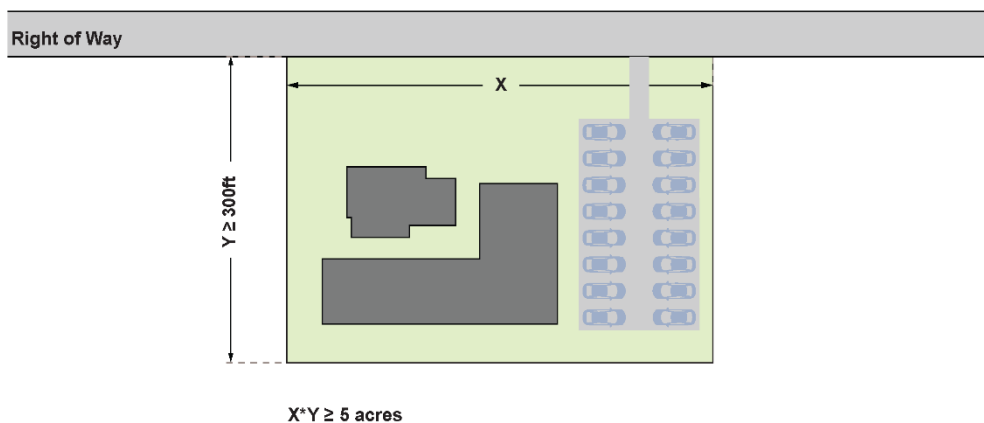
Axon: MHR Dimensions

## 2.9 Commercial (C) Zone District

- A. Purpose. The C Zone District is intended to provide a full range of retail, office, and service uses for County residents in growth areas that are conveniently located to residential areas. Development within this Zone District is encouraged to be planned as a compact unit rather than as extended strips along roadways in order to provide an orderly land use pattern, efficient traffic circulation, and safe pedestrian movement.
- B. Dimensional and Infrastructure Requirements
1. Table 2.9-1 identifies the dimensional and infrastructure requirements for all parcels in the C Zone District.

Table 2.9-1: Commercial (C) Zone District Dimensional and Infrastructure Requirements	
Minimum District Size	A minimum of 5 acres and 300 feet in depth as measured from the edge of the street right-of-way
Minimum Gross Lot Area	No minimum lot area except as required through site plan review
Minimum Lot Frontage	None
Minimum Property Line Setbacks	As required by site plan review
Maximum Height	40 feet
Maximum Residential House Size	7,500 square feet
Sewer Collection	CSCS required
Water System	Central water system required
Creation of new buildable lots	Permitted in Tier 2 and Tier 3 only

### C. Commercial (C) Zone District Dimensional Diagram



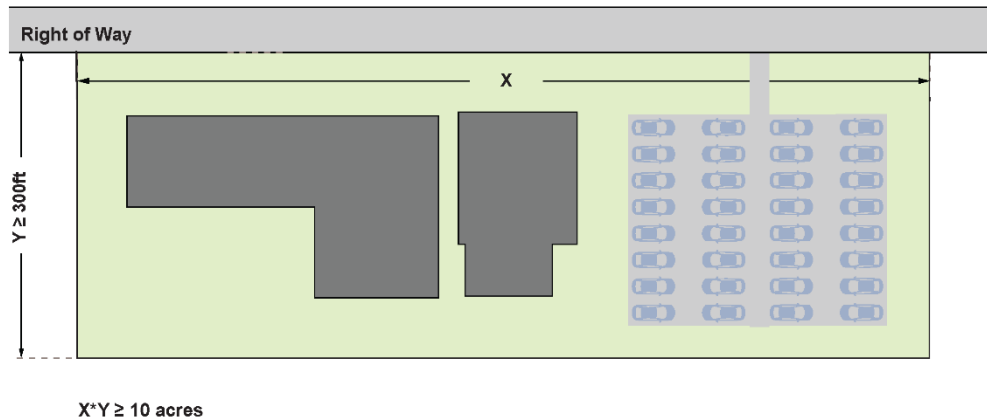
Commercial Dimensions

## 2.10 Industrial (I) Zone District

- A. Purpose. The I Zone District is intended to provide locations in growth areas for office, research, warehousing, product assembly, manufacturing, and distribution facilities located to efficiently utilize public infrastructure.
- B. Dimensional and Infrastructure Requirements
  1. Table 2.10-1 identifies the dimensional and infrastructure requirements for all parcels in the I Zone District.

Table 2.10-1: Industrial (I) Zone District Dimensional and Infrastructure Requirements	
<b>Minimum District Size</b>	A minimum of 10 acres and 300 feet in depth as measured from the edge of the right of way
<b>Minimum Gross Lot Area</b>	No minimum lot area except as required during site plan review
<b>Minimum Lot Frontage</b>	None
<b>Minimum Property Line Setbacks</b>	As required by site plan review
<b>Maximum Height</b>	40 feet for occupied structures
<b>Sewer Collection</b>	CSCS required
<b>Water System</b>	Central water system required
<b>Creation of new buildable lots</b>	Permitted only in Town of Hayden Tier 2

### C. Industrial (I) Zone District Dimensional Diagram



Industrial Dimensions

**2.11 Mining (M) Zone District**

- A. Purpose. The M Zone District applies only to existing coal mine facilities designated as Mining Zone on the Official Zone District Plan.
- B. Dimensional and Infrastructure Requirements
  - 1. Table 2.11-1 identifies the dimensional and infrastructure requirements for all parcels in the M Zone District.

<b>Table 2.11-1: Mining (M) Zone District Dimensional and Infrastructure Requirements</b>	
<b>Minimum Gross Lot Area</b>	No minimum lot area except as required through site plan review
<b>Minimum Lot Frontage</b>	None
<b>Minimum Property Line Setbacks</b>	As required by site plan review
<b>Maximum Height</b>	As required by site plan review
<b>Sewer Collection</b>	CSCS required
<b>Water System</b>	Central water system required
<b>Creation of new buildable lots</b>	Not permitted without a Master Plan amendment

**2.12 Stagecoach Outdoor Recreation (SOR) Zone District**

- A. Purpose. The SOR Zone District is intended to provide areas for various active and passive outdoor recreational activities in an area defined by the Recreation Oriented Development classification shown in the Stagecoach Community Plan Future Land Use Plan. Associated commercial facilities that support such recreational activities are anticipated in this Zone District. Residential uses are also anticipated in this zone.
- B. Dimensional and Infrastructure Requirements
  - 1. Table 2.12-1 identifies the dimensional and infrastructure requirements for all parcels in the SOR Zone District.

<b>Table 2.12-1: Stagecoach Outdoor Recreation (SOR) Zone District Dimensional and Infrastructure Requirements</b>	
<b>Minimum Gross Lot Area</b>	No minimum lot area except as required through site plan or subdivision review
<b>Minimum Lot Frontage</b>	No minimum
<b>Minimum Setbacks –Residential</b>	
<b>Front</b>	15 feet; 7.5 feet for porches
<b>Side</b>	5 feet
<b>Rear</b>	10 feet
<b>Minimum Setback – All other uses</b>	No minimum setback is required.
<b>Build-to-Lines</b>	Within 5 feet of the front setback line
<b>Maximum Height</b>	

<b>Single Family Residential</b>	40 feet
<b>Multi-Family Residential</b>	50 feet
<b>Commercial/Mixed Use</b>	50 feet
<b>Outdoor Recreation</b>	50 feet
<b>Maximum Residential House Size</b>	7,500 square feet
<b>Sewer Collection</b>	CSCS required
<b>Water System</b>	Central water system required
<b>Creation of new buildable lots</b>	Permitted only in Stagecoach Tier 2

### 2.13 Stagecoach Mountain Residential (SMR) Zone District

A. Purpose. The SMR Zone District is intended to provide for areas of residential development within the area defined by the Recreation Oriented Development classification in the Stagecoach Community Plan Future Land Use Plan. Commercial uses are generally not appropriate in areas within this Zone District.

B. Dimensional and Infrastructure Requirements

1. Table 2.13-1 identifies the dimensional and infrastructure requirements for all parcels in the SMR Zone District.

<b>Table 2.13-1: Stagecoach Mountain Residential (SMR) Zone District Dimensional and Infrastructure Requirements</b>	
<b>Minimum Gross Lot Area</b>	No minimum lot area except as required through site plan or subdivision review
<b>Minimum Lot Frontage</b>	No minimum
<b>Minimum Setbacks –Residential</b>	
<b>Front</b>	15 feet; 7.5 feet for porches.
<b>Side</b>	5 feet
<b>Rear</b>	10 feet
<b>Minimum Setback – All other uses</b>	No minimum setback is required.
<b>Build-to-Lines for Multi-family Residential</b>	Within 5 feet of the front setback line
<b>Maximum Height</b>	
<b>Single Family Residential</b>	40 feet
<b>Multi-Family Residential</b>	50 feet
<b>Outdoor Recreation</b>	50 feet
<b>Maximum Residential House Size</b>	7,500 square feet
<b>Sewer Collection</b>	CSCS required
<b>Water System</b>	Central water system required
<b>Creation of new buildable lots</b>	Permitted only in Stagecoach Tier 2



## 2.14 Historic Towns (HT) Zone District

- A. Purpose. The HT Zone District is intended to preserve the historic and cultural heritage of existing platted, unincorporated towns, balancing urban-scale residential and commercial development with protecting the community’s existing character. It is intended to ensure that any development in the unincorporated towns will be conducted in a manner that will minimize damage to historical resources while allowing for dense development at a modest scale.
- B. Dimensional and Infrastructure Requirements
1. Table 2.14-1 identifies the dimensional and infrastructure requirements for all parcels in the HT Zone District.

<b>Table 2.14-1: Historic Towns (HT) Zone District Dimensional and Infrastructure Requirements</b>	
<b>Minimum Gross Lot Area</b>	<u>Without</u> CSCS – 12,500 square feet <u>With</u> CSCS – 3,000 square feet
<b>Minimum Lot Frontage</b>	20 feet
<b>Minimum Property Line Setbacks</b>	
<b>Front</b>	10 feet
<b>Side</b>	5 feet
<b>Rear</b>	5 feet
<b>Maximum Height</b>	35 feet
<b>Lot Coverage</b>	35%
<b>Maximum Residential House Size</b>	7,500 square feet
<b>Sewer Collection</b>	<ul style="list-style-type: none"> <li>• OWTS permitted</li> <li>• CSCS permitted</li> </ul>
<b>Water System</b>	<ul style="list-style-type: none"> <li>• On-site system permitted</li> <li>• Central water system permitted</li> </ul>
<b>Creation of new buildable lots</b>	Permitted in Tier 3 only

## 2.15 Planned Unit Development (PUD) Zone District

- A. Purpose. The PUD Zone District is intended to allow maximum flexibility in uses and dimensions in exchange for community benefits by allowing quality developments to be designed in such a way that could not be achieved by strict adherence to the requirements of this UDC. The PUD Zone District is intended to further the intent of the Master Plan and Sub-Area Plans, and promote community amenities such as active and passive open space, functional and economical use of land, design features focusing on energy efficiency, and the placement of structures in appropriate relationship to each other to open space and to common facilities..
- B. General Requirements. All PUDs shall be subject to **Chapter 4, Section 4, Planned Unit Development**.

- C. Dimensional Requirements. Determined through the PUD review. The PUD approval shall indicate all dimensional standards necessary for the siting of all structures allowed in the zone district.
- D. Land Uses. PUDs may include any uses or a mix of uses supported by the Routt County Master Plan as determined by the Planning Commission and the Board of County Commissioners through the review and approval of a PUD zoning application.

## **2.16 Future Growth Areas**

- A. Definition. Future Growth Areas are a framework of guiding growth established by the 2022 Routt County Master Plan. Future Growth Areas are divided into 3 growth tiers where this UDC intends to direct growth. Properties not within Future Growth Areas are generally anticipated to remain rural and unincorporated.

## **2.17 Tier 1 – Incorporated Municipal Growth Centers**

- A. Definition. Tier 1 is defined by the incorporated boundaries of the City of Steamboat Springs and the Towns of Hayden, Oak Creek, and Yampa. New development within Tier 1 areas is under the jurisdiction of the applicable municipality.

## **2.18 Tier 2 Targeted Growth Area (TO-2) Overlay Zone District**

- A. Purpose. The TO-2 Overlay Zone District is established to ensure efficient use of infrastructure and to protect more rural lands in areas identified by the Routt County Master Plan where future development may be appropriate. The Tier 2 Growth Area Overlay District is a supplemental Zone District that overlays the Base Zone District and regulates growth in certain areas of Routt County. Development in these areas shall meet the following criteria:
  - 1. Provide a mix of diverse housing choices;
  - 2. Address an identified community need;
  - 3. Provide community amenities such as open space, trail access, and recreational amenities; and
  - 4. Ensure that proposed utilities, services, and amenities can be delivered within an acceptable time.
- B. Definition. Tier 2 Targeted Growth Areas are areas which may accommodate future growth in the County based on acceptable development review criteria for each area, infrastructure development, and consistency with prescribed sub-area plans for the specific area.
- C. Tier 2 Boundaries. Boundaries of all Tier 2 areas are defined as follows:
  - 1. Steamboat Springs. The Steamboat Springs Tier 2 growth area is an area contained within the boundaries of the Urban Growth Boundary established by the Steamboat Springs Area Community Plan. New development may be acceptable within this area based on its conformance with this sub-area plan and the Master Plan.

2. Hayden. The Hayden Tier 2 growth area is an area contained within the boundaries of the Hayden Three-Mile Plan. New development may be acceptable within this area based on its conformance with this sub-area plan and the Master Plan.
  3. Oak Creek. The Oak Creek Tier 2 growth area is the area contained within the 1 mile radius established by the Town of Oak Creek 2015 Comprehensive Plan Update. New development may be acceptable within this area based on its conformance with this sub-area plan and the Master Plan.
  4. Yampa. The Yampa Tier 2 growth area is the area defined by the Future Land Use Map established in the 2023 Yampa Comprehensive Plan Update. New development may be acceptable within this area based on its conformance with this sub-area plan and the Master Plan.
  5. Stagecoach. The Stagecoach Tier 2 growth area is the area contained within the Stagecoach Community Boundary established by the 2017 Stagecoach Community Plan. New development may be acceptable within this area based on its conformance with this sub-area plan and the Master Plan.
- D. Dimensional and Infrastructure Requirements.
1. The standards of the base zone district apply.
  2. Any use by right, or permitted use in the Base Zone District is also permitted in the TO Overlay District.

## **2.19 Tier 3 Targeted Growth Area (TO-3) Overlay Zone District**

- A. Purpose. The TTO Overlay Zone District applies to existing unincorporated communities throughout the County that have been designated as Tier 3 Small Established Communities in the Routt County Master Plan. This is a supplemental Zone District that overlays and regulates growth in unincorporated communities within the County that may otherwise be subject to dispersed development patterns and sprawl. These are areas that have historically established development, limited infrastructure, and may accommodate future growth opportunities. This Zone District Overlay applies to areas identified in the Master Plan, or as otherwise applied by Routt County through a rezoning pursuant to **Chapter 4, Section 4.30**. Development in these areas shall meet the following criteria:
1. The development supports future growth in a defined rural area of the County and incorporates adequate protections by taking into account the provision of basic infrastructure, access to schools, emergency services, road maintenance, and impacts to prime agricultural lands.
  2. Small-scale housing projects and commercial development shall support the local residents' needs.
- B. Definition. Tier 3 Targeted Growth Areas are areas which have historically established development and infrastructure, and may accommodate future growth opportunities.
- C. Tier 3 Boundaries. Boundaries of all Tier 3 areas are defined as follows:
1. Hahn's Peak Village. The Hahn's Peak Village Tier 3 growth area is an area contained within the boundaries of the original Town of Hahn's Peak subdivision and the

Hahn's Peak Village Subdivision. New development may be acceptable within this area based on its conformance with the Master Plan, the Upper Elk River Valley Community Plan and sufficient access to utilities.

2. Steamboat Lake Subdivisions. The Steamboat Lake Subdivision Tier 3 growth area is an area contained within the boundaries of the original Steamboat Lake Subdivisions Filings 1-8. New development may be acceptable within this area based on its conformance with the Master Plan, the Upper Elk River Valley Community Plan and sufficient access to utilities.
3. Clark. The Clark Tier 3 growth area is the area defined as all lands within the West ½ of Section 27, and within the East ½ of Section 28, Township 9N, Range 85 West, excluding any portion of Section 28 which lies west of the Elk River. New development may be acceptable within this boundary based on its conformance with the Master Plan and sufficient access to utilities.
4. Milner. The Milner Tier 3 growth area is an area contained within the established administrative boundary for the Milner sewage collection system. New development may be acceptable within this boundary based on its conformance with the Master Plan and sufficient access to utilities.
5. Phippsburg. The Phippsburg Tier 3 growth area is an area contained within the established administrative boundary for the Phippsburg sewage collection system. New development may be acceptable within this boundary based on its conformance with the Master Plan and sufficient access to utilities.
6. Toponas. The Toponas Tier 3 growth area is the area within a ½ mile radius of the point on Colorado State 131 which lies equidistant from its intersection with County Road 5 and County Road 6E. New development may be acceptable within this boundary based on its conformance with the Master Plan and sufficient access to utilities.

D. Dimensional and Infrastructure Requirements.

1. The standards of the base Zone District apply.
2. Any use by right, or permitted use in the base Zone District is also permitted in a TTA Overlay District.

## **2.20 Airport Overlay (AO)**

A. Purpose. The Airport Overlay (AO) Zone District is a supplemental Zone District that may overlay a Base Zone District.

1. The AO Zone District is designed to set standards for properties located adjacent to and in the vicinity of the Yampa Valley Regional Airport (YVRA) or the Steamboat Springs Airport (SSA), in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community. It is intended to:

- a. Protect aviation airspace by preventing and restricting incompatible land uses in proximity to and within airport influence areas;
  - b. Place reasonable restrictions on encroachments into the airports' Federal Aviation Regulations Part 77 surfaces;
  - c. Minimize the exposure of residential and other sensitive land uses to aircraft noise;
  - d. Avoid danger from aircraft accidents and reduce the possibility for such accidents; and
  - e. Minimize the potential negative impacts of structures and land uses on airport operations and navigable airspace per Federal Aviation Administration rules and regulations.
2. Establishment of this AO Zone District does not imply that areas outside of the AO Zone District will be totally free from airport and aircraft related hazards nor that all hazards within the AO Zone District will be completely mitigated.
- B. Dimensional and Infrastructure Requirements. All dimensional and infrastructure requirements of the underlying Zone District apply within the AO Zone District, except as more specifically limited in the AO Zone District standards in Section 2 of this Chapter.
- C. Subzones. Each airport has subzones as delineated by that airport's influence area shown on that airport's Airport Layout Plan.
1. For the purposes of this UDC, the Airport Overlay zone includes the following subzones.
    - a. Subzone A: Airport Influence Area (AIZ)
    - b. Subzone B: Traffic Pattern Area (TPZ)
    - c. Subzone C: Approach Area (AZ)
    - d. Subzone D: Runway Protection Area (RPZ)
  2. The SSA subzones are as shown on the Airport Layout Plan Land Use Drawing of the Steamboat Springs Airport Master Plan.
  3. The YVRA subzones are as shown on the Land Use Plan in the Airport Layout Plan.

**CHAPTER 2. ZONING AND LAND USES**  
**SECTION 2: LAND USES**

**SECTION 2: LAND USES AND STANDARDS**

- 2.20 Land Use Table**
- 2.21 Land Use Categories**
- 2.22 – 2.87 Specific Uses**

**2.20 Land Use Table**

- A. Purpose. The purpose of this chapter is to identify the land uses allowed in Routt County and to establish standards that apply to certain uses with unique characteristics or impacts. This section classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. All uses are subject to the dimensional standards in each zone district, any regulations established by the zone district, regulations applicable to the use, and any applicable general development standards.
- B. Primary and Accessory Uses. Land Uses on a parcel are considered Primary or Accessory.
  - 1. A Primary Use means the principal use of a lot that is permitted under the applicable Zone District as a use-by-right, Minor Use Permit, Administrative Use Permit, Conditional Use Permit, or Special Use Permit. These regulations may allow one or more principal uses in any given district.
  - 2. An Accessory Use is incidental and subordinate to the Primary Use, as further defined in **Section 2.22, Accessory Uses and Structures**.
  - 3. Unless the applicable Zone District allows mixed uses, only one Primary Use may be established at any one time on a single lot, in addition to uses that are accessory to that principal use.
- C. Categorization. Uses are assigned to the category whose description most closely describes the 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. The "Characteristics" subsection of each use category describes the characteristics of each use category. The list of uses is broad and comprehensive. However, it is impossible to contemplate every possible use or new use that may exist in the future.
- D. Interpretation. When a use's category is not clearly identifiable, the Planning Director may determine the applicable line in the land use chart or refer the question to the Planning Commission for a public hearing and determination following the procedure under **Chapter 4, Section 1**. The following is considered to determine what use category the use is in, and whether the activities constitute Primary Uses or Accessory Uses:
  - 1. The description of the activity(ies) in relationship to the function and characteristics of each use category;
  - 2. The building or structure type associated with each use category, and the relative amount of site or floor space and equipment devoted to the activity;

3. Relative amounts of sales from each activity;
  4. The customer type for each activity;
  5. The relative number of employees in each activity;
  6. Hours of operation;
  7. Building and site arrangement;
  8. Vehicles used with the activity;
  9. The relative number of vehicle trips generated by the activity;
  10. Signs;
  11. How the use advertises itself; and
  12. Whether the activity would function independently of the other activities on the site.
- E. Developments with multiple primary uses.
1. Developments may have more than one primary use. Developments may also have one or more accessory uses.
  2. When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a Single-Family Residence and a Secondary Dwelling Unit would be classified in the Residential category because all the primary uses are in that category.
  3. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the applicable regulations for that category. For example, a development that contains a Single-Family Residence and a Riding Arena that is used for commercial horseback riding, the Single-Family Residence would be classified in the Residential category and the Riding Arena would be classified in the Outdoor Recreation category.
- F. Use of examples. The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Private Horse Ranch" but that caters mostly to visitors, would be included in the Outdoor Recreation category rather than the Residential category. This is because the actual activity on the site matches the description of the Outdoor Recreation category.
- G. Land Use Table. **Table 2.20.F-3** Identifies the Land Uses in Routt County.
1. Table Organization. In the Land Use Table, land uses are classified into use categories and specific uses based on the classification considerations in Subsection B, above. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts.
  2. Permitted Uses. Each cell in the Table is filled in to identify if the use is allowed by-right, requires a review, or is not allowed.
    - a. "R" means a Use Permitted By-Right.
      - i. Uses Permitted By-Right are uses that are deemed to be consistent with the purpose of the zone district and to further the intent of the Master Plan. When development proposals include a By-Right use, the use of the property shall not be in question.

- b. “M” means a Use Permitted By Minor Use Permit
  - i. Minor Uses are uses that, when use-specific standards and site-specific conditions are imposed, are deemed to be consistent with the purpose of the zone district and to further the intent of the Master Plan. When all standards are met, it shall be presumed that the use will not have any greater impact than a By-Right use.
- c. “A” means a Use Permitted by Administrative Use Permit
  - i. Administrative Uses are uses that, when use-specific standards and site-specific conditions are imposed, are deemed to be consistent with the purpose of the zone district and to further the intent of the Master Plan. These uses have greater potential to create impacts on surrounding properties, and require public notice, even though they are reviewed and approved administratively.
- d. “C” means a Use Permitted by Conditional Use Permit
  - i. Conditional Uses are uses that may be consistent with the purpose of the zone district and may further the intent of the Master Plan, but may cause significantly greater impacts to surrounding properties. Conditional Uses shall be granted only upon a finding that use-specific standards and site-specific conditions are complied with, the impacts to surrounding properties are sufficiently mitigated, and the intent of the Master Plan is supported by the use. Due to the greater impacts to surrounding properties, both a public notice and a public hearing is required.
- e. “S” means a Use Permitted by Special Use Permit.
  - i. Special Uses are uses that may be consistent with the purpose of the zone district and may further the intent of the Master Plan, but may cause significantly greater impacts to surrounding properties and the community. Special Uses are a discretionary approval, which may be granted only upon a finding that use-specific standards and site-specific conditions are complied with, the impacts to surrounding properties and the community are sufficiently mitigated, the intent of the Master Plan is supported by the use, and the **needs of the community are appropriately considered**. Due to the greater impacts to surrounding properties, both a public notice and a public hearing is required.
- f. A blank cell means the Use is Not Permitted.
- g. All development in the Commercial (C), Industrial (I), and Mining (M) zone districts require a Site Plan Review. This is denoted through hatching in the table.



<b>Table 2.20.F.3 -Zone Districts and Overlays</b>	
<b>AF</b> – Agriculture and Forestry	<b>SOR</b> - Stagecoach Outdoor Recreation
<b>HDR</b> - High Density Residential	<b>SMR</b> - Stagecoach Mountain Residential
<b>MR</b> - Mountain Residential	<b>HT</b> - Historic Towns
<b>MRE</b> - Mountain Residential Estates	<b>TO-2</b> - Tier 2 Targeted Growth Area Overlay
<b>MHR</b> – Manufactured Home Residential	<b>TO-3</b> - Tier 3 Targeted Growth Area Overlay
<b>C</b> – Commercial	<b>AO</b> - Airport Overlay
<b>I</b> – Industrial	<b>PUD</b> – Planned Unit Development
<b>M</b> – Mining	
	Hatching denotes site plan review required for all building permits or new uses.

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Table 2.20.F.3 -Zone Districts and Overlays	Required Parking Per 1000sf gross floor area unless stated otherwise	AF	HDR	MR	MRE	MHR	C	I	M	SOR	SMR	HT
		<b>Agriculture</b>										
Agritourism Enterprise – less than 50 vehicle trips per day	2	M										
Agritourism Enterprise – more than 50 vehicle trips per day	3	A										
Agricultural equipment sales and service	1	S					R					
Agricultural Processing Facility, Small	1	A										
Agricultural Processing Facility, Medium	2	C										
Agricultural Processing Facility, Large	3	S										
Animal hospital, kennel, or associated boarding	3	S					C	R				
Animal sales yard	1	S										
Farm Stand – All products grown on site	1	R					R					
Farm Stand – Imported products	1	A					R					
Fur farming	3	C										
Guest Ranch	1	C										
Plant nurseries – no retail sales	3	R										
Plant nurseries – with retail sales	2	A					R					
Ranching, farming, and general agriculture on parcels 1 acre or larger	3	R	R	R	R	R	R	R	R			R
Ranching, farming, and general agriculture on parcels < 1 acre	2	R	M	M	M	M	M	M	M			M
<b>Assembly</b>												
Auditoriums and theaters	1 space/4 seats						R			S		
Public buildings - Assembly	Per Land Use Review	C	C	C	C	C	C	C	C	C		C
<b>Commercial</b>												
Adult oriented businesses	2						S	S				

Table 2.20.F.3 -Zone Districts and Overlays	Required Parking	AF	HDR	MR	MRE	MHR	C	I	M	SOR	SMR	HT
	Per 1000sf gross floor area unless stated otherwise											
Auto service station and garage	2						R	R		S		
Automobile parking lots	2		S				C	R		S		S
Banks and financing institutions	2						R			R		
Convenience stores	2		S				R	R		C		
Data Center	N/A											
Dog Boarding (including boarding for dog sled rides), breeding kennels	2	C					C	R				
Eating and drinking establishments, indoor or outdoor	2						R			R		S
Electric Vehicle charging station	2	C	C				R	R	R	R	C	C
Group Home	2	S					S					
Group Residential Facility	2	S					S					
Healing Center	2	S										
Hotel/Lodge/Motel	1/lodging unit						R	R		R		S
Mortuaries	2						S	S				
Offices	2						R	R	R	R		S
Personal Service Establishments	2						R	R		R		
Retail establishments entirely enclosed within a structure	2		S				R	C		R		C
Retail establishments with outdoor storage and/or sales	2						C	A		C		
Self-storage units/mini-warehouses	2						S	C				
Short-term Rental	N/A											
<b>Essential Services</b>												
Airport – public	Per Land Use Review							S				
Cemeteries – private (family)	1	R										
Cemeteries – public	1	S										S

Table 2.20.F.3 -Zone Districts and Overlays	Required Parking	AF	HDR	MR	MRE	MHR	C	I	M	SOR	SMR	HT
	Per 1000sf gross floor area unless stated otherwise											
Central Water or Sewage Treatment System – outside a County approved Special District <i>with</i> a Land Use Permit	N/A	R	R	R	R	R	R	R	R	R	R	R
Central Water or Sewage Treatment System – outside a County approved Special District <i>without</i> a Land Use Permit	N/A	S	S	S	S	S	S	S	S	S	S	S
Central Water or Sewage Treatment System – within a County approved Special District	N/A	R	R	R	R	R	R	R	R	R	R	R
Compost Facility	1/employee	A						A				
Day Care Center	1/employee + 1/child	S	C	C	C	C	R	R		A		C
Fire Station	Per Land Use Review	C	C	C	C	C	C	C	C	C	C	C
Motor vehicle storage	Per Land Use Review						S	R				
Post Office	Per Land Use Review	C	C	C	C	C	C	C	C	C	C	C
Public Building - Civic	Per Land Use Review	S					R			R		
Public Utilities – Local Distribution and Service Lines, aboveground	N/A	R										R
Public Utilities – Local Distribution and Service Lines, underground	N/A	R	R	R	R	R	R	R	R	R	R	R
Public Utilities – Major Facilities	N/A	S	S	S	S	S	R	R	R	S	S	S
Public Utilities – Regional Distribution, aboveground	N/A	R	S	S	S	S	S	S	S	S	S	S
Public Utilities – Regional Distribution, underground	N/A	R	R	R	R	R	R	R	R	R	R	R
Railroad	N/A	S	S	S	S	S	S	S	S	S	S	S
Safety Training Facility	Per Land Use Review	C										
Schools	2/classroom	C	C	C	C	C	C			C	C	C
Senior centers and nursing homes	1/2 space/bed		S				C			C		C
Solar Energy Systems - Community Scale	N/A	C					C	C	C			
Solar Energy Systems - Utility Scale	Per Land Use Review	S					S	S	S			

Table 2.20.F.3 -Zone Districts and Overlays	Required Parking	AF	HDR	MR	MRE	MHR	C	I	M	SOR	SMR	HT
	Per 1000sf gross floor area unless stated otherwise											
Solar Energy System - Battery Storage System	Per Land Use Review	S					S	S	S			
Solid Waste Disposal Site	1	S					S	S				
Solid Waste Transfer Site or Recycling station	1	S					S	S	S			
Telecommunication Facilities – co-location on buildings or permitted towers	N/A	R	R	R	R	R	R	R	R	R	R	R
Telecommunication Facilities – freestanding antennas and towers	N/A	C	C	C	C	C	M	M	M	C	C	C
Transit shelter/stop	Required by transit provider	A	A	A	A	A	A	A	A	A	A	A
Transit terminals	Required by transit provider						R	R				
Wind Generator <80 feet	N/A	R	R	R	R	R	R	R	R	R	R	R
Wind Generator >80 feet	N/A	S					S	S	S			
<b>Industrial</b>												
Asphalt Plant	2 per 3 employees	S						S	S			
Concrete Plant		S						S	S			
Industrial								R				
Industrial, Light								R	R			
Injection Wells and Commercial Wastewater Disposal sites		S						S	S			
Junkyard		S						S				
Vegetation Harvesting		R	R	R	R							
Milling and processing of lumber		C			S			S	R			
Mining – Isolated		A	S	S	S	S	S	S	S	R	S	S
Mining, over 9.9 acres		S	S	S	S	S	S	S	S	R	S	S
Oil, gas, and coal bed methane exploration		S	S	S	S	S	S	S	S	A	S	S
Oil, gas, and coal bed methane production and development		S	S	S	S	S	S	S	S	S	S	S
Resource Exploration and/or Core Sampling (non Oil & Gas)		A	A	A	A	A	A	A	A	R	A	A
Seismic Testing or other Mineral Exploration		A	A	A	A	A	A	A	A	R	A	A

Table 2.20.F.3 -Zone Districts and Overlays	Required Parking	AF	HDR	MR	MRE	MHR	C	I	M	SOR	SMR	HT
	Per 1000sf gross floor area unless stated otherwise											
Sludge Disposal		A										
<b>Miscellaneous</b>												
Accessory Uses and Structures	Per Land Use Review	R	R	R	R	R	R	R	R	R	R	R
Bed and Breakfast	1+1 per room	C			S		R			C	C	C
Day Care Home	1/6 children	R	R	R	R	R	R	R	R	R	R	R
Dwelling Unit(s) attached to a business	1 per dwelling unit						R	R	R	C		C
Floodplain Development	N/A	M	M	M	M	M	M	M	M	M	M	M
Heliport/Helipad	N/A											
Home Industry	N/A	S	S	S	S	S	C	R	R	S	S	S
Home Occupation	N/A	R	R	R	R	R	R	R	R	R	R	R
Landing Strip – private non-commercial	Per Land Use Review	S										
Log and soil storage	2 per 3 employees	R										
Outdoor Storage	N/A	R	R	R	R	R	R	R	R	R	R	R
Reservoirs, non-agricultural greater than 1 acre	N/A	S	S	S	S	S	S	S	S	S	S	S
Secondary Dwelling Unit	1 per dwelling unit	R	R	R	R					R	R	R
Signs	N/A	M	M	M	M	M	M	M	M	M	M	M
Special Event, Small	Per Land Use Review	M	M	M	M	M	M	M	M	M	M	M
Special Event, Large	Per Land Use Review	S	S	S	S	S	S	S	S	S	S	S
Temporary Uses	Per Land Use Review	A	A	A	A	A	A	A	A	A	A	A
Waterbody Crossing	N/A	M	M	M	M	M	M	M	M	M	M	M
Wildlife Preserve	Per Land Use Review	R										
<b>Outdoor Recreation</b>												
Boat Dock	Per Land Use Review	R								R		
Campground/RV park – commercial	1 per campsite	S					R					
Camping, extended, private non-commercial	1 per campsite	M										

Table 2.20.F.3 -Zone Districts and Overlays	Required Parking	AF	HDR	MR	MRE	MHR	C	I	M	SOR	SMR	HT
	Per 1000sf gross floor area unless stated otherwise											
Camping – private non-commercial	N/A	R										
Fishing – private non-commercial	N/A	R	R	R	R	R	R	R	R	R	R	R
Guided Tours, Small	Per Land Use Review	R										
Guided Tours, Large	Per Land Use Review	C										
Golf course	Per Land Use Review	S								S	S	S
Horseback rides, guided commercial or unguided rentals	1 per 6 equestrian stalls	A										
Indoor riding arena or stable – community or commercial	1 per 6 equestrian stalls	C			C		R	R		-		
Indoor riding arena or stable – private	1 per 6 equestrian stalls	R			R							
Parks and recreation lands	4	A	A	A	A	A	A	A	A	A	A	A
Parks and recreation lands including athletic fields	4	S		S	S	S	S	S	S	R	S	S
Race track for motorized vehicles	Per Land Use Review	S					S	S		S		
Recreational Facilities, Indoor	3						R			C		
Recreational Facilities, Outdoor - Rural	4	C					C			C	R	
Recreational Facilities, Outdoor – Rural with Overnight Accommodations	1/2 per rentable bedroom	S					S			C		
Rentals or tours with mechanized modes of transport of guests such as ATV, snowmobile, snowcat, motorcycle, helicopter, etc. or any tours or rentals that use County Roads	Per Land Use Review	S					S					
Ski area and/or lift, tow or other type of special uphill transportation facilities, warming houses, sledding area	Per Land Use Review	S								S	S	
<b>Residential</b>												
Manufactured Home Community	2 per dwelling unit					S						
Multiple Family Dwelling	1 per dwelling unit		R				C			R	R	R
One Family Detached Dwelling	2 per dwelling unit	R	R	R	R	R	R	R	R	R	R	R
Solar Energy Systems - Small Scale	N/A	R	R	R	R	R	R	R	R	R	R	R
Temporary Workforce Housing	1 per dwelling unit	S					S	S	S			

Table 2.20.F.3 -Zone Districts and Overlays	Required Parking	AF	HDR	MR	MRE	MHR	C	I	M	SOR	SMR	HT
	Per 1000sf gross floor area unless stated otherwise											
Timeshare												
Two-Family Dwelling	2 per dwelling unit		R				R			R	R	R
Workforce Housing	1 per dwelling unit		S			S				S	S	S

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## 2.21 Land Use Categories

- A. General. The purpose of this section is to define Routt County’s broad land use categories. Each category includes information about its characteristics, typical accessory uses, and certain specific standards. In addition to the specific standards listed in this Section, all development is subject to the standards of Chapter 3, Development Standards. Land Use categorization may be interpreted by the Planning Director, pursuant to **Section 2.20.C**.
- B. Agricultural Uses.
1. Characteristics. The use of land and buildings for the production of crops, agricultural products, animals, and animal products.
  2. Examples. Examples include farms, ranches, nurseries, commercial greenhouses, bee keeping, community garden, or similar uses.
  3. Accessory Uses. Accessory uses may include maintenance facilities for the uses on the site, parking, and garbage, trash, and recycling areas.
  4. Standards. Outside storage only as incidental to and necessary for the uses allowed on the property (but not junk yards). Fuel Storage that is used for the uses allowed on the property, subject to any Fire District requirements.
  5. Exceptions. Uses accessory to a residence (such as a backyard garden) do not constitute Agricultural Uses unless the produce or livestock is intended for wholesale or retail businesses.
- C. Assembly Uses.
1. Characteristics. The use of land or buildings by arts or cultural institutions or establishments that are community-based or non-profit in nature.
  2. Examples. Examples include performing arts centers, community centers, public buildings, libraries, museums, religious and non-religious assembly, or civic and fraternal clubs.
  3. Accessory Uses. Accessory uses may include offices related to the operation of the primary use, maintenance facilities for the uses on the site, parking, and garbage, trash, and recycling areas.
  4. Exceptions. For-profit bars, night clubs or similar performance spaces, galleries, and commercial museums are considered Commercial Uses.
- D. Commercial Uses.
1. Characteristics. The use of land or buildings for financial gain such as commerce, trade, business, merchandise, or office.
  2. Examples. Examples include businesses providing office, service, retail, and restaurant sales.
    - a. Office examples include insurance agencies, medical and dental offices, clinics, professional offices, publishing, and real property sales or management companies.
    - b. Restaurant examples include nightclubs and bars, neighborhood cafés.

- c. Retail examples include auto parts and hardware, books, building material dealers, commercial kitchen or bakery, consumer goods rental, clothing, convenience stores, consumer electronics, florists, food and beverage stores, grocery stores, office supplies, gas stations, pet stores, sporting goods, vehicle sales.
    - d. Service examples include banks, personal or sporting equipment storage lockers, beauty shops, laundry and dry cleaning, pharmacy, health and fitness facility/spa, repair and maintenance shops.
  3. Accessory Uses. Accessory Uses may include a common kitchen, health facilities, parking, or other amenities exclusively for the use of employees in the business or building, maintenance facilities for the uses on the site, parking, and garbage, trash and recycling areas.
  4. Exceptions. Manufacturing and heavy maintenance and repair are considered Industrial Uses. Uses which meet the standards of a Home Occupation or Home Industry will be classified as those uses.
- E. Essential Services Uses.
  1. Characteristics. The development or maintenance of infrastructure deemed essential for the health, safety, and general welfare of the community.
  2. Examples. Examples include fuel (such as gas, electrical, and steam distribution), or water, wastewater and storm water transmission or distribution systems (underground, surface or overhead). The development or maintenance of wireless telecommunication services facilities and/or equipment used exclusively for police, fire and/or other emergency response communication systems is considered essential services. Schools, civic buildings, and day care centers are also considered Essential Services.
  3. Accessory Uses. Accessory uses may include control, monitoring, data, or transmission equipment, maintenance facilities for the uses on the site, parking, and garbage, trash and recycling areas.
  4. Exceptions. Gas stations are considered Commercial Uses.
- F. Industrial Uses.
  1. Characteristics. Uses engaged in the manufacturing, processing, fabrication, assembly, servicing, preparation, treatment, packaging, research, storage, warehousing and distribution of products that may not be entirely enclosed within a structure.
  2. Examples. Examples include resource extraction businesses, concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; repair, or storage of heavy machinery, metal, and building materials; towing and vehicle storage; heavy truck servicing and repair; building, heating, plumbing or electrical contractors; printing,

publishing and lithography; exterminators. Generally, few customers from the general public come to sites with these uses.

3. Accessory Uses. Accessory uses may include offices, parking, outdoor storage, and garbage, trash, and recycling areas.
4. Exceptions. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Commercial Uses. Where the majority of traffic to the business is for retail sales and the manufacturing use is entirely indoors, the use will be categorized as Commercial. Uses which meet the standards of a Home Occupation or Home Industry will be classified as those uses.

#### G. Outdoor Recreational Uses

1. Characteristics. The use of land or buildings for recreational activities that may be categorized as urban or rural.
2. Examples. Outdoor Recreational Uses classified as urban would include parks, playgrounds, play fields, batting cages, commercial athletic fields, miniature golf, water slides, alpine slides, skateboard parks, or similar uses.
3. Outdoor recreational uses classified as rural would include parks, golf courses, horseback riding facilities, cross-country skiing, downhill skiing, sledding hills, shooting ranges, sporting clays, racetracks, or similar uses that are generally dependent on a rural location.
4. Accessory Uses. Accessory uses may include concessions, parking, associated structures or infrastructure, maintenance facilities, and garbage, trash, and recycling areas. Accessory uses may include storage areas or structures, ski area and/or lift, tow or other type of special uphill transportation facilities, warming houses, or sledding areas. These uses may also include overnight accommodations.

#### H. Residential Uses.

1. Characteristics. A dwelling unit used or intended for use exclusively for long-term dwelling purposes, which is occupied by a single resident, family, or household.
2. Examples.
  - a. Residential Uses: One-family, two-family, multiple-family residential.
  - b. Building Types: Detached residential dwellings, also known as Single-Family Residences; attached residential dwellings; duplex dwellings where two units are attached in an over-under or side-by-side configuration; and multi-family dwellings which contain three or more units and may include apartment buildings, condominiums, townhomes, fourplexes and multiplexes, rowhomes, bungalow courts.
  - c. In addition, residential uses are further classified into free market and affordable, or workforce housing for purposes of advancing the County's goals for the increased production of affordable and workforce housing.
3. Accessory Uses. Accessory uses commonly found in residential areas include secondary dwelling units, storage structures, Home Occupations, Home Industries, parking of the occupants' vehicles and on-site small-scale solar. Bed and Breakfasts are considered an Accessory Use.

4. Exceptions. Uses classified as Hotel/Motel/Lodge uses, Guest Ranch, Industrial Uses, Retail Uses, and Commercial Uses.

## **2.22 Accessory Uses and Structures**

- A. Definition. A use or structure that is subordinate, incidental to, and customarily found in connection with a Principal Use. For instance, a garage is typically considered an Accessory Use to a residential use.
- B. Standards. All Accessory Uses and Structures shall comply with all of the following criteria:
  1. Accessory Uses shall be clearly incidental, customary to, and commonly associated with the established permitted or approved Primary Use.
  2. Accessory Uses shall be built and/or conducted only in conjunction with an established permitted or approved primary use. An Accessory Use cannot be established without an established and active Primary Use that is in compliance with this UDC.
    - a. No building permit for construction of an Accessory Structure, where a building permit is required, shall be authorized prior to construction of the principal structure or establishment of a primary use. Agricultural-related buildings in the AF zone district are exempt from this provision.
    - b. The Accessory Use or Structure may be built simultaneous with or after construction and/or establishment of the primary use. An Accessory Structure shall not be used or occupied prior to a certificate of occupancy or use is approved for the principal structure or use with which the Accessory Structure is associated.
  3. Accessory Uses and Structures shall be operated and maintained under the same ownership as the established permitted or approved primary use.
  5. An Accessory Use or Structure shall be located on the same lot, parcel, or tract as the principal structure or use. The Accessory Use or Structure may only be located on a contiguous lot or parcel under the same ownership, upon the recording of a use or combination agreement that binds the use or structure to the lots, parcels, or tracts in common ownership.
  6. Any Accessory Structure must comply with the Routt County Building Code.
  7. Unless otherwise indicated within the UDC, Accessory Uses and Structures shall conform to the development standards specified in the zone district in which the building or use is located. The area of the accessory structure shall be included in any lot coverage calculation.
  8. Accessory Structures shall meet all setback requirements and shall not be located in any easement unless specifically allowed in accordance with the UDC.
  9. Specific Accessory Uses or Structures may have additional standards set forth in this UDC specific to that use or structure.

10. Any building, structure or use that is not identified as an allowed use, approved conditional or special use, and that does not qualify as an accessory structure or use, is a violation of this Code and is subject to enforcement.

**2.23 Agriculture, Value Added Agriculture Processing**

- A. Definition. The processing of agricultural products including the processing of poultry. Within Routt County, there are three types of Value Added Agriculture Processing , categorized by level of impact. Table 2.23.B sets forth the criteria applicable to each category. Any operation which does not meet all criteria in a category moves to the next higher intensity category.
- B. Any Value-Added Agriculture Processing and sales use shall be subject to the following standards:
1. The agricultural processing operation must be clearly incidental to and supportive of the primary agricultural use of the property.
  2. The agricultural processing and sales operation must be operated by the owner or lessee of the agricultural use.
  3. The hours of the processing and retail operation are limited to the hours between 7:00 am and 9:00 pm, unless otherwise approved through the permitting process.
  4. The processing facility shall not be classified as a hazardous waste generator under state or federal regulations.
  5. Sales of products on site shall be limited to those grown or processed on the site and those products clearly incidental and accessory to the farm/ranch products, or as declared and approved through the permitting process.
  6. The accessory retail sales area shall not exceed 300 square feet.
  7. Any item processed must be raised or grown by the owner or lessee of the agricultural use. This includes but is not limited to poultry.
  8. Adequate sanitation facilities shall be approved by the County Environmental Health Department.

<b>Table 2.23.B: Value Added Agricultural Processing Operation</b>					
	<b>Small – Administrative Permit</b>	<b>Medium – Conditional Use Permit</b>		<b>Large – Special Use Permit</b>	
<b>Acreage</b>	Any Acreage	Less than 35	More than 35	Less than 35 More than 35	More than 35
<b>Percentage of product grown on site</b>	More than 75%	More than 50%	More than 50%	Less than 50%	Less than 50%
<b>Facility size</b>	1200 square feet or less	1200 square feet or less	1201-4000 sq. ft.	1201-4000 sq. ft.	4000 sq. ft. or greater

<b>Vehicle trips per day</b>	Less than 50	Less than 50	Less than 50	More than 50	More than 50
<b>Number of birds per year</b>	0-249	250-500	250-500	501-1,000	501-1,000

### 2.24 Agriculture, Agritourism Enterprise

- A. Definition. Activities conducted on a working farm or ranch and offered to the public for the purpose of recreation, education, or active involvement in the farm or ranch operation. This term includes, but is not limited to, farm tours, hayrides, cooking classes, and classes related to agricultural products or. An Agritourism Enterprise shall not include accommodations.
- B. Review Process.
1. Agritourism Enterprises that have fewer than 50 vehicle trips per day shall be required to obtain a Minor Use Permit.
  2. Agritourism Enterprises that have 50 or more vehicle trips per day shall be required to obtain an Administrative Permit.
  3. Standards. Any use permitted as an Agritourism Enterprise shall be subject to the following standards:
    - a. The Agritourism Enterprise must be clearly incidental to and supportive of the primary agricultural use of the property.
    - b. The Agritourism Enterprise must be operated by the owner or lessee of the agricultural use.
    - c. Sales of products on site shall be limited to those clearly incidental and accessory to the Agritourism Enterprise or as declared and approved through the permitting process.
    - d. The hours of operation are limited to the hours between 7:00 am and 9:00 pm, unless otherwise approved through the permitting process.
    - e. Adequate sanitation facilities shall be approved by the County Environmental Health Department.

### 2.25 Agriculture, Farm Stand

- A. Definition. A permanent or temporary stand for the sale of agricultural products.
- B. Standards. Any Farm Stand use shall be subject to the following standards:
1. Facilities for the sale of agricultural products shall not exceed 300 square feet
  2. Sales of products on site shall be limited to those grown on site, those clearly incidental and accessory to the primary agricultural use, or those declared and approved through the permitting process for Imported Products.

### 2.26 Agriculture, Plant Nursery – Retail Sales

- A. Definitions.

1. Plant Nurseries: A business that consists of raising and harvesting indoors of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing.
  2. Horticulture: A business that includes growing of horticultural or flora cultural specialties, including flowers, shrubs, and trees intended for ornamental or landscaping purposes, but excluding retail sales. This use includes wholesale plant nurseries and greenhouses.
- B. Standards. Greenhouses, Plant Nurseries, and Horticulture uses shall be subject to the following standards:
1. Facilities used primarily for retail sales area shall not exceed 500 square feet.
  2. Sales of products on site shall be limited to those grown on site and those clearly incidental and accessory to the Greenhouse, Nursery, or Horticulture operation.

## **2.27 Agriculture, Animal Sales Yard**

### **A. Animal Sales Yard**

1. Definition. Permanent structure or location specifically for the purpose of transferring ownership of livestock and/or horses.

## **2.28 Airport Overlay Zone District**

A. Definition. The Airport Overlay Zone District is defined in Section 1 of this Chapter. This Section is intended to further qualify the allowed uses in the AO Zone District. Applicability. This section shall apply to all land areas in the AO Zone District.

B. Standards. All development, within the AO Zone District, are subject to the following standards, in addition to those standards that would otherwise apply to a particular use:

1. Any development must comply with 14 C.F.R. 77, and the applicable Airport Layout Plan.
2. Due to the level of noise associated with airport operations, residential uses are highly discouraged inside the entirety of the AO Zone District.
3. SSA. Permitted uses for property that is in a Subzone of the SSA are as set forth in the City of Steamboat Springs Community Development Plan Section 237.
4. YVRA. Permitted uses for property that is in a Subzone of the YVRA are as set forth in the base zone district as further qualified by this Section.
5. No use may create electrical interference with radio communication between an airport and aircraft.
6. No use may make it difficult for pilots to distinguish between airport lights and other lights, cause glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the taking off or the maneuvering of aircraft in the vicinity of the airport.
7. Land use patterns that separate airport related noise sources from residential and other noise-sensitive areas and that avoid danger to public health and safety or to property due to aircraft operations are encouraged.
8. Noise attenuation in building design shall be encouraged and may be required for structures located within the overlay.

9. In areas subject to flight hazards, uses such as schools, churches, hospitals and libraries are not encouraged. Open space, recreational and agricultural uses are encouraged in these areas.
10. An aviation easement is required as a condition of approval for all development applications.
11. A disclosure of airport proximity is required as a condition of approval for all development applications.
12. The owner of any legal non-conforming structure or object of natural growth is required to permit the installation, operation or maintenance thereon of such markers or lights as shall be deemed necessary by the Board of County Commissioners or any other appropriate authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such non-conforming structures or objects of natural growth.
13. All development shall be subject to height restrictions based on the Subzones and the Airport Layout Plan.
14. Additional standards may be applied to development in each of the Subzones in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community.

## **2.29 Bed and Breakfast**

- A. Definition. A use within a single-family dwelling or accessory structure where overnight or otherwise short-term, temporary lodging for the general public is provided and meals are included. This is considered an accessory use to the primary residential use.
- B. Applicability. This section shall apply to any application for a Bed and Breakfast use.
- C. Standards. All development, or the portions of developments, that are permitted for Bed and Breakfast uses, are subject to the following standards:
  1. The permittee must provide satisfactory evidence that the water system serving the subject property is constructed in accordance with Routt County standards.
  2. The wastewater disposal system shall be designed to accommodate the proposed use and shall be installed under permit from the Routt County Department of Environmental Health.
  3. The owner or manager of the property shall be a full-time resident of the subject property.
  4. All guest rooms shall be an integral part of the principal Dwelling Unit.
  5. No cooking facilities, other than a microwave oven, shall be allowed in the guest rooms.
  6. Hot breakfast shall be served daily, under appropriate licensing by the Environmental Health Department. Breakfast may only be served to occupants of the bed and breakfast.
  7. There shall be no more than four guest bedrooms.
  8. Occupancy by any guest shall be less than 30 consecutive days.
  9. All advertising shall clearly identify the project code under which the Bed & Breakfast was approved.



### **2.30 Camping, Private, Non-Commercial**

- A. Definition. Camping that is used for private recreation by the property owner and/or their invited, non-paying personal guests of the property.
- B. Standards. All Private, Non-Commercial Camping is subject to the following standards. If any one of these standards is not met, the use does not qualify as Private, Non-Commercial Camping.
  - 1. These facilities shall not be open to the public.
  - 2. A maximum stay of 60 days cumulative in a calendar year.
  - 3. No permanent structures are permitted for the camping use.
  - 4. The camping use shall have no perceptible noise or direct light emissions at the property line between 10pm and 7am.
  - 5. Camping facilities shall adhere to zone district setbacks.
  - 6. Camping shelters and accessories shall be removed when not in use.
  - 7. Camping is intended as a temporary, recreational, or leisure activity and shall not be utilized as a dwelling unit.

### **2.31 Camping, Extended, Private, Non-Commercial**

- A. Definition. Camping, private, non-commercial that occurs between 61 and 180 days.
- B. Standards. All Extended Private Camping that is Non-Commercial is subject to the following standards:
  - 1. All Extended Private Camping shall comply with the standards in **Section 2.30.B**, in addition to the standards in this subsection, except where superseded by this section.
  - 2. A maximum stay of 180 days continuous in a calendar year shall be allowed for extended camping.
  - 3. Camping shelters may remain erected during the 180-day continuous camping stay, even while not in use.
  - 4. Camping shelters and accessories shall be removed at the end of the permit period.

### **2.32 Camping, Commercial**

- A. Definition. Camping that is open to the general public and consists of one or more camping spaces. A camping space may be primitive or developed. This type of camping creates higher levels of impacts including trash, traffic, and noise.
- B. Standards
  - 1. Facilities shall be designed and located to protect rural character. Considerations in determining compliance with this standard include:
    - a. Use of landscaping and fencing to shield camping area from view of a public right of way;
    - b. Locating any facilities, such as bathrooms and showers away from a public right of way;
    - c. Incorporating larger setbacks than required in the applicable zone district; and

- d. Minimizing site grading
2. All facilities shall provide bear proof trash facilities.
3. All facilities shall adhere to zone district setbacks.
4. Hookup facilities shall be provided for all campground facilities, unless proposed as “dry camping” pursuant to **subsection B.5**, below.
  - a. Campgrounds with 1-3 spaces shall provide the following facilities:
    - i. Dumping stations; and
    - ii. Sanitation facilities, including toilets and potable water.
  - b. Campgrounds with 4 or more spaces shall provide the following facilities:
    - i. 120V and/or 240V electrical hookups for each site;
    - ii. Dumping stations;
    - iii. Sanitation facilities, including toilets, potable water, and showers; and
    - iv. Landscaping that will screen the campground within a 5-year period.
5. A “dry campground” is one where electric and water hook-ups are not proposed. These facilities shall prohibit all users from dumping water or waste onto the property when facilities under **subsection B.4.b** do not exist. A dumping station may be provided, as the applicant’s discretion.
6. Campgrounds shall comply with the regulations adopted by the Colorado Department of Public Health and Environment, including, but not limited to the Standards and Regulations for Campgrounds and Recreational Areas, 6 CCR 1010-9.
  - a. Water supply systems on the campsite shall be designed, constructed, and maintained in compliance with Colorado Department of Health regulations and recommendations to provide a safe, potable and adequate supply of water.
7. All advertising shall clearly identify the project code under which the Camping use was approved.

### **2.33 Compost Facility**

- A. Definition. A facility where organic materials, such as food scraps and lawn clippings, from one or more parcel are brought and converted to compost material under a process of managed biological decomposition.
- B. Standards.
  1. Shall be classified by the State as a Conditionally Exempt Small Quantity Composting Operation.
  2. Composting facilities shall not be permitted in areas of special flood hazard, waterbody setbacks, areas of geologic hazard, or in high priority habitat.
  3. All composting operations, including storage of compostable materials and wastes, shall be setback from all property lines by a minimum of 200 feet.
  4. All composting operations, excluding storage of wood chips or other bulking agents, shall be setback from all water wells by a minimum of 200 feet.

5. A truck routing plan, indicating the anticipated hauling routes and impacts to County roads and bridges, is required.
6. The use, storage, or disposal of hazardous materials is prohibited.

C. Exclusions.

1. Backyard composting facilities associated with an individual dwelling unit are exempt from the requirements of this section.
2. Composting that is accessory to an Agricultural Use is exempt from this section and subject to the requirements for Accessory Uses.

### 2.34 Central Water System

- A. Definition. A system which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year.

### 2.35 Day Care Center

- A. Definition. A building where care, protection, and supervision are provided, on a regular schedule, at least twice a week to more than 12 children or adults, including the children of the adult provider. The term "Day Care Center" also includes "child care centers" and "day nurseries", with or without stated educational purposes.

1. Exclusions. The term does not include the following:

- a. Kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning.
- b. Facilities operated in connection with a shopping center or service, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or are in the immediate vicinity and readily available.
- c. Special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

2. Standards

- a. The care center shall serve a minimum of eight children in a family home or more than three children in a facility other than a family home.
- b. There shall be a minimum of 75 square feet of outdoor activity area per child that could be expected to be outdoors at any one time. Such activity area or portions thereof shall be enclosed by a fence meeting all the requirements of this UDC. Up to 25% of this requirement may be waived by the Planning Commission if the following conditions are met:
  - i. A park or similar permanent open space, suitable for supervised outdoor play, is located within 500 feet of the proposed facility.

- ii. The park or similar permanent open space, suitable for supervised outdoor play, is half an acre or larger.
- iii. The park or similar permanent open space, suitable for supervised outdoor play, is accessible from the proposed daycare/childcare facility location without crossing any street.
- c. Hours of operation shall be limited to 6:00 A.M. to 7:00 P.M.
- d. If a day care facility is proposed in the I zone district, it must be an integral component of the business operation where it is proposed.
- e. All advertising shall clearly identify the project code under which the Camping use was approved.

### **2.36 Dog Boarding**

A. Definition. A building or structure that provides the boarding of dogs.

B. Standards

1. The facility shall be licensed under the Colorado Pet Animal Care and Facilities Act (PACFA), C.R.S §§ 35-80-101 through 117.
2. No Dog Boarding shall be permitted within 300 feet of any dwelling unit unless both the owner and occupant of the dwelling consent to the same; the applicant to furnish such consent in writing.
3. All boarding facilities shall be kept in a clean and sanitary condition, at all times.
4. Dogs kept therein shall be reasonably restrained to the greatest extent possible from creating nuisances to the general public by barking, yelping, or howling.
5. Facilities and all interior components must be constructed of building materials that will ensure the facility is of sound physical structure, be maintained in good repair, protect animals kept there from injury, ensure containment of animals within the property, and restrict entry of other animals and humans from outside the property.
6. All outdoor play areas must be enclosed.
7. Grooming work areas at retail/wholesale, animal shelter, and boarding/training facilities must be physically separated from enclosures, animal food storage or preparation areas, and isolation areas.
8. No dog may be boarded longer than 30 consecutive days.
9. All methods of waste disposal shall be approved by the Routt County Environmental Health Department.
10. All advertising shall clearly identify the project code under which the Camping use was approved.

### **2.37 Dwelling Unit Attached to a Business**

A. Definition. In this instance, the residential living space is physically connected or integrated with commercial or business establishments, typically within the same building or structure. (See also Dwelling or Dwelling Unit in [Chapter 9](#).)

B. Standards

1. Each dwelling unit is limited in occupancy to no more than two persons per bedroom plus an additional two persons.
2. The business shall be limited to work that does not create nuisances including sound, sight, or smells that conflict with residents in the attached dwelling.
  - a. This requirement may be met through implementing buffering and screening measures to mitigate potential conflicts. Methods may include landscaping, walls, fences, soundproofing, etc.
3. The business and dwelling unit should both function in a way that complements each other and contributes positively to the overall character of the area.
4. The residential dwelling unit(s) shall not have primary access through the business.
5. There shall be no more than two dwelling units attached to a business outside of the Industrial (I), Commercial (C), or Mining (M) zone districts.
6. The sum of all attached unit(s) shall not exceed the primary business square footage.

### **2.38 Dwelling, Multiple Family**

- A. Definition. A use in which three or more families respectively occupy individual dwelling units contained within a single building. (See also Dwelling or Dwelling Unit in [Chapter 9](#).)
- A. Standards
  1. Each dwelling unit is limited in occupancy to no more than two persons per bedroom plus an additional two persons.
  2. Accessory Uses that provide common amenities for residents, such as office, laundry, recreational facilities are permitted, subject to the standards of [this Chapter subsection 2.22, Accessory Uses and Structures](#).

### **2.39 Dwelling Unit, Secondary**

- A. Definition. A dwelling unit that is ancillary to and located on the same lot as a principal single-family dwelling.
- B. Standards
  1. A Secondary Dwelling Unit and the Primary Dwelling Unit must use a single entry point on the public road system or the road system in the subdivision in which the units are located.
  2. A Secondary Dwelling Unit may not be separated from the Primary Dwelling Unit by more than 200 feet on parcels less than 35 acres, or by more than 300 feet on parcels 35 acres or more, measured from the closest part of the exterior wall of each Dwelling Unit.
  3. Size limitations.
    - a. The maximum size for a Secondary Dwelling Unit containing fewer than two bedrooms is 850 square feet of Habitable Space.
    - b. The maximum size for a Secondary Dwelling Unit containing two or more bedrooms is 1,000 square feet of Habitable Space.

4. The minimum lot size for a Secondary Dwelling Unit without Central Water and Central Sewage Collection System is five acres.
- C. Large Lot Approval Standards. For parcels seventy (70) acres or larger, Secondary Dwelling Units may be constructed on a single buildable lot in accordance with the following standards:
1. Any Secondary Dwelling Unit permitted shall not exceed 2,000 square feet of Habitable Space in size.
  2. The total number of Dwelling Units on a parcel shall be limited to one Dwelling Unit per 35 acres.
  3. Prior to the issuance of a building permit, the owner of the Buildable Lot must execute a recordable agreement in a form prescribed by the Planning Department which prevents any separation of interests or division of the Buildable Lot that would increase the residential density on the Buildable Lot in excess of that permitted by this section.
  4. All secondary units on the Buildable Lot shall be accounted for in the agreement required above and comply with the standards in this **section D**. Chapter 2, **Section 2.33.C** Design Standards do not apply.
- D. Historic Structures. For parcels that contain a dwelling unit that has been designated as an historic site pursuant to Routt County Resolution 93-006 or is listed on the state or federal register of historic buildings, Secondary Dwelling Units may be constructed on a single Buildable Lot in accordance with the following standards:
1. A Secondary Dwelling Unit and the Primary Dwelling Unit must use a single entry point on to the public road system.
  2. A Secondary Dwelling Unit may not be separated from the Primary Dwelling Unit by more than 500 feet measured from the closest part of the foundation of both Dwelling Units.
  3. The maximum size for a Secondary Dwelling Unit is 2,000 square feet of habitable space.
  4. Minimum lot size for a Secondary Dwelling Unit without Central Water and Central Sewage Collection System is five acres.

#### **2.40 Dwelling, Single Family**

- A. Definition. A residential building that contains one principal dwelling unit and that may also contain one secondary dwelling unit. (See also Dwelling or Dwelling Unit in **Chapter 9**.)
- B. Standards
1. Each dwelling unit is limited in occupancy to no more than two persons per bedroom plus an additional two persons.
  2. Dwelling Unit Size.
    - a. Single Detached Dwelling Units shall be limited to 7,500 sq ft of livable space.

- b. A garage of up to 750 sq ft shall be exempt from this limitation. A garage may be larger than 750 sq ft, but any space in excess of 750 shall be counted as part of the overall 7,500 sq ft limitation.
- c. A basement of up to 4,000 sq ft shall be exempt from this limitation. A basement may be larger than 4,000 sq ft, but any space in excess of 4,000 sq ft shall be counted as part of the overall 7,500 sq ft limitation.
- d. Basements shall be limited to no more than one full level below grade. A crawl space meeting the requirements of the building code may be located below a basement level.
- e. Accessory structure(s) of up to 4,000 sq ft total shall be allowed. Accessory structure(s) may be larger than 4,000 sq ft, but any space in excess of 4,000 sq ft shall be counted as part of the overall 7,500 sq ft dwelling unit size limitation.
- f. Exceptions. *[Readers note: there are two options proposed for an exception for LPS. Either subsection ii OR iii will be adopted, but not both. To be discussed with the PC and BCC during their review.]*
  - i. This limitation shall not apply to the Sydney Peak Ranch Subdivision, Storm Mountain Ranch Subdivision, or the Lake Catamount Subdivision.
  - ii. This limitation shall not apply to any existing or future subdivision approved as a Land Preservation Subdivision (LPS).  
**OR**
  - iii. For parcels located in an existing or future Land Preservation Subdivision (LPS), a sliding scale of house size applies based on the size of the Remainder Parcel, as follows:
    - A. For dwelling units associated with an LPS that has a Remainder Parcel that is 60 acres in size or less, dwelling unit size shall be limited to 7,500 sq ft.
    - B. For dwelling units associated with an LPS that has a Remainder Parcel that is 61 acres in size to 100 acres in size, dwelling unit size shall be limited to 9,500 sq ft.
    - C. For dwelling units associated with an LPS that has a Remainder Parcel that is 100 acres in size to 200 acres in size, dwelling unit size shall be limited to 11,500 sq ft.
    - D. For dwelling units associated with an LPS that has a Remainder Parcel that is 201 acres in size or more, dwelling unit size shall be limited to 13,500 sq ft.

## 2.41 Dwelling, Two-Family

- A. Definition. A use in which two families respectively occupy two dwelling units contained within a duplex building. Also referred to as a Duplex. (See also Dwelling or Dwelling Unit in Chapter 9.)
- B. Standards
  - 1. Each dwelling unit is limited in occupancy to no more than two persons per bedroom plus an additional two persons.

2. A walkway shall connect each entrance to a public sidewalk or driveway. A door that leads into a garage does not qualify as a front entrance.
3. On corner lots, only one unit's garage may face each street.
4. To ensure that units are unique in design and promote visual interest, each half of all new side-by-side duplex buildings shall differ with respect to at least two of the following design elements:
  - a. Silhouette of rooflines; or
  - b. Massing or building projections; or
  - c. Entry configuration, including orientation, placement, architectural delineation, porches, or other features; or
  - d. Size and placement of windows; or
  - e. Front setback; or
  - f. Difference in unit size of at least 20 percent
5. Each unit in the Duplex shall contain a minimum of 25% of the square footage of the entire duplex structure.
6. All duplexes shall be connected to central water system and central sewer system.
7. Dwelling Unit Size.
  - a. In Zone Districts that include a limitation on dwelling unit size, the size limitation shall apply to the entire building, such that the sum total of each Duplex Dwelling Unit shall not exceed the maximum. For instance, if the unit size is limited to 7,500 sq ft, the entire duplex shall not exceed 7,500 sq ft.
  - b. A garage of up to 750 sq ft per unit shall be exempt from this limitation. A garage may be larger than 750 sq ft, but any space in excess of 750 shall be counted as part of the overall 7,500 sq ft limitation.
  - c. A basement of up to 4,000 sq ft per unit shall be exempt from this limitation. A basement may be larger than 4,000 sq ft, but any space in excess of 4,000 sq ft shall be counted as part of the overall 7,500 sq ft limitation.
  - d. Basements shall be limited to no more than one full level below grade. A crawl space meeting the requirements of the building code may be located below a basement level.
  - e. Accessory structure(s) of up to 4,000 sq ft total shall be allowed. Accessory structure(s) may be larger than 4,000 sq ft, but any space in excess of 4,000 sq ft shall be counted as part of the overall 7,500 sq ft dwelling unit size limitation.

## 2.42 Golf Course

- A. Definition. An area of land planned, organized, operated, and maintained for the purpose of playing golf. A golf course may include a driving range, maintenance yard, and an accessory clubhouse.
- B. Standards
  1. A detailed site plan shall be submitted. Such site plan shall include the following:
    - a. Existing conditions
    - b. Hydrological considerations (waterbodies, wetlands, etc.)



- c. Soil and sub-surface conditions
  - d. High priority habitat
  - e. Proposed layout of tee boxes, fairways, greens and cart paths
  - f. Errant shot zone for each hole
  - g. Grading plans
  - h. Groundwater monitoring well locations
  - i. Stormwater management plan
2. All greens, tees, and fairways shall be setback at least 500 feet from all uses on adjacent properties.
3. All waterbody impacts, including rivers, streams, lakes, and wetlands should be avoided and the course shall be devised to incorporate them with a protective buffer area in compliance with **Chapter 3, Section 3.14**.
4. All disturbance and course features shall be setback at least 300 feet from the edge of waterbody.
5. The determination of an adequate water supply must be made by the Division of Water Resources or the applicable Metro District. This supply must provide for all required consumptive uses, including, but not limited to, irrigation and potable uses for the golf facilities.
6. Monitoring the water quality of groundwater and surface-water is required. The applicant shall prepare a water quality monitoring plan that includes the following:
  - a. Site specific considerations that ensure that chemical, physical, biological, microbiological, and toxicological data are appropriate and reliable, and are collected and analyzed using scientifically sound procedures.
  - b. Identify the sites for monitoring to ensure an adequate understanding of impacts to groundwater and surface-water is possible. Monitoring shall occur at the same sites before, during, and following construction.
  - c. Sampling parameters shall be identified. At a minimum this shall include nutrient levels (including total nitrogen, nitrate-nitrite, ammonium/ammonia, total Kjeldahl nitrogen, total phosphorus, and orthophosphate), pH and alkalinity, sediments, suspended solids, dissolved oxygen (DO), heavy metals, and any pesticides expected to be used on the golf course.
  - d. Exceedance levels shall be identified. Exceedance levels shall be proposed based on receiving water bodies and local, state and federal designations for those receiving water bodies.
  - e. Monitoring of wildlife, including macroinvertebrates shall also be conducted based on CPW best practices.
  - f. Sampling shall be conducted and performed by a competent professional. Sample testing shall be performed by an independent, certified lab.
  - g. Shall provide a list of best management practices to be employed to protect against exceedances in sampling parameters.
  - h. The water quality monitoring plan shall include measures that will be taken to address exceedances in sampling parameters.
7. Monitoring timeframes.

- a. Post-construction water quality sampling shall begin with the installation of golf course turf and landscaping. In a year when water samples are required to be collected, samples shall be taken monthly for the period of May 1 through November 1. For surface water samples collected in areas of moving water (rivers, streams, creeks, constructed and natural drainage conveyance), should there be no discharge on the scheduled sample date, samples shall be taken during the next discharge event and the no discharge condition will be documented in the sampling report. All other samples must be collected as required.
  - b. Post-construction sampling is required annually for the first ten years of operation, and every two years thereafter, provided that all post-construction water quality monitoring has been completed, the waterbody sampled is not listed on the impaired waterbody/303d list/impaired groundwater list, and the development continues to implement all current management plans. If a waterbody monitored is included on the impaired waterbody/303d list/impaired groundwater list, sampling is required to continue for the life of the use.
  - c. If project monitoring determines that any sampling parameters have been exceeded, the golf course shall cease all activities determined to be contributing to the exceedance and the golf course shall be required to submit to Routt County a report indicating updates to the course operations and best management practices that will allow for compliance with water quality regulations. Failure to submit a report and plan for updated operations will result in the termination of all golf course operations. A specific plan on how to address the exceedances shall be developed and implemented.
  - d. A report detailing the results of the site monitoring shall be provided to the County, and any agency charged with management of the receiving body of water within 30 days of the sampling. The report shall be completed by an environmental specialist.
8. Monitoring Plan Updates – Every ten years, applicant shall update the Monitoring Plan with Routt County presenting a summarized report of water quality monitoring findings over the previous ten years, identify successes in proactively managing water use and protection of ground water and surface water quality impacts, identify any parameter exceedances, present trends in sampling results over time, identify changes to designations of receiving water bodies, evaluate sampling parameters and exceedance levels for continued relevance and any new or emerging sampling parameters that should be added. In the event that the applicant fails to update the Monitoring Plan, Routt County may enforce suspension of activities of golf course activities until such time as an updated Monitoring Plan is submitted and approved by the County.
9. Golf courses shall implement the following water quality management techniques:
- a. Berms, filter strips, and other green infrastructure shall be strategically sited and installed to capture pollutants in surface runoff.

- b. Shall maintain no-fertilizer buffer zones around waterbodies. Such buffers shall be identified on the submitted site plan.
  - c. The use of impervious pavement shall be minimized.
  - d. Riparian areas shall be restored by planting native plants in areas where robust riparian vegetation doesn't exist.
  - e. All cart paths, roads, or driveways shall comply with the waterbody crossing standards found in **Section 3.11.G**.
10. Golf courses shall implement the following water management techniques:
- a. The size of fairways shall be limited to the greatest extent possible.
  - b. Install efficient irrigation systems such as drip irrigation or smart sprinkler systems helps to deliver water directly to the root zone of the turfgrass, minimizing water wastage.
  - c. Use soil moisture sensors to accurately measure the moisture content of the soil and adjust irrigation schedules accordingly.
  - d. Cycle irrigation sessions to ensure good infiltration and minimize runoff.
  - e. Select low-water-use turfgrasses, groundcovers, shrubs and trees for use on the course.
  - f. Apply the minimum amount of nutrients, pesticides, herbicides, and fungicides to maintained landscape areas
  - g. Use mulches in shrub and flower beds to reduce water evaporation losses.
  - h. Adjust mowing heights to the ideal levels, depending on species and seasonal water use characteristics.
  - i. Use soil cultivation techniques such as spiking, slicing and core aeration to improve water infiltration and minimize runoff during irrigation or rainfall events.
  - j. Limit cart traffic to paths to minimize turf wear and limit soil compaction.
  - k. Root pruning trees near critical turf areas to prevent tree competition with the turf for moisture and nutrients.
  - l. Utilize bioinfiltration and / or bioretention techniques where possible, and permitted by Colorado law, to reduce stormwater runoff volume and filter pollutant from stormwater runoff.
  - m. Utilize strategies to effectively manage stormwater runoff and erosion to minimize the loss of topsoil and minimize impact on adjacent waterbodies, including rivers, streams, lakes, and wetlands.
11. Greens and tees shall be located in areas where the maximum high-water table or bedrock is greater than four feet below the surface, unless the applicant can illustrate through an assessment from an engineer licensed in the State of Colorado that a lesser depth will properly protect the water table. Field determination of high bedrock and/or ground water shall be conducted with respect to the final grading of those locations.
12. Underdrain systems for greens and tees must maintain four feet of soil separation between the subsurface leaching system and high bedrock and/or ground water. Field verification is required.

13. Golf course sites with soils that have poor infiltration rates shall be capped with a 6-inch layer of sand to allow uniform water infiltration and a significant reduction in water use by reducing runoff and avoiding over-application of irrigation water.
14. All safety measures shall be taken to ensure that hazardous chemicals, including oil, gasoline, fertilizers, pesticides, herbicides and any other substance that has the potential of contaminating water/soil resources, shall be placed, stored, contained, disposed of in a manner that will ensure no hazardous environmental contamination occurs. These measures must protect both ground water and surface water.
15. If the existence of a golf course causes expenses to another entity by directly affecting the water quality of a water body, the owner/operator of the golf course shall be responsible for all the expenses incurred by any entity receiving the expense.

### **2.43 Group Home**

- A. Definition. A residence that provides non-institutional housing for persons living as a single housekeeping unit pursuant to C.R.S. 30-28-115 as follows:
  1. A group of no more than 8 persons with developmental disabilities living in a state-licensed group home or community residential home;
  2. A group of not more than 8 persons with a mental illness living in a state-licensed group home;
  3. A group of not more than 8 persons 60 years of age or older who do not need nursing facilities; or
  4. Any other type of home allowed under the provisions of the Fair Housing Act, for any type of protected class, or pursuant to any other applicable law.

### **2.44 Group Residential Facility**

- A. Definition. A residence, not qualifying as a group home, that provides a community living environment for individuals requiring custodial care, medical treatment, or specialized social services. This term includes specialized group child care home, facility or center; residential child care facility; residential treatment facility; shelters for the homeless; and shelters from domestic violence.
- B. Size
  1. For Group Residential Facilities with eight or fewer individuals, a parcel size of 35 contiguous acres is required.
  2. For Group Residential Facilities with between 9 to 12 individuals, a parcel size of 70 contiguous acres is required.
- C. Standards
  1. If a facility provides overnight accommodations, no area shall be regularly used for sleeping by residents except for a bedroom.
  2. Cooking facilities may not be provided in individual rooms. Common cooking facilities are permitted.

3. All applicable state and federal licensing or certifications shall be obtained in good standing at all times. If the facility is specifically designated for alcohol/drug rehabilitation, it must, prior to beginning operation, be certified by the Colorado Agency for Recovery Residences (CARR) and shall maintain the license in good standing at all times.
4. Screening of any outdoor parking or outdoor storage shall be provided through additional setbacks, landscaping, fences, berms, or any other method acceptable to the applicable review authority.
5. A facility providing care for nine to 12 individuals shall provide a transportation study to determine the amount of trips that will be generated by the facility. All additional trips beyond a typical residential use shall be mitigated. Required mitigation measures may include, but are not limited to, road and bridge improvements or upgrades, dust mitigation measures, additional traffic signage, and the like.

## **2.45 Guest Ranch**

- A. Definition. An agricultural operation with an additional use for the lodging and boarding of guests while they engage in recreational activities on or adjacent to the ranch.
- B. Standards
  1. The Guest Ranch shall be accessory and secondary to the primary agricultural use as a means to supplement, not supplant, the primary agricultural use.
  2. A Guest Ranch is limited to parcels that are at least 105 contiguous acres and include active ranching and agricultural uses.
  3. The historic uses or character of the land shall not be altered.
  4. The number of guest rooms, cabins, or other accommodations shall be limited to 6. The maximum overnight guest capacity shall be 20 persons.
  5. Lodging rooms or individual cabins must not be used for long-term occupancy, and occupancy by any guest shall be less than 30 consecutive days.
  6. Where activities require use of public lands and the guest ranch does not directly abut these lands, the applicant shall provide proof of legal access through a written agreement or easement. If public roads will be used to access the public lands, a road impact study may be required.
  7. Full-service cooking or dining facilities may be provided subject to adopted County codes.
  8. At least one employee onsite at any time shall be first aid and CPR certified and be trained in emergency procedures applicable to the use. An AED shall be available on site and radios or cell phones shall be provided to employees in case of emergency.
  9. All accidents requiring emergency services shall be reported to the Planning Department.
  10. Safety equipment appropriate for the activity, such as helmets, harnesses, ropes, and any other gear necessary shall be provided. All safety equipment shall meet industry standards and shall be regularly inspected and maintained.
  11. All advertising shall clearly identify the project code under which the use was approved.

#### **2.46. Guided Tours, Small**

- A. Definition. Tours such as hunting, fishing, balloon rides, ski/bike tours, and raft trips, without permanent staging or lodging facilities.

#### **2.47. Guided Tours, Large**

- A. Definition. Tours such as hunting, fishing, balloon rides, ski/bike tours, raft trips, and dogsled rides that include permanent staging or lodging facilities.

- B. Standards.

- 1. All advertising shall clearly identify the project code under which the use was approved.

#### **2.48 Healing Center**

- A. Definition. A business providing Natural Medicine, as defined by Colorado HB 23-290.

- B. Standards

- 1. A Healing Center shall obtain all required permits and licenses from the State of Colorado prior to operation, and shall maintain licenses in good standing at all times.

- 2. All consumption shall occur inside an enclosed structure.

- 3. Hours of operation are limited to 7am to 7pm.

- 4. There shall be no more than 15 people present at a single time.

- 5. All Healing Centers shall be located:

- a. At least 200 feet from any property boundary.

- b. At least 1,000 feet from any public park, religious or educational institution, publicly owned building, school, child care facility, public institution, or national/state forest, park, or wilderness areas.

- c. At least 1,000 feet from any property that is zoned for residential use, except for the AF Zone District.

- 6. All advertising shall clearly identify the project code under which the use was approved

#### **2.49 Heliport/Helipad**

- A. Definition. A designated area on a property or building for a helicopter to land and take off safely. The area may include support operations such as fire suppression, maintenance and fueling. Heliports and Helipads are considered Accessory Uses to a medical center, ski area, fire station, and the like.

- B. Size

- 1. A Heliport/Helipad shall be located on a parcel that is a minimum of 35 contiguous acres of land.

- C. Standards. All Heliports and Helipads shall meet the following standards:

1. Facilities shall only be used in emergency situations, such as medical emergencies, firefighting or search and rescue operations, and may not be used for general transportation purposes.
2. The takeoff and landing area shall have a minimum length and width (or diameter if circular) of one-and-one-half (1-1/2) times the overall length of the largest helicopter intended to use the facility.
3. All pavement markings shall be provided in accordance with FAA standards.
4. Fire protection shall be provided in accordance with the applicable fire district's standards. Where specific equipment or devices are required by said standards, it shall be the responsibility of the applicant to ensure that the nearest fire station has such equipment available.

## **2.50 Home Industry**

- A. Definition. A non-residential use that does not qualify as a Home Occupation that may be allowed by permit, provided it meets all the requirements below.
- B. Standards. Any use as a Home Industry must obtain a permit and is subject to the following standards.
  1. The owner or manager shall be a full-time resident of the property and operate the home industry.
  2. All activity related to the home industry must be conducted within or adjacent to the Dwelling Unit, or within an accessory structure.
  3. In the AF Zone District a maximum of 8 on-site employees, including those residing in the Dwelling Unit, are permitted to work in connection with the home industry. In all other Zone Districts a maximum of 3 on-site employees, including those residing in the Dwelling Unit, are permitted to work in connection with the Home Industry.

## **2.51 Home Occupation**

- A. Definition. An accessory use consisting of a business activity conducted inside a dwelling unit or its accessory structures .
- B. Standards. Home Occupations shall be subject to the following standards. A proposal which fails to satisfy all of the criteria for a Home Occupation shall be reviewed as a Home Industry or other applicable permit.
  1. Does not change the character of the residential neighborhood in which it is located.
  2. Home occupations shall only employ residents of the dwelling unit and a maximum of one nonresident employee.
  3. The home occupation use must be clearly secondary to the residential use of the dwelling unit.
  4. The use must be contained entirely within the dwelling unit or an accessory structure.
  5. The maximum square footage permitted for the home occupation use is based on the parcel size, as follows:
    - a. 800 square feet for parcels that less than five acres in size.

- b. 1,200 square feet for parcels that are five to less than 35 acres in size.
  - c. 1,500 square feet for parcels that are 35 acres or greater in size.
6. One unlit sign up to 16 square feet may be permitted, subject to compliance with Chapter 3, Section 5.
7. No noise, vibration, smoke, dust, odors, heat, glare, or light associated with the use which is noticeable at or beyond the property line is permitted. Dumping of materials or waste from the Home Occupation is prohibited.
8. The use shall not change the appearance or character of the dwelling unit or the neighborhood.
9. The use shall not generate an amount of traffic which is a nuisance or which affects the residential character of the neighborhood.
10. For home occupations conducted on sub-35-acre parcels, no more than one vehicle devoted to the home occupation use may be parked outside on the property.
11. No more than two customer vehicles may be at the home occupation at one time, and no more than two deliveries may be permitted per day. This allowance is not intended to allow for the outdoor storage of vehicles.

## **2.52 Hotel/Motel/Lodge**

- A. Definition. A building established for temporary rental occupancy with or without meals. A hotel/motel/lodge (“Hotel”) may include accessory amenities such as common dining or restaurant, assembly or conference room, indoor recreation, personal services, or retail uses.
- B. Standards
  1. The Hotel shall provide accommodations with a minimum of five guest rooms.
  2. Each guest room in a Hotel shall have a maximum size of 800 square feet.
  3. Rooms connected via lock-off doors to provide flexible room configurations may not be built or configured to exceed 1,500 square feet.
  4. In the HT and TO-2 zone districts Hotel are limited to no more than six rooms or cabins.
  5. All Hotels shall comply with all safety requirements of the adopted building code and fire codes.

## **2.53 Industrial, Light**

- A. Definition: A facility, that is not described as another specific industrial use, for research and development or manufacturing, processing, fabrication, assembly, servicing, preparation, treatment, packaging, research, storage, or distribution of finished or semi-finished products from previously prepared materials. Light industrial uses do not have significant external effects or pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials.
- B. Standards
  1. Outdoor storage shall be screened with landscaping or opaquely fenced from adjoining roads or properties.



2. All Light Industrial uses, except outdoor storage, shall occur entirely within a completely enclosed, permanent building.
3. Dust, fumes, odors, refuse matter, smoke, vapor, noise and vibration shall be confined to the building.
4. Access and parking areas shall be surfaced with asphalt, concrete, or equivalent paving; where appropriate, the installation of porous pavement or other techniques to reduce runoff is encouraged.

#### **2.54 Indoor Riding Arena or Stable**

- A. Definitions. An enclosed structure used for riding lessons, exercising horses, riding competitions, stabling horses, or other similar uses.
  - a. Community or commercial: An enclosed structure of commercially leasable space available to the public on a fee basis or is owned and operated by a homeowners (or similar) association for use by members of the association.
  - b. Private: A non-commercial facility for the sole use of the owner or occupant of the property where the facility is located.
- B. Standards
  1. An indoor riding arena or stable shall have a maximum footprint of 5,000 square feet.

#### **2.55 Junkyard**

- A. Definition. An open or enclosed area on which any junk, inoperative vehicles, machinery, or similar scrap material of any type are stored or dismantled. This definition also includes scrap metal processors, auto-wrecking yards, construction materials, salvage, scrap, and recycle yards, and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business has such materials located on the premises on a customary basis.

#### **2.56 Landing Strip**

- A. The following regulations establish standards for Landing Strips (“landing facility”).
- B. Definition. Designated areas or structures specifically designed and equipped to facilitate the safe landing, takeoff, and parking of airplanes.
- C. Size
  1. The landing facility shall be located on a parcel that is a minimum of seventy (70) contiguous acres of land. Once a landing facility is located on a parcel, at no time shall the parcel be subdivided to less than seventy (70) acres or the landing facility shall be removed. Landing facilities shall require a development agreement with Routt County, recorded in the records of the Routt County Clerk and Recorder, restricting the parcel from being reduced below seventy (70) acres, prior to permit issuance.

D. Standards. Any use permitted as a landing facility shall be subject to the following standards:

1. No runway shall be placed such that either end is within one half mile of any dwelling unit on an adjacent property.
2. The landing facility must be oriented so that airplane takeoffs and landings will not pass within 1,000 feet of any school, Dwelling Unit or place of public assembly.
3. Limits may be placed on the number and allowable times for takeoffs and landings.
4. The applicant shall provide evidence that the Federal Aviation Administration has or approved the use of the airspace.
5. The BCC may require an agreement for Routt County or other appropriate public body, to use the facility for emergency and/or other public purposes.

### **2.57 Light Industrial Uses in Commercial Zone District**

A. Definition. Light Industrial uses which are permitted in the Commercial Zone District.

B. Applicability. This section shall apply to uses involving a Light Industrial Use in Commercial Zones.

C. Standards. All uses permitted as Light Industrial Uses in Commercial Zones shall be compatible with retail, office, and service uses. Uses include any by-right uses that are listed in the Industrial Zone District and those that meet the following standards:

1. All uses shall comply with all Industrial, Light standards (subsection 2.50) in addition to the following:
  - a. Service areas, as well as circulation of delivery and shipping vehicles, shall be designed so as not to conflict with adjacent commercial uses.
  - b. No vehicles that are more than "single axle" shall be parked on the site for purposes other than daily delivery or shipping necessary for the use, unless parked within the permitted building. The compatibility of overnight parking of any other vehicles on site shall be evaluated during the Site Plan Review.
  - c. No use shall be permitted that requires specialized construction to such a degree that it would preclude the reasonable conversion of the space to commercial use.
  - d. A report identifying the type, composition and quantity of all waste materials shall be reviewed and approved by the management of the appropriate sewage treatment facility and the Routt County Department of Environmental Health.
  - e. No toxic or flammable materials shall be stored within the permitted area unless approved by the Regional Building Department, local fire district, and Routt County Department of Environmental Health.
  - f. Service areas, as well as circulation of delivery and shipping vehicles, shall be designed so as not to conflict with adjacent commercial uses.
  - g. No vehicles that are more than "single axle" shall be parked on the site for purposes other than daily delivery or shipping necessary for the use, unless parked within the permitted building. The compatibility of overnight parking of any other vehicles on site shall be evaluated during the Site Plan Review.

- h. No use shall be permitted that requires specialized construction to such a degree that it would preclude the reasonable conversion of the space to commercial use.

## **2.58 Manufactured Home Community**

- A. Definitions. A development planned and improved for the placement of three (3) or more manufactured homes on sites for lease.
- B. Standards. The following standards shall apply to new and existing Manufactured Home Community (MHC) located in the Manufactured Home Residential (MHR) Zone District. No manufactured homes or spaces may be added in any community until a new or amended Site Plan Review has been obtained in compliance with this section.
  - 1. Site. The sites or lots within a MHC shall comply with the following standards:
    - a. Home lots shall be located on slopes that are less than fifteen (15) percent.
    - b. Home lots shall not be located in areas of land slide, rock fall, avalanche or mud flow hazard.
    - c. Communities shall be graded for rapid drainage and free from stagnant pools of water.
    - d. Communities shall be located outside of established floodplains and 100-year flood events.
    - e. Each community shall reserve a minimum of ten (10) percent of the total site as a recreational area with community amenities, such as a playground or park. The recreational area shall not include any roads, streets, driveways or parking spaces.
  - 2. An MHC shall be screened from adjacent highways, roads or other residential areas by plantings which will effectively screen the park within an 8 year period through the undertaking of a planting program.
  - 3. Both trash and recycling containers shall be made equally available to all residents.
  - 4. Pedestrian walks shall be provided along park streets and from park streets to individual homes and all community and service facilities where the lack of such walks constitute a safety hazard.
  - 5. The owner or a designated community manager shall be available or on call at all times in event of emergency.
  - 6. Roads and Streets
    - a. Each MHC shall have vehicular access to a public street or highway.
    - b. Each manufactured home space shall have vehicular access to a road, street, or alley.
    - c. Vehicular streets shall be clearly identified, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times, and surfaced when necessary to minimize mud and dust. All newly constructed vehicular streets shall be of a minimum width of twenty (20) feet where no on-street parking is permitted; twenty-eight (28) feet where on-street

parking is permitted on one side only; and thirty-six (36) feet where on-street parking is permitted on both sides.

- d. Roads and streets, whether public or private, shall be provided with drainage ditches and culverts as necessary to control surface water runoff.
- e. Off-street parking spaces, and any driveways connecting such spaces to a road or street, shall be graveled or hard surfaced.

## 2. Manufactured Home Spaces

- a. Manufactured home spaces shall be delineated on a scaled site plan kept on file with the County and the park owner/manager, and shall also be identified onsite with pins, fencing, or other physical demarcations.
- b. The undercarriage of all manufactured homes shall be screened from view on all sides.
- c. Tanks and storage areas shall be screened or otherwise concealed.

### 2.59 Office

1. Definition. The use of land or building or portion thereof involving the establishment, transaction and delivery of business, medical, or professional services or activities, but not for use as a residence.
2. Standards
  - a. An individual office space shall be limited to no more than five-thousand (5,000) square feet.

### 2.60 Outdoor Storage

- A. Definition. The keeping of any materials including, but not limited to, machinery, equipment, vehicles including recreational vehicles, parts, materials, junk, scrap, timber, trash debris, or other goods in an unenclosed area on any property such that the materials or items are wholly or partially visible on a regular basis.
- B. Standards.
  1. Outdoor storage of any materials that are not incidental to a use by right or an approved permitted use is prohibited.
  2. Outdoor storage of hazardous materials is strictly prohibited.
- C. Exemptions.
  1. Vehicles, implements, or equipment used for farming or ranching purposes in the AF Zone District.
  2. Unlicensed vehicles being actively maintained for racing or competitive purposes or vehicles defined as collector's items pursuant to C.R.S. § 42-12-101 et seq.

### 2.61 Parks and Recreation Land

- A. Definitions.
  1. Parks and Recreation Lands, Alone: An area devoted to non-commercial recreational uses and generally characterized by its natural, historic or landscaped features that is

- used for either passive or active forms of recreation. May include amenities such as trails, trailheads, fishing accesses, playgrounds, and tennis courts, but does not include athletic fields. Exterior lighting is prohibited.
2. Parks and Recreation Lands Including Athletic Fields: An area devoted to non-commercial recreational uses and generally characterized by its natural, historic or landscaped features that is used for either passive or active forms of recreation. May include facilities such as trails, trailheads, playgrounds, tennis courts and athletic fields. Exterior lighting of playgrounds, athletic fields, or other facilities is allowed.

## **2.62 Personal Service Establishment**

- A. Definition. An establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, such as beauty shops, shoe repair, domestic services.

## **2.63 Public Utilities**

- A. Definition. Use that provides utilities including energy, telephone, and gas.
- B. Major Facilities may include the following:
  1. Major facilities for distribution, or transmission of natural gas, petroleum or other minerals including but not limited to:
    - a. Gas transmission pipelines and associated facilities designed for or capable of transporting gas at pressures in excess of 100 pounds per square inch.
    - b. A compressing facility that is part of a common carrier pipeline.
    - c. Temporary storage areas appurtenant to pipelines described above.
  2. Major facilities of electrical utilities including:
    - a. Electrical generating plants and associated facilities designed for, or capable of, operation at a capacity of ten megawatts or more.
    - b. Electrical transmission lines of greater than 44 KV or more.
    - c. Electrical substations utilized for the purpose of transforming voltage up to a voltage level above 44 KV or for transforming voltages down from a voltage level greater than 44 KV, and related equipment.
    - d. A facility utilized for switching purposes and related equipment operated at a voltage above 44 KV, other than switches mounted on a line structure.
  3. Major facilities of other Public Utilities including but not limited to water pipelines.
- C. Regional Distribution Public Utilities may include the following:
  - a. Telephone or cable television lines, except those lines or cables required to provide service to individual users.
  - b. Distribution pipelines and associated facilities for natural gas designed for and capable of transporting gas at pressures of 100 pounds per square inch or less.
  - c. Electrical transmission or distribution lines with voltages between 44 KV and 25 KV and electrical substations utilized for the purpose of transforming voltages of 44 KV to 25 KV down to a lower voltage.

D. Local Distribution and Service Line Public Facilities may include the following:

1. Telephone or cable television lines providing service to individual users.
2. Local distribution and service pipelines and associated facilities for natural gas.
3. Electrical transmission, distribution and service lines with voltages less than 25 KV.

#### **2.64 Recreational Facility, Outdoor – Rural**

A. Definition. Structures and/or areas for recreational activities such as cross-country or downhill skiing, shooting ranges, sporting clays, racetracks, rally racing, where part or all of such activities are outdoors and generally dependent on a rural location and which do not meet the definition of Parks and Recreation Lands.

B. Size

1. All Rural Outdoor Recreational Facilities shall be located on parcels 70 acres or greater in size.

C. Standards. All Outdoor Rural Recreational Facilities shall comply with the following:

1. At least one employee onsite at any time shall be first aid and CPR certified and be trained in emergency procedures applicable to the use. An AED shall be available on site and radios or cell phones shall be provided to employees in case of emergency.
2. Any accidents requiring emergency services shall be reported to the Planning Department
3. Safety equipment appropriate for the activity, such as helmets, harnesses, ropes, and any other gear necessary shall be provided. All safety equipment shall meet industry standards and shall be regularly inspected and maintained.
4. All advertising shall clearly identify the project code under which the use was approved.

#### **2.65 Recreational Facility, Outdoor – Rural with Overnight Accommodations**

A. Definition. Structures and/or areas for recreational activities such as cross-country or downhill skiing, shooting ranges, sporting clays, racetracks, rally racing, where part or all of such activities are outdoors and generally dependent on a rural location and which do not meet the definition of Parks and Recreation Lands and includes overnight accommodations.

B. Size

1. All Rural Outdoor Recreational Facilities shall be located on parcels 105 acres or greater in size.

C. Standards. All Outdoor Rural Recreational Facilities with overnight accommodations shall comply with the following:

1. Overnight accommodations shall be accessory and secondary to the primary recreation use.
2. The number of guest rooms, cabins or other accommodations is limited to six. The maximum overnight guest capacity shall be limited to no more than 20 persons.

3. At least one employee on-site at any time shall be first aid and CPR certified and be trained in emergency procedures applicable to the use. An AED shall be available on site and radios or cell phones shall be provided to employees in case of emergency.
4. Any accidents requiring emergency services shall be reported to the Planning Department.
5. Safety equipment appropriate for the activity, such as helmets, harnesses, ropes, and any other gear necessary shall be provided. All safety equipment shall meet industry standards and shall be regularly inspected and maintained.
6. All advertising shall clearly identify the project code under which the use was approved.

### **2.66 Reservoir, Non-Agricultural**

- A. Definition. A natural or artificial lake used as a source of water supply.
- B. Size
  1. This section shall apply to any Non-Agricultural Reservoirs that greater than one acre in size.
- C. Standards
  1. A minimum of 50 feet shall separate such uses from non participating abutting properties.
  2. An applicant shall provide proof of a legal water right for the reservoir.
- D. Exemptions. This section shall not apply to reservoirs developed by Special Districts as they are subject to **Chapter 7, Areas of State Interest.**

### **2.67 Retail Establishment, Enclosed**

- A. Definition. The sales of goods or services to the general public where the sale takes place inside a structure, as a standalone operation or in conjunction with an outdoor retail establishment.
- B. Standards
  1. Individual retail establishments shall be limited to no more than 20,000 square feet.

### **2.68 Retail Establishment, Outdoor**

- A. Definition. The sales of goods or services to the general public where the sale takes place outside, as a standalone operation or in conjunction with an enclosed retail establishment.
- B. Standards
  1. The outdoor retail establishment shall be limited to no more than 10,000 square feet.
  2. All portions of the site used for retail storage shall be entirely screened or fenced from adjoining roads or properties.

3. Dust, fumes, odors, refuse matter, smoke, vapor, and vibration shall be imperceptible at the property boundary. Noise beyond the property line shall be compliant with state statute.
4. The hours of the retail operation are limited to the hours between 7:00 am and 9:00 pm.

## **2.69 Restaurant**

- A. Definition. A commercial establishment where meals are prepared and served to the public, including to patrons seated onsite or for takeout, and may or may not include outdoor seating, or a bar, as a accessory components of the use.

## **2.70 Safety Training Facility**

- A. Definition. A site, with or without structures, that is utilized for the purpose of providing training focused on public or personal safety, and is not used for recreational purposes.
- B. Standards
  1. The training area shall be located at least 2,000 feet from any residential structure on adjacent parcels.
  2. At least one employee on-site at any time shall be first aid and CPR certified and be trained in emergency procedures applicable to the use.
  3. Any accidents requiring emergency services shall be reported to the Planning Department.
  4. A comprehensive emergency response plan that outlines procedures for handling emergencies shall be developed and implemented. All staff members shall be trained in emergency protocols. Appropriate emergency contact information shall be readily available.
  5. Hours of operation for outdoor activities shall be limited to daylight hours. Indoor activities are not subject to this restriction.
  6. Safety equipment appropriate for the activity, such as eye and ear protection, and any other necessary gear, shall be provided. All safety equipment shall meet industry standards and shall be regularly inspected and maintained.
  7. Permittee shall provide notice to all landowners that have a residential structure located within one-half mile of the operation's location. Such notice shall be sent at least 14 days prior to any training activity and shall provide the date(s) and duration of the activity and a description of the nature of the activity. Notice shall be provided for each individual activity. Multiple activities may utilize a single notice as long as all activities are listed.
  8. No aircraft may be used in association with the operation.

## **2.71 School**

- A. Definition. An institution for instruction. Schools are classified as either public or private and by the type of instruction provided and the age of the students. A public school is an institution providing instruction which secures the major part of its funding from taxes or from government agencies. A private school is an institution providing instruction which



secures the major part of its funding from sources such as tuition and donations, and not from taxes or government agencies.

## **2.72 Self-Storage Unit**

- A. Definition. A facility comprised of individual storage spaces or lockers rented out to individuals or businesses for the purpose of storing personal belongings, inventory, or other items.
- B. Standards
  - 1. Facility layout, design, and exterior building materials and treatment for all structures including, but not limited to, fences, walls, gates, buildings, and landscaping shall be of high quality and be aesthetically pleasing when viewed from adjacent properties and the public right-of-way.
    - a. Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public road.
  - 2. The storage area shall be entirely screened from view from adjacent residential areas and public roads landscaping or fencing.
    - a. All fences or walls visible from the public right-of-way shall be constructed of decorative building materials such as slump stone masonry, concrete block, wrought iron, or other similar materials.
  - 3. The facility shall be well-maintained, including regular cleaning and maintenance of the facility, such as site sweeping, and upkeep of site landscaping. Units shall be maintained in good repair, free from rust, peeling paint, graffiti and other forms of deterioration.
  - 4. Each unit shall have a cohesive color scheme that comprises the entire facility. The colors shall be chosen to complement the branding and creates a pleasant ambiance. Neutral colors are encouraged.
  - 5. The layout of the facility shall be intuitive and easy to navigate for customers. The layout shall include clearly marked pathways, designated parking areas, and accessible entrances.
  - 6. All property stored on the site of a storage facility use shall be entirely within enclosed buildings.
  - 7. The storage shall occur only within a clearly delineated, designated area.

## **2.73 Short Term Rental**

- A. Definition. A Short-term rental is a type of lodging wherein a dwelling unit or lodging unit, either in full or in part, is rented or leased to a temporary occupant(s) for monetary consideration. The rentals are for fewer than 30 consecutive days. Also commonly referred to as Vacation Rentals, Vacation Rental by Owners, Airbnb's.
- B. Standards. Short-Term Rentals are not allowed in any part of unincorporated Routt County, unless a Special Use or Conditional Use permit has been issued for a land use expressly authorized by this Code (ex. Bed and Breakfast).

## 2.74 Ski Areas

### A. Definition.

1. A ski area is a designated and developed area specifically intended for winter sports activities such as skiing, snowboarding, and snow tubing. Ski areas include various facilities and amenities that are required to support recreational skiing and related activities, including ski slopes or trails, ski lifts, gondolas or surface tows for transporting skiers uphill, skier services, and ski patrol and emergency centers.

### B. Standards.

1. Summer recreational uses and facilities are encouraged to achieve multi-seasonal use of some of the facilities and provide for efficient use of the facilities.
2. The minimum lot area or site area shall be 40 acres, at least one acre of which shall be buildable area.
3. Open space and landscaping are both functional and aesthetic, are designed to preserve and enhance the natural features of the site, maximize opportunities for access and use by the public, provide adequate buffering between the proposed uses and surrounding properties, and, when possible, are integrated with existing open space and recreation areas.
4. Ski Areas are encouraged to provide alternative transportation options such as shuttles, public transit, and pedestrian pathways to reduce traffic congestion and emissions. In circumstances where there is a remote parking area for skiers or other users, a shuttle or alternative transportation system is required.
5. Ski Areas shall comply with the most up-to-date version of the Colorado Ski Safety Act.
6. Ski Areas shall comply with all applicable requirements of the Colorado Passenger Tramway Safety Board.
7. For Ski Areas wholly or partially located on federal land, the following standards shall apply:
  - a. Ski Areas are required to operate in compliance with their federal use permit.
  - b. Ski Areas shall comply with the most up-to-date version of the United States Department of Agriculture Forest Service's Accessibility Guidebook for Ski Areas Operating on Public Lands.

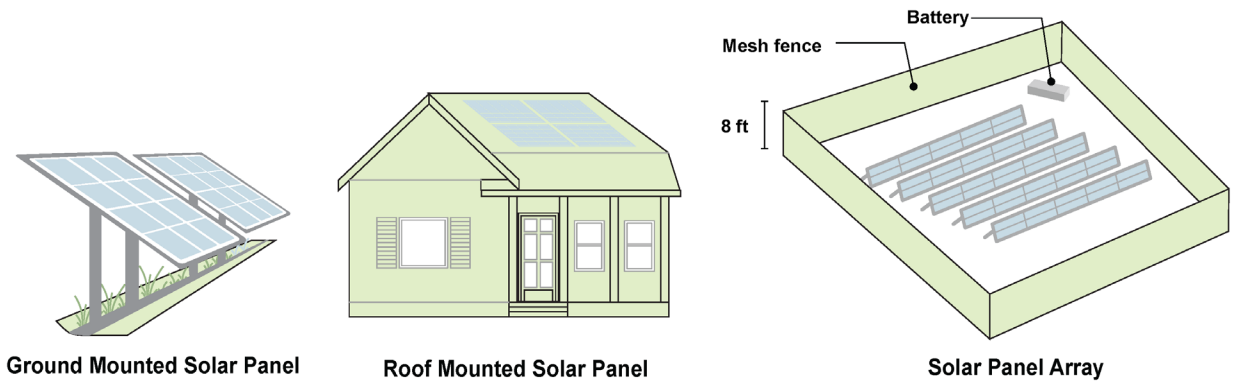
## 2.75 Solar Energy System – Community and Utility Scale

### A. Definitions.

1. Community-Scale Solar Energy Systems: Solar Energy Systems that are large in scale and primarily serve energy demands off-site from the facility. Community-Scale Solar Energy Systems are typically used to generate community- or neighborhood-wide energy. Due to their larger size, Community-Scale Solar Energy Systems typically have more off-site and on-site impacts. Community-Scale Solar Energy

Systems are those systems that are up to 20 acres in size and do not qualify as a Small-Scale Solar Energy System.

2. Utility-Scale Solar Energy Systems: Solar Energy Systems that are large in scale and primarily serve the energy demands off-site from the facility. Utility-Scale Systems are typically used to generate energy at the utility level and typically interconnect at a transmission level. Due to their larger size, they typically have more off-site and on-site impacts. Utility-Scale Solar Energy Systems are those systems that are up to 20 acres or larger in size.



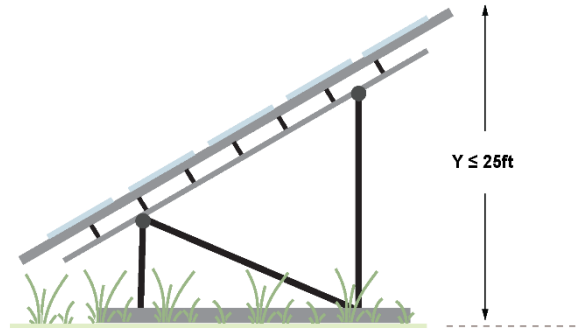
#### B. Purpose.

1. This section applies to all systems that produce renewable solar energy in unincorporated Routt County.
2. The following section serves to encourage the efficient and effective development and use of all systems and facilities that generate renewable solar energy while protecting the public health, safety, and welfare of Routt County's residents.
3. To meet the goals of the Climate Action Plan and Master Plan, this section is intended to carry out the following actions:
  - a. Remove barriers to community renewable energy facilities, such as solar gardens, on-site generation, and virtual net metering of solar PVs;
  - b. Determine criteria that help mitigate impacts to visual resources, air quality, water quality, wildlife habitat or agricultural areas; and
  - c. Support the reuse of former coal or other fossil fuel facilities or infrastructure to aid a transition to lower carbon and renewable energy.

#### C. Review Process.

1. Community-scale solar systems are subject to a Planning Commission review for a Conditional Use Permit Approval, pursuant to Chapter 4, **Section 4.32**. They must also comply with the requirements in **2.35.D** as applicable.

2. Utility-scale solar systems are subject to a Planning Commission and BCC review for a Special Use Permit Approval, pursuant to Chapter 4, **Section 4.33**. They must also comply with the requirements in **2.35.D** as applicable.
- D. Standards. The following performance standards shall be met for Community-Scale and Utility-Scale Solar Energy Facilities.
1. Coordination.
    - a. All Applicants must work independently with the transmission or distribution provider that their system intends to interconnect with to complete their interconnection process. A Power Purchase Agreement and/or Interconnection Agreement shall be submitted prior to the issuance of any access or road improvement permit(s) or building permits.
  2. Site Access.
    - a. Prior to commencement of any work to construct the facility, the applicant shall apply for and obtain any access or road improvement permit(s) from the Routt County Department of Public Works or CDOT, as applicable. The application shall comply with all requirements, including the then-adopted Routt County Road and Bridge Roadway Standards or CDOT standards, as applicable.
    - b. New access drives shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the site.
    - c. Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system.
  3. Road Engineering Study.
    - a. A Road Engineering Study shall be conducted according to Routt County Public Work's procedure. All improvements determined by the Road Engineering Study shall be installed prior to the commencement of any work to construct the facility.
  4. Height Limitation.
    - a. Ground-mounted solar collectors shall not exceed 25 feet in height, measured from the lowest of natural or finished grade below each solar collector to the highest extent of the solar collector rotation.



## 5. Visual Impacts.

- a. In order to minimize the visual impacts of the Solar Energy System, certain activities should be minimized or avoided. A site plan and visual impacts statement, with a description of the impacts and net effect of the proposed project on visual quality and proposed mitigation, shall be included in the application to determine compliance with the following standards:
  - i. Avoid clear-stripping of rights-of-way or easements. Any required clearing shall be designed to create a natural appearance that blends with surrounding vegetation by using variations in clearing width.
  - ii. Avoid creation of access scars.
  - iii. Avoid visually important scenic vistas, including, but not limited to, the south valley floor and the US Highway 40 and County Road 129 corridors.
  - iv. Preserve as much as possible the natural landscape.
  - v. Minimize alteration of the natural slope or aspect of any hillside.
  - vi. Stockpiles shall be limited to ten 10 feet in height.

## 6. Setbacks.

- a. The area of Solar Land Cover shall conform to the setback requirements of the underlying zone district and waterbody setbacks, except as set forth below.
- b. Adjoining lots may be collectively utilized for a single solar energy system facility across property lines and/or easements. In such event, the setback requirements of the underlying zone district shall be waived from any internal property lines of the project.
  - i. When the lots do not share one single owner, collective grouping is only allowed if an agreement signed by the owners of the affected lands is recorded with the Routt County Clerk and Recorder.
  - ii. Solar energy systems may cross easements with informed consent signed by the affected easement holder or beneficiary, agreeing to the

encroachment. This shall be an agreement signed by the owners of the affected lands.

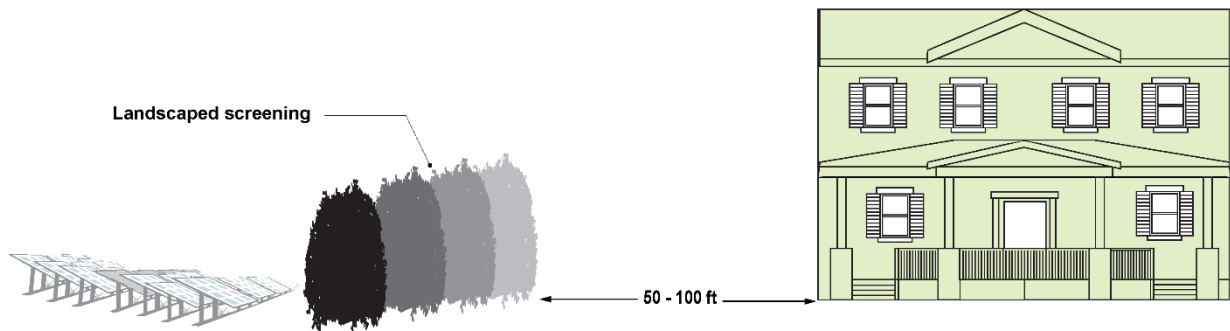
- c. When adjacent to an existing residential building, setbacks shall comply with the following standards:
  - i. Community-Scale Solar Energy Systems. The improved area must be at least 100 feet from existing residential buildings.
  - ii. Utility-Scale Solar Energy Systems. The improved area must be at least 100 feet from existing residential buildings.
  - iii. This residential setback requirement may be reduced by up to 50 percent if appropriate screening through landscaping, if an opaque fence is installed, or upon submittal of a waiver or informed consent signed by the affected landowner agreeing to the lesser setback. If landscaping or opaque fencing is substituted for setback, a landscaping plan or fencing plan shall be submitted and approved through the review process. In no case will the setback be reduced to less than that required by the underlying zone district for properties that are not part of the improved area.
- d. Solar Setbacks
  - i.

#### 7. Site Design.

- a. Applicants shall implement a site design that considers vegetation cost, effectiveness in infiltration, and diversity of an ecosystem, both under and between arrays.
- b. To the greatest extent practicable, the site shall be designed to avoid lands with environmental or culturally sensitive resources.

#### 8. Screening.

- a. Screening and buffering shall mitigate any adverse visual and audible impacts from Solar Energy Systems to adjacent properties. Screening of transformers, substations, switch stations, batteries, and associated enclosures, and buildings is required. Screening of the Solar Collectors is not required, however is encouraged through the following techniques:
  - i. The layout of these facilities shall be designed to minimize the amount of screening that is required.
  - ii. Vegetation or other screening techniques, such as fencing, may be used to effectively screen the area.
- b. Developments may be exempt from this screening requirement if the Planning Department finds that the screening requirements could negatively impact system performance.



## 9. Dust Mitigation.

- a. A dust mitigation plan specific to the duration of the construction is required at the time of application.
- b. The operator shall consult with CPW on dust suppression measures that occur within 500 feet of mapped waterways.
- c. The operators of the facility shall continuously employ practices detailed in their dust mitigation plan, which include, at a minimum the following actions:
  - i. Limit area of disturbance to reduce dust generation. Minimize overlot grading for projects and phase grading with construction;
  - ii. Minimize dust through gravel, water or chemically stabilizing public and private access roads, stripped areas, transfer points and excavations. Gravel or chemical stabilization is preferred, and water stabilization shall be minimized to the extent possible;
  - iii. Increase mitigation operations immediately in response to periods of high wind conditions or dust complaints; and
  - iv. Revegetate disturbed areas as soon as possible.

## 10. Fencing.

- a. The facility shall be enclosed with a security fence approved pursuant to a fencing plan. Appropriate signage shall be placed upon the fencing that warns the public of the high voltage.
- b. A fencing plan shall be included in the Wildlife Mitigation Plan, developed in consultation with CPW. All exclusionary fencing shall comply with the following requirements:
  - i. The height of the fence's top wire shall be eight feet;
  - ii. Fencing shall be mesh or woven with at least six inch openings; and
  - iii. No barbed wire may be used on top of the fence.

## 11. Ground Cover and Vegetation Preservation and Management.

- a. Applicants shall maximize the preservation of pre-construction vegetation. A site plan documenting vegetative cover types and condition is required to assess whether vegetation disturbance has been minimized.
- b. For the purpose of preventing erosion and managing runoff, disturbed land, including the land under and around the solar collectors, shall be revegetated in accordance with [section 3.10.D.2.c](#)). Seeding shall occur prior to, during, and after construction.
- c. Deep-rooted vegetative cover between and under arrays shall be used to lower bulk density, increase infiltrative capacity, and reduce the need for vegetative maintenance over the life of the project.
- d. Ground cover and vegetation shall be continually maintained on the site and replaced as needed for the duration of the permit. The applicant shall include a ground cover vegetation establishment and management plan as part of the application. Such plan shall include the following components:
  - i. A plan to establish vegetation to control invasive plant species and noxious weeds;
  - ii. Staged use of compatible cover crop with the final vegetative mix to bridge the time between the end of construction and establishment of final vegetative cover; and
  - iii. The use of appropriate vegetative cover under the array that can be self-sustaining and sufficient to maintain the vegetative root system and infiltrative capacity.

## 12. Erosion and Sedimentation Control.

- a. Erosion and sedimentation control measures must be employed to ensure that disturbed areas and soil stockpiles are stabilized during construction. An Erosion and Sediment Control Plan the following requirements shall be included in the application. The following control measures shall be used:
  - i. Retain topsoil that is disturbed during site preparation and construction to be used on-site; and
  - ii. Utilize retained topsoil during operation of the solar facility, as reasonably feasible, in order to minimize soil compaction and improve overall stormwater flows.
- b. When topsoil is stockpiled for use during reclamation efforts, the following standards shall be met:
  - i. Save and store all salvageable topsoil for use in reclamation; and
  - ii. Contour and condition topsoil stockpiles to a slope conducive to establishing vegetative cover; and
  - iii. The stockpile shall be no more than 1.5 meters in height and shall be designed as individual rows rather than one large pile.
- c. All disturbed areas shall be revegetated in accordance with [sections 3.10.D.2.c](#) and [3.10.D.2.d](#).

## 13. Stormwater and Water Quality.



- a. Solar Energy Systems shall not result in a degradation of Routt County's water resources. A Stormwater and Water Quality Plan that addresses the following requirements shall be included in the application. The systems shall adequately maintain water quality throughout the life of the solar energy system through the following standards:
  - i. Include a calculation of the watershed function in the development application. Use of the National Renewable Energy Lab (NREL)'s Photovoltaic Stormwater Research and Testing project (PV-SMaRT) may be used to determine the impact.
  - ii. Incorporate infiltration into the solar array layout to ensure sheet flow. This is particularly important in areas with Class C or D soils (tight soils, fine soils, clay, etc.). Information about the site's soils shall be included in the application.
  - iii. Implement measures that limit bulk density (the compaction of soils) as a method of managing stormwater runoff, water quality, and vegetation. The following measures shall be complied with:
    - iv. The soil bulk density shall be between 1.1-1.5 g/cm<sup>3</sup>. This standard may be adjusted depending on the soil classification or texture.
    - v. The site design (array layout, vegetation selection, final stabilization procedures) shall be modified to reduce bulk density, particularly for sites with finer soils.
    - vi. Bulk density shall be measured both before and after construction, both between arrays and under arrays.
    - vii. Post-construction, if bulk density is high, the areas between arrays shall be decompacted to a minimum of six inches and under arrays to a minimum of four inches.
    - viii. Minimize grading to the greatest extent practical and select pile and array systems that require less or no grading.
    - ix. During construction, the use of heavy equipment shall be limited to specific areas to minimize soil compaction.

#### 14. Emergency Response Plan.

- a. An Emergency Response Plan is required at the time of application.
- b. The applicant shall coordinate with all emergency response providers to develop the Emergency Response Plan.
- c. All personnel shall have access to the Emergency Response Plan and are required to be trained on its contents.
- d. The Plan shall describe the hazards to the facility and procedures to respond to them. It shall include at least the following:
  - i. Facility overview that describes site location, capacity and output, and key contacts including facility managers.
  - ii. Identification of all potential hazards (i.e. fire, electrical, chemical, weather-related events, and security threats)
  - iii. Equipment and areas vulnerable to hazards
  - iv. Emergency response

- v. Roles and responsibilities
- vi. Contact information
- vii. Training and drills
- viii. Communication protocols
- ix. Emergency procedures
- x. Fire suppression methods and equipment
- xi. Electrical hazard lockout procedures
- xii. Chemical hazard spill response procedures
- xiii. Severe weather monitoring and evacuation protocols
- xiv. Intrusion detection and response
- xv. Evacuation Plan
- xvi. First aid and medical assistance resources and equipment

15. Arrangement.

- a. Solar Collectors must be arranged in a way that:
  - i. Allows the passage of runoff between each Solar Collector, thereby minimizing the creation of concentrated runoff;
  - ii. Ensures a parallel layout of the drip edge to contours or install devices to ensure sheet flow from the drip edge. Larger panels require both additional separation or disconnection due to more volume at the drip edge (primarily for fixed rather than tracking arrays) and increase the need for dissipation BMPs to ensure sheet flow.
  - iii. Allows for the growth of vegetation beneath and between the collectors; and
  - iv. Provides wildlife movement corridors through the project area, as determined necessary, for the purpose of facilitating wildlife passage and landscape connectivity.

16. Underground Cables.

- a. All electrical cables on the improved area shall be buried except for string wires that connect between solar collectors, collection circuits between rows of solar arrays that are no more than four feet above grade crossings, substations, switchyards, and circuit voltages greater than 34.5 kilovolts (where necessary).

17. Provisions for Battery Energy Storage Systems.

- a. All batteries shall be configured so that battery cells are placed in a Battery Energy Storage System to store all developed electrical energy. The Energy Storage System shall provide a secondary layer of physical containment for the batteries and be equipped with cooling, ventilation, and fire suppression systems.

18. Sound.

- a. The sound pressure level of the Solar Energy System and all ancillary equipment shall not exceed the residential standard of 55 dBA at the property line of an adjoining non-participating lot. The site plan shall include modeled

sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.

#### 19. Agricultural Lands.

- a. Agricultural land is highly valued in Routt County, and the preservation of these lands is a high priority. While the placement of Solar Collectors may limit agricultural uses for prime farmland during the time of operation, the use of these lands for Solar Energy Systems creates the opportunity to enable longer-term use of the land for agricultural uses versus other land use types. The applicant and facility operator shall ensure that the facility does not have significant adverse impacts on agricultural lands and agricultural operations, and facilitates the long term ownership of the farmland. The decommissioning plan shall incorporate how this will be addressed; see Section 2.35.C.27.

#### 20. Agrivoltaics.

- a. The use of land for both agriculture, including livestock ranching, and solar photovoltaic energy generation, may be permitted in the following instances:
  - i. Only appropriate plant species for the desired agricultural operation are used;
  - ii. A written erosion and sediment control plan is developed for agricultural plowing or tilling activities; and
  - iii. Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs of the crop(s).

#### 21. Maintenance.

- a. The facility shall be maintained and operated to ensure the safety of site personnel and the public, and in a manner that minimizes fire risk caused by vegetation. All security fencing and gates should be regularly inspected and maintained to preclude access from the public and wildlife.
- b. A Weed Management Plan is required. This plan must identify preventive measures to minimize the spread of noxious weeds as determined by Colorado Noxious Weed Law limitations and requirements. The following measures are required:
  - i. Prior to ground-disturbing activities, the site shall be assessed by a Colorado licensed biologist;
  - ii. Routine maintenance of vegetation;
  - iii. In areas where infestations were identified, the cleared vegetation shall be stockpiled and salvaged topsoil adjacent to the area from which they were stripped to eliminate the transport of soil-borne noxious and invasive weed propagules. These weed-infested stockpiles shall be marked with clearly visible signage until reclamation to be disposed of at an approved facility or location;
  - iv. All contractor vehicles and equipment will be cleaned prior to arrival at the work site using compressed air or high-pressure water spraying equipment;

- v. Limit the size of any vegetation and/or ground disturbance to the absolute minimum necessary;
- vi. Avoid creating unnecessary soil conditions that promote weed germination and establishment;
- vii. Ensure that straw or hay bales used for sediment barrier installations or mulch distribution are certified weed-free;
- viii. Continue to monitor known infestation areas to determine if these areas require remedial action and treatment.

22. Employee Housing Plan.

- a. A plan describing the methods of housing workers associated with construction of the solar facility is required. This should identify the method for providing housing and a plan for transportation of workers. The plan shall sufficiently demonstrate available capacity to house all the workers needed for the project.

23. Wildlife.

- a. Sensitive wildlife species and their habitats shall be avoided to the greatest extent possible, especially during critical periods. All efforts shall be made to avoid facility activities and uses from bisecting any existing habitats and wildlife corridors on, and adjacent to, the site. This includes the clearing of land and placement of infrastructure, such as collectors, transmission lines, roads and other appurtenances that may bisect important habitats or wildlife corridors. Applicants shall mitigate the impact that the project has on local wildlife and overall wildlife patterns in the region, through the following actions:
  - i. Applicant shall work with CPW to identify High Priority Habitat and design their project to avoid, minimize and mitigate potential impacts to wildlife and their habitats.
  - ii. The facility shall maintain landscape connectivity of habitats and provide wildlife movement corridors through and around the improved area and shall be identified on the submitted Site Plan.
  - iii. A pre-development wildlife and habitat survey (“Pre-Development Wildlife Survey”) shall be performed by a qualified wildlife biologist in compliance with the standards established in section 3.21.B, Development within a High Priority Habitat Area.
  - iv. A post-development wildlife and habitat survey shall be conducted. Such survey shall be at least one year in length and shall be conducted using similar methods as the pre-development survey.
  - v. Pre-construction and post-construction wildlife reports are required, and shall include all forms of raw data collected at onset, during, and for the post construction surveys after a yearlong study is completed. A referral from CPW, submitted at the time of application, shall be used to confirm compliance with this standard.

- vi. All screening techniques shall be placed in such a way to provide pathways that enable the movement of wildlife.
- vii. All exclusionary fencing shall comply with the standards found in D.9, **Fencing, of this section.**

24. Lighting.

- a. All lighting shall comply with the following standards:
  - i. Be limited to the inverter and/or substation locations only;
  - ii. Shall comply with **Chapter 3, Section 3.2, Lighting.**
  - iii. Be the minimum amount of brightness necessary for operational safety and security;
  - iv. Be controlled by automatic controls including timers or motion detectors; and
  - v. Not include any flashing or intermittent lights.

25. Transmission Lines.

- a. If additional overhead transmission lines are required, measures to minimize impacts to birds shall be implemented. These may include, but are not limited to increasing line visibility, insulating wires to cover exposed connections, installing raptor perch deterrents on cross arms, and increasing the distance between wires so there is lesser risk of contact with energized wires.

26. Decommissioning/Reclamation Plan.

- a. A Decommissioning/Reclamation Plan shall be submitted with the application and shall comply with the following:
  - i. The plan shall address how agricultural lands will be restored to enable agricultural usage following removal of the solar energy system.
  - ii. Decommissioning/reclamation shall commence no later than twelve (12) months after equipment is removed from the SES having equipment removed, power is disconnected, or loss of lease. All decommissioning/reclamation shall be completed within twenty four (24) months from the start date of the work.
  - iii. All non-utility owned equipment, conduits, structures, fencing, and foundations shall be removed to a depth of at least three (3) feet below grade. Any soil exposed during the removal shall be stabilized in accordance with the most current CDOT erosion control and stormwater quality standards.
  - iv. All fences, graveled areas and access roads shall be removed unless a landowner agreement to retain these items is presented, in writing, in which the property owner agrees for these items to remain.
  - v. To the extent possible, the property shall be restored to a condition reasonably similar to its condition prior to development of the facility.
  - vi. The developer or owner of the facility is responsible for the decommissioning.
  - vii. Decommissioning/Reclamation Surety. Valid surety shall be a condition of operating a Community-Scale or Utility-Scale Solar

Facility. However, nothing in this section shall relieve the applicant of liability for closure, post-closure, or corrective action costs.

- (1) Surety, in a form in compliance with the Routt County Insurance and Surety Requirements policy, for the decommission and reclamation of the site shall be required prior to building permit issuance. The surety shall be in an amount of 150% of the approved current engineer cost estimate for decommissioning.

viii. Decommissioning and Reclamation Cost Estimates. A qualified engineer's cost estimate for decommissioning/reclamation is required and shall be included in the Decommissioning Plan. Cost estimates and surety shall be updated every five years from the establishment and submittal of the surety, shall include all costs associated with the dismantlement, recycling, and safe disposal of facility components and site reclamation activities and shall include the following elements:

- (1) All labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site;
- (2) All costs associated with full reclamation of the facility site, including removal of non-native soils, grading to approximate pre-development contours, fences, and constructed access roads;
- (3) All costs associated with reclamation of any primary agricultural soils at the facility site to ensure that each area of direct impact is materially similar to the condition it was before construction;
- (4) All decommissioning/reclamation activity management, site supervision, site safety costs;
- (5) All costs related to complete revegetation of the site to return it to its condition prior to the development of the facility; and
- (6) Any other costs, including administrative costs, associated with the decommissioning and reclamation of the facility site.
- (7) The salvage value from any of the facility components can be subtracted from this estimate.

ix. Revegetation. Land disturbed as part of the construction, operation and/or decommissioning process shall be reseeded or revegetated to a condition reasonably similar to its condition prior to development of the facility, as determined after a complete growing season.

- (1) Soil shall be tested twice. The first test shall occur prior any site disturbance. The second shall be after the system ceases production but before any equipment is removed. The two

shall be compared to evaluate any soil contamination and develop a remediation program, if necessary. Soil tests sample shall be representative of the overall area through a combination of five sample spots in the area. Areas that have a clear difference in soil type, drainage, or plant growth shall be avoided for sample collection.

- (2) Land disturbed as part of the construction and decommissioning process shall be reseeded or revegetated in accordance with [section 3.10.D.2.c](#).
- (3) Revegetation or other land disturbance mitigation shall be completed in accordance with [section 3.10.D.2.c](#).

## 27. Economic and Community Benefit Analysis.

- a. An analysis is required to measure the benefits to the community and the local economy. The analysis shall include a description of how the project impacts the following:
  - i. Economic and Fiscal Impact.
    - (1) Evaluate the number and type of jobs the project is expected to create, both during construction and for the duration of its operation.
    - (2) Assess the project's likely potential to generate income for residents and businesses in the area.
    - (3) Evaluate the potential tax revenue generated by the project and its impact on the County budget.
    - (4) Identify the costs to the County, if any, associated with the solar energy facility (e.g., the cost of infrastructure upgrades) and compare with the anticipated economic and community benefits.
  - ii. Community Benefit.
    - (1) Identify any proposed infrastructure improvements, such as road upgrades or utility enhancements, and how those will benefit the community.
    - (2) Identify how the solution for housing employees will benefit the community in the long term.
    - (3) Identify any other anticipated community benefits.
  - iii. Transportation and Mobility.
    - (1) Analyze the project's impact on traffic including anticipated vehicle trips per day and how these transportation impacts will be mitigated during the construction phase and longer term operations.
  - iv. Infrastructure.

- (1) Analyze the demand for local government services including roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, and other County services necessary to accommodate the employees of the facility.

v. Recreation.

- (1) Identify any impacts to existing outdoor recreation facilities, such as trails, and how those impacts will be mitigated.
- (2) Identify whether the project creates or enhances public spaces.

## 2.76 Solar Energy System – Small Scale

A. Purpose. The following requirements and performance standards are intended to guide the safe and efficient construction and operation of solar for both ground- and roof-mounted, small-scale, single-site use. This section also sets standards for placement and maintenance of these facilities to mitigate impacts on adjacent lands and the surrounding environment.

B. Standards.

1. These systems may be located on any buildable lot/parcel or platted out-lot;

1. Small-Scale Solar Energy Systems may be ground or roof mounted;

a. The following standards are applicable to all roof-mounted collectors:

- i. Roof-mounted collectors may be mounted on any legal structure, subject to review through the building permit process;
- ii. Roof-mounted collectors shall be mounted as flush as possible to the roof. To achieve proper solar orientation, collectors may exceed the roofline by up to five feet vertically above the high point, or the maximum permitted height of the structure by up to five feet, whichever is more restrictive.
- iii. Roof-mounted collectors shall comply with applicable state and local fire codes to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide areas for smoke ventilation, and provide emergency egress from the roof.

b. Ground-mounted Solar Systems shall be subject to the following setbacks:

- i. Property line setbacks of the underlying zone district or 15 feet, whichever is less;
- ii. Waterbody setbacks according to **Chapter 3, Section 3.11, Development Adjacent to Water Bodies; and**
- iii. Minimum of 45 feet from the centerline of the roadway, or 15 feet from the edge of the roadway, whichever is greater.

## 2.77 Solid Waste Disposal Site

A. Definitions.



1. Landfill: An area of land or excavation where solid wastes are placed for final disposal, which is not a treated effluent land application unit, waste impoundment or waste pile. Landfills include, but are not limited to, ash monofills, construction and demolition landfills, industrial landfills, Solid Waste Disposal Sites, tire monofills, and similar facilities where final disposal occurs.
- B. Purpose. The following regulations establish standards for solid waste disposal sites in Routt County.
- C. Applicability. This section shall apply to any use involving Solid Waste Disposal Sites.
- D. General Standards.
1. Permits are contingent upon the acquisition of and compliance with all applicable permits. Operations shall comply with all federal, state, and local laws, including the Regulations Pertaining to Solid Waste Disposal Sites and Facilities set forth by the Colorado Department of Public Health and Environment. Any upset condition that is reportable to a permitting agency shall require notification to the Routt County Planning Department.
  2. The Engineering, Design, and Operation Plan (EDOP) in effect on the date of County approval, shall be incorporated into the approval. Solid Waste Disposal operation shall proceed according to that plan.
  3. Any contemplated amendments to an EDOP shall be communicated to County staff. EDOP and associated County permit amendments will be reviewed by County staff to determine if a formal review will be required. Such review shall consider the scope of changes and impact to surrounding lands.
  4. Construction materials used in the construction and operation of a landfill, brought onsite from another parcel, shall be from a County approved source (if under the jurisdiction of Routt County), within the SUP boundary, or through the acceptance of solid waste. If obtained from within the SUP boundary, applicant shall communicate with the County the planned operations.
  5. All reports required by a permitting agency shall be simultaneously submitted to the Routt County Planning Department. Such reports may include, but are not limited to:
    - a. Annual Liquid Waste Transfer Unit Report
    - b. Annual WQCD Report
    - c. Annual Biosolids Report
    - d. Annual Compost Report
    - e. Annual Recycling Report (recycle volumes)
    - f. Semi-annual Air Quality (Title 5) Permit Report(s) which contains:
      - i. Annual Emission Calculation
      - ii. Annual Non-Methane Organic Carbon
      - iii. Annual Greenhouse Gas Calculation
      - iv. Tier 2 Report(s)
    - g. Semi-annual Groundwater Monitoring Reports
    - h. Semi-annual Leachate Management Reports

- i. Quarterly Gas Monitoring Reports
    - j. Quarterly Volume/tons Report
  6. Disposal Fee. The disposal fee shall be submitted within 30 days of the end of each quarter.
  7. Diverted waste. Operator shall provide quarterly reporting on types and volumes of diverted waste including construction and demolition waste, plastics, glass, cardboard, paper, metal/steel, bio-solids (and other compostable waste), and liquid waste. Separated waste (contamination) of single stream recyclables shall be included in the disposal fee calculations. Reports shall be submitted at the same time as the disposal fee.
  8. E&P waste volume. Operator shall provide yearly reports on the volume of E&P waste that is accepted with the quarterly disposal fee that are provided at the end of the year.
  9. Weed Control. Operator shall submit an annual report no later than December 31 to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied.
  10. Weed Inventory. Operator shall conduct an annual inventory of weeds on site each spring including but not limited to species identification and map locations. Inventory shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.
  11. Air space. Prior to October 31, an annual report shall be submitted calculating the landfill air space consumed during the previous 12 months.
- E. Inspection Requirements.
1. Permittee shall allow inspections by County staff to ensure compliance with permit conditions, with recommendations to Planning Commission and Board of County Commissioners, as appropriate. Inspections may be conducted quarterly without notice to the Permittee. Inspections may include observation of all aspects of the operation.
  2. Permittee shall allow Routt County Environmental Health staff to take split-samples from monitoring wells during the spring or fall sampling events or from surface water based on the following protocol:
    - a. Compliance Manager or designee of the landfill shall be notified 24-hours in advance and be present at time of sampling.
    - b. Location of sample shall be identified by Routt County Environmental Health.
  3. Permittee shall allow the County to conduct aerial surveys to calculate the amount of air space that was consumed and that remains. The County shall provide the permittee with 2 weeks advanced notice of such survey.
- F. Visual Mitigation Standards.
1. All loose recyclables shall be stored inside a building. Recycled materials may only be stored outdoors if baled, stored in bins, or other designated storage areas. Glass shall be contained within a cement block enclosure or similar containment area.

2. Landfill dumping area/working face and associated equipment shall be substantially screened from public roads and nearby communities. Screening can be accomplished using the following techniques:
  - a. Constructing a berm by placing a narrow, 10- to 12-foot high refuse lift at the north end of a given waste lift and perpendicular to the line of sight being screened.
  - b. Placing interim soil cover on exposed refuse.
  - c. Depositing trash in a manner that allows the working face to face away from observation points.
  - d. Screening berms, interim slopes, and final slopes visible from public roads and nearby communities shall be revegetated as soon as possible. If revegetation does not adequately mitigate visual impacts after twelve months, the Planning Director may require additional seeding and/or the use of temporary irrigation.
  - e. Structures onsite shall be painted a neutral color.

### **2.78 Solid Waste Transfer Site or Recycling Station**

- A. Definition. A facility where solid waste, recyclable materials, or both are collected, sorted, temporarily stored, and then transferred to larger disposal or recycling facilities for further processing or disposal.

### **2.79 Special Events**

- A. Definition. An event that is open to the public, including invitation-only events which are publicly advertised, that brings a group of people to a property, for a limited period of time, for a particular activity.
- B. Special Events, Small. A Special Event that meets the following standards is considered small:
  1. Limited to two events per calendar year per parcel.
  2. Limited to no more than 200 attendees, including staff, volunteers and participants.
  3. Limited to no more than one day per event.
  4. Hours shall be limited to 7 a.m. to 11 p.m.
  5. Shall not include prolonged noise evident past the property line.
  6. Shall provide sanitary facilities sufficient for the anticipated attendees, as approved by the Routt County Environmental Health Department.
  7. If alcohol is served, the appropriate liquor license must be obtained from the Routt County Clerk's Office.
  8. A courtesy notice to neighboring landowners or other potentially impacted persons may be required by the Planning Director. A courtesy notice does not give the recipient of the notice the right to appeal.
- C. Special Events, Large. An event that exceeds any of the standards of a Special Event, Small, shall be considered a Special Event, Large and shall meet the following standards:
  1. Limited to four events per calendar year per parcel.

2. Limited to no more than 1,000 attendees, including staff, volunteers, and participants.
3. Limited to no more than three days total per event.
4. Amplified sound shall not exceed limits set for residential property in C.R.S. § 25-12-101 *et seq.* If alcohol is served or sold, the appropriate liquor license must be obtained from the Routt County Clerk's Office.
5. Shall provide sanitary facilities sufficient for the anticipated attendees as approved by the Routt County Environmental Health Department.
6. In addition to the required notice, a courtesy notice to neighboring landowners or other potentially impacted persons may be required by the Planning Director. A courtesy notice does not give the recipient of the notice the right to appeal.

## **2.80 Telecommunication Facility**

- A. Definition. A commercial facility consisting of equipment for the reception, switching and transmission of wireless telecommunications, including, but not limited to, personal communication service (PCS), enhanced specialized mobile radio (ESMR), paging, cellular telephone and similar technologies. This definition does not include telecommunications equipment that is clearly accessory to a use by right or permitted use.
- B. General Standards.
  1. Telecommunication facilities shall be located, designed, and screened to blend with the existing natural and built environment to mitigate visual impacts.
  2. Equipment buildings and structures shall not exceed 15 feet in height and shall blend with surrounding architecture or be screened from view.
  3. Screening requirements
    - a. Equipment, building finishes, and towers shall be compatible with the existing character of the site and surrounding properties.
    - b. Landscaping shall effectively screen all ground-level facilities within an 8-year period.
    - c. The County may require natural treatments or tower designs, such as towers which mimic trees or rock formations, to mitigate visual impacts
  4. Property line setbacks and setbacks from other structures, for the tower itself, shall be 1.5 times the height of the tower, from the tower.
  5. Existing native vegetation shall be maintained.
  6. The construction and use of a telecommunication facility shall not cause interference to other adjacent telecommunication facilities. The County shall be held harmless if interference occurs.
  7. Anti-perching devices shall be installed along antennae frames, horizontal cross arms, and any other vantage points used by raptors for predation.
  8. Any tower lighting required by the FAA, shall use only white (preferably) or red strobe lights at the minimum intensity, minimum number of flashes per minute, and minimum number of lights allowable by the FAA.
  9. Telecommunication facilities that are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six months shall be removed by

- the telecommunication facility owner and the site reclaimed. Should the owner fail to remove the facilities, the County may do so at its option, and the costs thereof shall be a charge against the owner.
10. All telecommunications facilities shall require a maintenance and facility removal agreement, signed by the applicant and the property owner, binding the applicant and property owner to properly maintain the exterior appearance of all facilities and ultimately removal of the facilities:
  6. To limit the construction or proliferation of cellular tower sites in the area, the operator shall allow co-location of other users on the tower, providing their requested use is compatible to the existing use.
  7. The applicant is responsible for identifying if any of the weed species on either the 13 Noxious Weeds of Routt County list, or the Noxious Weeds of Colorado List A, B or C are present on the site. If any are present, the applicant must submit a plan for controlling the weeds to the Routt County Weed Program or contact the Routt County weed Program for assistance in developing a weed management plan.
  8. Permittee shall post a bond compliant with Section XXX for restoration of the site in the event a site is not reclaimed within the required timeframe. This bond will be used to guarantee the reclamation of the site in the event that a property reclamation and removal of equipment is not complete.
  9. Operator shall allow co-location of other users on the tower, providing their requested use is compatible to the existing approval.
- C. Standards for Building or Structure-Mounted and Roof-Mounted Telecommunication Facilities.
1. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be ten feet.
  2. Building or structure mounted whip antennas shall extend no more than ten feet above the highest point of the building or structure to which they are attached.
  3. Equipment buildings and structures shall not exceed 15 feet in height and shall blend with surrounding architecture and/or landscape.
  4. Such facilities shall be screened or camouflaged via matching paint, enclosures, or a combination.
- D. Standards for Freestanding Telecommunication Facilities.
1. Shall be visually mitigated from adjacent residential development and public rights-of-way.
    - a. Screening, landscaping and/or exterior building finishes and colors shall be compatible with the existing character of the site and adjacent properties and shall be determined as part of the review process.
    - b. Towers shall not exceed 100 feet in height.

## 2.81 Temporary Uses

- A. Definition. A use that is established for a limited fixed period of time with the intent to discontinue such use upon the expiration of the time period. Temporary uses are those

uses or structures that may or may not be permitted in a given zone district, but which may be allowed on a nonpermanent and temporary basis upon individual review of their proposed nature, location, duration, impact, and compatibility with surrounding permitted uses.

**B. Standards.**

1. When considering an application for a temporary use, the following criteria shall be considered:
  - a. The location, size, design, operating characteristics and visual impacts of the proposed use.
  - b. The compatibility of the proposed temporary use with the character, density and use of structures and uses in the immediate vicinity.
  - c. The impacts of the proposed temporary use on pedestrian and vehicular traffic and traffic patterns, municipal services, noise levels and neighborhood character.
  - d. The duration of the proposed temporary use and whether a temporary use has previously been approved for the structure, parcel, property or location as proposed in the application.
  - e. The purposes and intent of the zone district in which the temporary use is proposed.
  - f. The relation of the temporary use to conditions and character changes which may have occurred in the area and zone district in which the use is proposed.
  - g. How the proposed temporary use will enhance or diminish the general public health, safety or welfare.

**C. Conditions of Approval.** A temporary use approval may be conditioned as deemed necessary to protect the integrity of the zone district and the surrounding uses and structures in the neighborhood in which a temporary use is to be permitted. This may include, but is not limited to, setting requirements for or imposing restrictions upon size, bulk, location, open space, landscaping, buffering, screening, lighting, noise, signage, parking, operations, hours of operation, set-backs, building materials and requiring such financial security as deemed necessary to ensure compliance with any or all conditions of approval and/or to restore the subject property to its original use and condition

**D. Duration and Expiration.** Temporary uses may be granted for a period not to exceed 180 consecutive days in a 12-month period from the date upon which the decision maker approves the temporary use, which may include a delayed start date, unless a shorter period is specified in the approval.

1. The Board may grant an extension of an approved temporary use. Requests for an extension must be submitted in writing to the Planning Director no less than 15 days prior to the expiration of a permitted temporary use.

**2.82 Temporary Workforce Housing (TWH)**

**A. Definition.** Non-permanent housing for commercial, industrial, transportation, oil and gas or mineral extraction operations.

## B. Applicability.

1. Temporary Workforce Housing SUPs may be applied for the following conditions:
  - a. Oil/Gas/Mining Operations
  - b. Wildfire Mitigation work or Emergency Management Wildfire Operations
  - c. Emergency Disaster Recover operations for workers, volunteers, or citizens affected by the disaster, including emergency re-construction or repair work of the infrastructure, buildings, or homes affected by the disaster.
  - d. Pandemic related Emergency Management operations or recovery.

## C. Standards.

1. Total number of residents in a workforce housing development shall not exceed 50 unless it is considered an SUP under the condition of an Emergency Recovery operations in compliance with subsection 2.42.E.3 and 4. In this instance, the number of residents may only exceed 50 and if found to be contextually appropriate by the deciding body.
2. The TWH facility shall be for a period no longer than three years, including the reclamation phase. Extensions shall only be approved by the Board of County Commissioners.
3. These quarters shall be temporary structures such as manufactured housing or recreational vehicles.
4. TWH units or rooms shall be for workers and families, and shall not be available for general rental.
5. Upon the date the Special Use Permit expires, all housing structures and associated infrastructures shall be removed and the land shall be reclaimed to the satisfaction of the Planning Director.
6. A Site Fire Safety Plan approved by the local fire safety authority must be provided with the application.
7. Trash must be disposed no less than once weekly.
8. The Applicant shall submit as part of the TWH Special Use Permit application, a reclamation and revegetation plan for each specific site. The plan shall include the timeframe for all reclamation work.
9. All disturbed areas must be reclaimed as nearly as practicable to their original condition and shall be maintained to control dust, weeds and minimize erosion.

## 2.83 Timeshare

### A. Definition. Timeshare means a combination of:

1. An undivided interest in a present estate in fee simple in a unit, the magnitude of the interest having been established by the time of the creation of the timeshare estate either by the project instruments or by the deed conveying the timeshare estate; and
2. An exclusive right to possession and occupancy of the unit during an annually recurring period of time defined and established by a recorded schedule set forth or referred to in the deed conveying the time-span estate.

## **2.84 Vegetation Harvesting**

- A. Definition. An operation in which timber is harvested for private use or to offer it for sale to wholesalers, retailers or the general public, and involves the transport of the timber off the premises where it is cut.

## **2.85 Wildlife Preserve**

- A. Definition. Areas of importance for wildlife, flora and fauna, or features of geological or other special interest, which are reserved and managed for conservation and to provide special opportunities for study and research.
- B. Size.
  - 1. A Wildlife Preserve shall be a minimum of 300 contiguous acres.
- C. Standards.
  - 1. The preserved land shall be entirely fenced so that wildlife is fully contained.
  - 2. The preserve shall not be open to the public.

## **2.86 Wind Generation**

- A. Definition. A structure or mechanism specifically designed to convert energy from wind into electrical energy. A wind generator may include a generator, tower, electric lines and associated control or conversion electronics. Large generators > than 80 feet in height operated by a public utility or primarily for the sale of electricity to a public utility shall be defined as a “Public Utility-Major Facility” and shall comply with the Standards for both Public Utility-Major and Wind Generator > 80’.
- B. Standards for Wind Generation 80 feet or lower in height.
  - 1. The hub height of the wind generator must not exceed 80 feet. In the case of non-traditional designs, the Planning Director shall determine height.
  - 2. With the exception of roof-mounted Wind Generators, the wind generator must be setback from property lines, public right of way and access easements at least 2 times the hub height of the generator.
  - 3. There shall be a “fall zone” measured from property lines and all habitable structures equal to 1.5 times the height of the wind generator, setback from the edge of the blade. No structures shall be permitted in this fall zone.
  - 4. The wind generator shall be painted or coated a non-reflective white, gray or other neutral color.
  - 5. Except for lighting required by the FAA, the wind generator shall not be artificially illuminated.
  - 6. The wind generator shall not be used to display advertising.
  - 7. Electrical controls shall be wireless or underground and power lines must be underground except for an interconnection to an existing above ground power grid.
  - 8. The operator of the Wind Generator(s) shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by the facility.



9. Facilities shall not be located in designated migratory flyways.
- C. Standards for Wind Generation above 80 feet in height.
1. The height of all Wind Generators shall be from finished grade to the propeller hub. In the case of non-traditional designs, the Planning Director shall determine height.
  2. The wind generator turbines and towers must be painted or coated a non-reflective white, grey or other neutral color.
  3. With the exception of roof-mounted Wind Generators and Wind Generators less than 40 feet in height, all proposed Wind Generators shall have a setback, or “fall zone” equal to the total height of the Wind Generator structure. Such fall zone shall be from property lines and habitable structures.
  4. Wind Generators that are abandoned by disconnection of power service, equipment removal, or equipment failure for greater than 24 months shall be removed by the owner and the site reclaimed. Should the owner fail to remove the structure, the County may do so at its option, and the costs thereof shall be a charge against the owner.
- D. Wind Generators that are abandoned by disconnection of power service, equipment removal, or equipment failure for greater than 24 months shall be removed by the owner and the site reclaimed. Should the owner fail to remove the structure, the County may do so at its option, with the costs charged to the owner.

## **2.87 Workforce Housing**

- A. Definition. A type of development in which all dwelling units are restricted for use by a year-round Routt County resident making up to 120% of the Area Median Income (AMI).
- B. Standards. All applications for Workforce Housing shall meet the following standards.
1. Workforce Housing is limited to the Tier 2 and Tier 3 targeted growth areas.
  2. A mechanism through an agreement with the Yampa Valley Housing Authority (YVHA), acceptable to Routt County, shall be in place to ensure permanent restriction of ownership or rental by those eligible under the definition. The applicant and subsequent restriction shall identify the following information:
    - a. The applicable AMI percentage for each unit.
    - b. The total number of units, including number of bedrooms for each unit.
    - c. The mechanism to adjust rental and sales limits according to changes in the AMI. For instance, an annual adjustment of a specified percentage or the percentage increase of AMI.
    - d. The mechanism to verify potential purchasers and renters meet applicable residency and income requirements and to enforce these requirements over time.
  3. The deed restriction or other form shall limit the price of the Dwelling Unit(s) for rental units. The monthly rental price for all rental units shall not exceed thirty percent (30%) of the applicable AMI monthly income.

4. Development Characteristics. Workforce Housing developments should offer a variety of unit sizes to accommodate different household compositions, including studios, one-bedroom, two-bedroom, and three-bedroom units.
- C. Development Incentives. In order to incentivize the creation of new Workforce Housing in Routt County, planning application fees for Workforce Housing developments shall be reduced by 50%. In addition, the applicable review body can grant the following development incentives.
1. Decreased setbacks. Workforce Housing development applications are eligible for decreased setbacks, up to a zero foot setback.
  2. Increased height. Workforce Housing applications are eligible for increased height of up to 50 feet.
  3. Parking reduction. Workforce Housing development applications are eligible for a 20% reduction in parking.

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## CHAPTER 3. DEVELOPMENT STANDARDS

### SECTION 1: STANDARDS APPLICABLE TO ALL DEVELOPMENT

- 3.1 General Provisions
- 3.2 Lighting
- 3.3 Signage
- 3.4 Utilities
- 3.5 Stormwater Management
- 3.6 Access Management
- 3.7 Common Roads
- 3.8 Parking and Loading
- 3.9 Landscaping
- 3.10 Snow Storage

#### 3.1. General Provisions

- A. The Development Standards in this Chapter 3 Section 1 apply to all development and land uses within Routt County. Failure to comply with the standards outlined herein shall be an appropriate basis for denial of an application.
- B. Every use shall operate in a manner that does not pose a danger to public health, safety, or welfare.
- C. An implementable wildfire hazard plan, developed in consultation with a wildfire specialist, may be required. Such plan shall be reviewed by the applicable fire district. The cost of developing and implementing such plan shall be included in any required Development Agreement. All development and land uses shall operate in conformance with applicable federal, state, and local laws and regulations. Failure to comply with any and all applicable laws and regulations may be cause for review and/or revocation of any Land Use Approval granted pursuant to the UDC.
- D. All facilities shall be maintained so that they are safe, operable, and in accordance with the approval.
- E. The permittee shall provide liability insurance in compliance with the County's insurance and surety requirements policy in effect at the time of approval. In addition to the requirements of the policy, the certificate of insurance shall include all permit numbers associated with the activity and permittee shall notify the Routt County Planning Department of any claims made against the policy.
- F. An address shall be required in conformance with the adopted Road and Addressing Resolution.
- G. No approval shall be granted unless it is demonstrated that the impacts of the proposed development, when combined with all other existing uses and development, will not create cumulative impacts that cannot be mitigated. The County shall consider cumulative impacts related to:
  - 1. Wildlife habitat and/or migration routes, production areas, and winter range;
  - 2. Traffic volumes;

3. Emergency services including fire, law enforcement, and ambulance;
  4. Loss of historical and cultural environments;
  5. Environmental issues including water quality and quantity, air quality, noise, and scenic quality;
  6. Residential uses; and
  7. Agricultural uses.
- H. All development shall take into consideration the site's natural characteristics and physical constraints such as steep slopes, vegetation, watercourses, scenic corridors, wildlife habitats, and any natural or human-made hazards and shall be designed to blend in with, or enhance, said features.
- I. All garbage shall be secured in IGBC-certified bear-resistant canisters or stored in a structure that prevents access by wildlife. No trash shall be placed outside in an unsecured manner, such as in bags or standard canisters.

### **3.2. Lighting**

- A. Purpose. The lighting standards are intended to minimize the undesirable side effects of exterior lighting such as obscuring the night sky, light spillover, excessive illumination, and wildlife impacts while encouraging safe and quality lighting.
1. Approved Lighting. Lighting shall be subdued, understated, and indirect to minimize the negative impacts to surrounding lots and public rights-of-way. Exterior lighting that is in compliance with this section shall be permitted in the following locations:
    - a. Buildings where Building Codes require building ingress and egress doors;
    - b. Residential entrances and outdoor living spaces;
    - c. Pedestrian walkways or stairs;
    - d. Plaza areas and other public areas where lighting is required;
    - e. Surface parking lots;
    - f. Signs;
    - g. Address identification or address monuments;
    - h. Public art;
    - i. Driveways;
    - j. Landscape lighting;
    - k. Swimming pool and/or hot tub lighting when it is established that no off-site glare shall occur; and
    - l. Street lights.
  2. Exempt Lighting. The following types of exterior lighting shall be exempt from these regulations:
    - a. Seasonal lighting under 500 watts;
    - b. Temporary lighting that is used for theatrical, television, performance area and construction sites;
    - c. Emergency lighting;
    - d. Lighting approved as part of a land use permit;

- e. Lighting required by a ski resort operator for ordinary snow making operations; and
- f. Upward lighting to illuminate flags or for airport purposes, provided the light fixture uses a narrow cone beam of light that will not extend substantially beyond the illuminated object.

3. Prohibited Lighting. Nuisance lighting is prohibited. This includes the following:

- a. Other lighting not specifically identified as approved or exempt in this section;
- b. Up-lighting, except for flags;
- c. Motion detector activated flood lighting;
- d. Lighting that causes glare from a site or lot to any designated wetlands or other environmentally sensitive areas, as defined and regulated in **Chapter 3 Sections 3.11-3.13**;
- e. Lighting that causes glare from a site or lot to adjoining property; and
- f. Lighting that produces glare to vehicles within a public right-of-way or access tract.

B. General Outdoor Lighting Standards.

- 1. All outdoor fixtures shall be fully downcast and opaquely shielded. For purposes of this section, fully downcast and opaquely shielded shall mean fixtures constructed so that light rays emitted are projected below, and not above or to the side of, the fixture.
- 2. The maximum correlated color temperature for all proposed lighting types, regardless of lamp type, shall not exceed 4,000 degrees Kelvin.
- 3. The light source (bulb) shall not be visible beyond property lines and shall not directly illuminate any areas beyond property lines.
- 4. Lighting shall be the minimum amount of brightness necessary for security, safety and visibility.
- 5. Timing. All non-residential exterior lighting shall be turned off during non-operating hours and between the hours of 11:00 p.m. and sunrise unless it meets one of the following exemptions:
  - a. Lighting for businesses during operating hours open to the public between 11:00 p.m. and sunrise;
  - b. Lighting used for security purposes as approved by the Planning Department;
  - c. Lighting used to illuminate areas accessible at night, including but not limited to walkways, roadways, driveways, equipment or storage yards, and parking lots, as approved by the Planning Department; or
  - d. Lighting for outdoor recreation facilities that only remains on for a maximum of one hour after 11:00 p.m. to conclude a use that was in progress under the illumination prior to 11:00 p.m.

C. Lighting for Parking Areas.

- 1. Lighting may be required for surface parking areas and underground parking garages.

2. Approved parking area lighting shall direct light onto the parking lot areas only and ensure lower elevation development is protected from glare. Methods to achieve this include using a greater number of fixtures that are lower in height and lower in light level.

D. Nonconforming Lighting.

1. All existing lighting not in compliance with these regulations shall be required to comply with these regulations by **January 1, 2027**.

### 3.3. Signage

A. Purpose. The purpose of these regulations is to accommodate the rights of private entities to freedom of speech and to establish standards and processes that are “content neutral” – i.e., that regulate a sign’s physical characteristics and design rather than its message, while allowing signage that furthers the intent of the Routt County Master Plan.

1. The type, dimensions, setbacks, and physical design of signs permitted by this section protect the County's interests in traffic safety, community character, and aesthetics, while allowing for adequate visibility, legibility, and pedestrian or motorist recognition and comprehension.

B. Applicability.

1. General.

- a. This section regulates the type, dimensions, design, and other characteristics of all signs throughout the County.
- b. All construction, relocation, enlargement, alteration, and modification of signs within the unincorporated areas of Routt County shall comply with the regulations of this Section 3.50, all state and federal laws and regulations concerning signs and advertising, and applicable building codes.

2. Content Neutral. This section regulates only the sign structure and physical parameters, and not the sign’s content. Any sign authorized in this section shall be permitted to contain non-commercial copy in lieu of any other copy.

3. Exemptions.

- a. Signs which meet all of the following criteria are exempt from permitting, but shall still comply with the standards of this section.
  - i. Do not contain electric service or lighting; and
  - ii. Are freestanding up to six feet in height; or
  - iii. Are wall mounted and weighs under 100 pounds.
- b. This section does not apply to:
  - i. Public signs, defined as signs required or specifically authorized for a public purpose by any law or by a resolution of the Board;
  - ii. Road signs;

- iii. Signs that are posted internally on a property that are not discernible from the property line;
- iv. Entrance and exit signage up to 1.5 square feet in size; and
- v. Maintenance, painting, repainting, repair, or cleaning of a sign without changes to the structure, lighting, or any other change that would require a permit.

C. General Standards. All signs regulated by this section shall conform to all the following standards:

1. Number. No more than one sign may be detached from a structure on a parcel.
2. Location.
  - a. Detached Signs: No portion of a detached sign, or its frame, bracing or support structure shall be located closer than five feet from any boundary line of the lot or 15 feet from any public right-of-way, unless approved by Routt County Public Works Department or the Colorado Department of Transportation (CDOT), as applicable.
  - b. Attached Signs: Signs that are attached to a building may not project from the surface, other than the allowable thickness of the sign, unless minimum clearance above grade is at least nine feet; and no sign shall project from the related building, other than the allowable thickness of the sign, closer than 15 feet to any public right-of-way, unless approved by Routt County Public Works or CDOT, as applicable.
  - c. Any sign located in the right-of-way not approved by Routt County Public Works or CDOT, as applicable, may be removed by the County or CDOT at any time.
  - d. No sign shall be located so as to obstruct a motorist's view of oncoming traffic.
3. Height Above Grade.
  - a. Detached signs shall not exceed a height above grade of 20 feet.
  - b. Attached signs shall not project above the roof of the supporting building.
  - c. The height for both attached and detached signs shall be measured from the highest point of the sign trim or support structure down to the lowest point of existing or finished grade, whichever is stricter.
4. Sign Area.
  - a. Total Sign Area: The maximum sign area shall be 20 square feet or one square foot per each foot of lot frontage, whichever is greater; not to exceed a total of 50 square feet for any individual sign or 100 square feet for all signs on a single frontage.
  - b. Attached signs: Maximum 50 square feet.
  - c. Detached signs: The maximum sign area for any detached sign shall be 40 square feet, and the ratio of height to width shall not be less than one to three nor greater than three to one.

5. Computation of Sign Area: The area of all signs shall be computed by determining the sum of the area of each square, rectangle, triangle, portion of a circle, or any combination thereof that creates the smallest continuous single perimeter enclosing the extreme limits of the display surface or faces of the sign, excluding reasonable frames or non-structural trim, bracing and support structure. The measured area shall include only one side of the sign, and one additional sign face is authorized, provided it is attached to the approved sign, identical to the approved sign, and separated from the approved sign, by an angle of at least 270 degrees on a horizontal plane.
6. Metallic Signs. Signs with metallic surfaces shall be treated to reduce reflection, whether from sunlight or artificial illumination, onto nearby residential properties and as seen by passing motorists.
7. Lighting. Illuminated signs shall conform to the following standards:
  - a. Color temperature of signage, except for exposed gas-fired neon, shall not exceed 5,000 degrees Kelvin.
  - b. Signs illuminated from an exterior source shall be illuminated by light sources that are downcast and opaquely shielded.
  - c. Signs illuminated from an interior light source shall be allowed, provided that the light source is not visible from the exterior of the sign, and provided the wattage does not exceed the following thresholds:
    - i. Fluorescent or LED lights not to exceed five watts per square foot of sign area.
    - ii. Incandescent lights not to exceed 25 watts per square foot of sign area.
  - d. Gas-fired (neon) lights shall not exceed 30 milliamps per eight linear feet of tube. Such gas-fired lights may include but are not restricted to: neon, argon, and mercury. Only real gas-fired lighting of this type shall be allowed for any exterior building or detached signage. None of the foregoing provisions shall be construed as allowing sign illumination that constitutes a traffic hazard.

D. Prohibited Signs and Sign Elements. This section identifies signs and design elements that are not allowed anywhere in the County.

1. Prohibited Signs.

- a. Off-site commercial signs;
- b. Signs with blinking, moving, or animated features;
- c. Signs with more than two sign faces;
- d. Signs with electronically changeable text or graphics;
- e. Signs that simulate or imitate any traffic or public safety sign or signal;
- f. Portable signs, except as specifically identified in this section and subsection B.3.
- g. Signs erected, painted or maintained on trees, rocks, or natural features;
- h. Text or graphics that advertise unlawful activity; and
- i. Text or graphics that are obscene, defame, or incite fighting or imminent lawless action or true threats.

2. Prohibited Design Elements.



- a. Sound, smoke, or odor emitters;
- b. Flags, banners, or comparable elements that are designed to move with the wind and that are not affixed to permanent ground or building-mounted flagpoles;
- c. Spinning or moving parts;
- d. Motor vehicles and semi-trailers, unless the vehicle or trailer is functional, used as a motor vehicle or trailer, and has current registration and tags; and
- e. Shipping containers, or portable storage units, unless the container or unit has received a building permit.

E. Non-conforming Signs.

1. Continuance of Non-conforming Signs. Subject to the terms herein, any legally established non-conforming sign may remain in place and maintained subject to the following limitations.
  - a. A legally non-conforming sign shall not be changed in any manner that increases the non-compliance of the sign with the provisions of this UDC.
  - b. The burden of establishing a sign to be legally non-conforming under this section rests entirely upon the person or persons, firm, corporation, or other entity claiming such status for a sign. Such signs may be maintained, but not replaced.
2. Termination of Non-conforming Signs. The right to maintain a non-conforming sign terminates immediately upon any of the following:
  - a. The abandonment of a sign for a continuous period of six months; or
  - b. Whenever the sign is damaged or destroyed from any cause whatsoever to the extent that the cost of restoration to its condition before the occurrence exceeds fifty (50%) percent of the cost of reconstructing the sign.

### 3.4. Utilities

- A. Purpose. These standards are intended to ensure that all development is provided with the basic services required for development. This section applies to the provision and extension of all utilities.
- B. Applicability. Utilities are generally required for all new subdivisions, but may be required for any subdivision, PUD, or land-use approval upon a finding by the Planning Director that the impacts of the development are similar in nature or impact to a new subdivision.
- C. General.
  1. Utility service shall be provided to parcels to be developed in accordance with this section. All applicants shall identify how utility service is provided to the development. Utilities deemed necessary for installation include electricity, water, wastewater, and internet.

2. Utility easements shall be provided to and approved by the applicable utility provider. Utility easements shall be sufficient in width to enable access to the utilities and for maintenance regardless of slope or other natural conditions.
3. All utilities shall be designed in coordination with the applicable service provider to have adequate capacity to serve the expected build-out of the property or development, based on applicable zoning and land use requirements, in order to avoid future disruption to upgrade undersized utilities.
4. The extension of utilities should be coordinated to the greatest extent practicable. The extension of a single utility shall be postponed until the full range of necessary services and utilities are offered.

D. Water.

1. Water Supply.

- a. All land uses and development shall be served by an adequate, reliable, and legal water supply. Evidence of adequate water supply for the development shall be identified.
- b. All water systems and individual wells shall meet all requirements of, and be approved by, the State Engineer. All subdivision applications shall be evaluated by the State Engineer to determine if the cumulative impacts of drawing water from the proposed source will cause material injury to decreed water rights.
- c. If water is provided by an individual source, the applicant shall submit evidence of water rights, quantity, and dependability. Documentation may include:
  - i. Evidence of ownership or right to acquire use of the water rights;
  - ii. Historic use of the water being claimed for the proposed subdivision;
  - iii. Whether the existing water rights can and will be changed, through water court, to the new proposed change in use;
  - iv. Evidence that the water can and will be supplied and a statement of the amount of water available for this use and the feasibility of providing it; and
- d. If water is provided by an existing central water treatment system, the applicant shall submit evidence from the district or agency operating the system that adequate capacity is available, or can be made available, to serve the proposed development.
- e. The hauling of water as the primary water supply is prohibited.

2. Individual Water Systems. When individual sources of potable water (through wells) are proposed, the following conditions shall be met:

- a. The applicant shall identify the specific source for potable water.
- b. Platted lots are five acres in size or larger, except within the boundaries of the Morrison Creek Water and Sanitation District.
- c. The proposed development cannot reasonably be served by a central water system.

- d. A report shall be submitted from a qualified water resources professional certifying that the water quality can meet the requirements of **the International Plumbing Code**, as adopted by the County.

E. Wastewater.

1. Wastewater on Platted Lots.
  - a. No lots shall be platted unless an economical, practical, and legal method of disposal of wastewater is available or can be made available to that lot.
  - b. No building shall be erected, occupied, moved, or structurally altered until it is connected to an approved Central Sewer Collection System (CSCS), or an Onsite Wastewater Treatment System (OWTS) Permit has been issued by Routt County.
2. Onsite Wastewater Treatment Systems (OWTS).
  - a. All OWTS shall comply with the On-site Wastewater Treatment System Act, C.R.S. § 25-10-101, *et seq.*, the Colorado Water Quality Control Commission's On-site Wastewater Treatment System Regulation, Regulation 43, 5 CCR 1002-43, the Routt County On-Site Wastewater Treatment Systems Regulations, and any other applicable statutes and regulations.
  - b. Systems shall be designed so that a leaching field of sufficient size may be constructed on the lot, given the lot's specific site characteristics and constraints.
  - c. Representative soil analysis shall be performed by a registered engineer. Such analysis shall be verified by Routt County Environmental Health staff. Soil types and resulting absorption and percolation rates shall be determined according to methods and specifications in accordance with State Regulation 43.
  - d. Systems that utilize techniques other than sub-surface leaching for disposal of liquid will not be allowed except as approved in accordance with the County's adopted OWTS regulations.

F. Central Water and Sewage Treatment Systems.

1. Central Water Systems. When a central water system is proposed or otherwise required, the following requirement shall be met:
  - a. New or expanded central water systems shall provide fire hydrants and water supply/storage as necessary to provide adequate fire protection for the development, as determined by the applicable fire district.
  - b. The availability of water sources including the quality, quantity and dependability shall be explained in a written report and certified by a registered professional engineer or geologist and an attorney, if necessary, to substantiate water rights.
  - c. Representative samples from the water source must be analyzed by a reputable laboratory to confirm safety for drinking.
  - d. Water supply, treatment, and distribution facilities must be provided in conformance with the requirements of the Colorado Department of Public

Health and Environment, the Routt County Environmental Health Department, and any other appropriate entity.

- e. The minimum size of a water main shall be six inches in diameter, unless otherwise stated by state regulations or the Uniform Fire Code (if applicable).
- f. An organization shall be formed to own and operate the central water system. Administration of the central water system shall be performed by an incorporated town, homeowners' association, or an approved special district whose service plan has been submitted and approved by the County.

2. Central Sewage Collection System (CSCS)

- a. Systems shall conform to the regulations of the Colorado Department of Public Health and Environment and the Routt County Environmental Health Department.
- b. Systems shall be designed to provide service to each lot. Sewage treatment facilities of an approved design shall be constructed to adequately treat all collected sewage.

3. Reviews Required.

- a. No person may locate or construct a new central water and/or sewage treatment system or an extension of an existing water and/or sewage treatment system without first obtaining a Special Use Permit, unless the new or expanded central system is located within the defined boundaries of a water and/or sanitation district, or a municipal or metropolitan district that has been lawfully created and exists as of XXX, 2024, or the system has been reviewed pursuant to this Section.
- b. Routine maintenance and repair or replacement in like size or capacity of existing lines or treatment facilities shall not be subject to a Special Use Permit.
- c. When a new system or an extension of existing system is associated with, or an integral part of, an application for zoning amendment, subdivision, Planned Unit Development (PUD), or Special or Conditional Use, the system shall be reviewed concurrently with and as a part of the primary application.
  - i. A Special Use Permit for a water or sewage treatment system or an extension thereof which has not been reviewed concurrently with or as a part of a proposed land use shall not be deemed to influence subsequent land use decisions on any property that may be served by such system or extension.

4. General Requirements. A new central water or sewage system or an extension of an existing central water and sewage system must comply with the following standards:

- a. The new system shall be constructed in an area that will not preclude the orderly development of systems of adjacent communities.
- b. The proposed system furthers the intent of the Routt County Master Plan.
- c. The new system or an extension of an existing system will not materially decrease the quality of surface or subsurface water resources.

- d. Where new or expanded facilities are proposed, it must be documented that the operational efficiency, state of disrepair, or level of treatment is such that replacement is warranted, or existing facilities cannot be upgraded or expanded to meet increased demand or the discharge permit conditions of the Colorado Water Quality Control Division.
  - e. Area and community development and population trends demonstrate a clear need for such development.
  - f. No Special Use Permit shall be issued for a new system in the 100-year flood plain.
5. Ownership and Maintenance.
- a. New or expanded systems shall be under the control of a public entity (incorporated town, special district, the County, etc.) or shall be privately owned in common by all lots served by the system. In the case of private ownership, a homeowners' association or other entity that provides for adequate representation of all serviced lots shall be required.
  - b. The applicant shall demonstrate that the entity in control of the system has adequate financial resources to ensure that both ongoing maintenance and long-term capital replacement needs will be met.

G. Non-Residential Uses with Plumbing.

1. A building that is proposed to be used for a use other than a residential dwelling unit may contain plumbing for water and/or sewage system if the owner signs a recordable agreement limiting the use of the building to uses other than a dwelling unit. No Building Permit or planning approval may be issued without the signed agreement.

H. Storm Drainage.

1. Drainage easements, channels, culverts and required bridges shall be designed by a registered professional engineer and shall be capable of handling a flow as determined by a drainage study.
2. Drainage easements shall be provided as required to accommodate the 25 year storm event. In no case shall drainage easements be less than 20 feet wide, unless specifically approved by the applicable review body.
3. Culverts or drainage pipes, where required, shall be galvanized, corrugated steel or equivalent, in accordance with the AASHTO or equivalent standards.

I. Fire Protection.

1. All required fire protection measures shall comply with the Uniform Fire Code, as adopted by the applicable fire district.

J. Underground Utilities.

1. All electric power lines under 35 KV shall be installed underground, and to the greatest extent practicable shall be located in rights-of-way or easements for new or approved roads or driveways.

2. Underground placement of utility lines shall be required in all new subdivisions having an average lot size of less than 35 acres, unless located within the boundaries of the Historic Towns zone district as of the date of adoption of this UDC. In all other subdivisions, underground placement of utility lines shall be required wherever practical and feasible to preserve the natural character of the area.
3. All access to underground utilities from a road surface (*i.e.* manhole, vault) shall be of heavy-duty construction capable of safely supporting anticipated maintenance equipment and vehicular traffic.
4. In the Historic Towns zone district, new distribution lines may be above ground as long as the existing distribution lines are above ground. New service lines shall be placed underground.

K. Aboveground Utilities.

1. All aboveground utilities shall be located so as not to cause obstruction to pedestrian or vehicular traffic.
2. The minimum overhead clearance shall be 18 feet.
3. No pole or structure above ground shall be placed within a pedestrian walkway.
4. All solar utilities shall comply with the standards outlined in Chapter 2 Section 2 of this UDC.

### 3.5. Stormwater Management

- A. Purpose. These standards are intended to minimize impacts and damage to property and infrastructure, protect water resources, and safeguard the public's health, safety and general welfare.
- B. Applicability. This section shall apply to all large scale development.
- C. General Requirements.
  1. All development shall comply with applicable Colorado law regarding stormwater management. Projects that meet the requirements for state permitting shall obtain a Stormwater Discharge Permit from the Colorado Water Quality Control Division. A drainage report shall be used to show whether the project will discharge stormwater.
  2. Where drainage or detention systems are proposed, the system shall be designed by a professional engineer, licensed in the State of Colorado.
  3. Each business, commercial, or industrial development is required to meet or exceed the standards of Routt County, the Colorado Department of Public Health and Environment, and the U.S. Environmental Protection Agency with regard to water pollution control, stormwater control, and stormwater management. It is both the property owner's and applicant's responsibility to ensure compliance with state and federal regulations.
- D. Detention and Treatment Requirements.
  1. Permanent stormwater detention facilities are required to be multipurpose facilities designed to detain flows to historic peak discharge rates and to provide water quality benefits. Runoff after construction shall not exceed the level of runoff that occurred before construction.

2. Detention basins shall be designed for the 5 year and 100 year storm events. The minimum required free board for detention facilities is 1 foot above the computed 100-yr water surface elevation. Post-development peak runoff from a site may not be greater than pre-development runoff from a site for any storm event. In determining total site runoff rates, the entire area contributing runoff shall be considered, including any off-site contribution. Off-site contributions shall be determined using the full development potential of the area draining into the detention facility. Total site runoff is also a combination of detention basin release and direct runoff, both of which must be considered. No system design shall contribute to soil instability.
3. Removal of pollutants shall be accomplished by sizing dry detention basins to comply with applicable Colorado law regarding minimum and maximum detention periods for detention ponds.
4. Retention (wet) ponds shall only be used to remove pollutants if the property owner has all required water rights for the pond.
5. Detention basins shall be designed to reduce effluent pollution levels to those established by applicable Colorado law. A design of the detention basin that has a minimum length to width ratio of 3:1 is presumed to meet this standard without the need to perform tests or further analysis, though analysis of an alternative design with a reasonable expectation of performance conforming to this standard may be approved by the County.
6. Areas used for the collection and temporary storage of solid or liquid waste shall be designed to prevent discharge of these materials in runoff from the site and shall be no closer than 100 horizontal feet from any component of the storm drainage system.
7. Where detention basins and other storm and erosion control facilities may be required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized to the maximum extent practicable.

### **3.6. Access Management**

#### **A. General.**

1. All buildable lots shall have direct access to the public road system pursuant to this section. No approvals shall be granted unless the development has access to the public road system.
2. All buildable lots shall have access that is sufficient for ingress and egress for emergency vehicles as well as for all traffic needing access to the property for its intended use. Access includes a right-of-way access and either a **driveway or a private road, pursuant to subsections C and D**, below.
3. Roads serving all buildable lots shall have the capacity to serve the development.
4. Where a land use change or development requires improvements to the right-of-way, the applicant shall bear the sole responsibility for paying for those improvements.
5. A name and address shall be assigned to every access road prior to the issuance of a Building Permit for construction on any property in unincorporated Routt County.
6. Improvements to impacted public roads shall comply with County or CDOT standards.

#### **B. Right-of-Way Access Permits Required.**

1. The right-of-way access shall be constructed by the applicant and approved by Routt County Public Works Department. A Right-of-Way Access Permit is required prior to construction of any new access point onto a County Road or other local public road or right-of-way. The Public Works Department is the issuing authority of Right-of-Way Access Permits for access onto a County Road.
2. A double permit fee shall be imposed if the applicant has constructed a right-of-way access point prior to the issuance of the permit. Any work completed prior to the issuance of the required permit may be required to be removed, and the area restored to its prior condition, at the expense of the applicant if it is determined that it does not comply with the required standards.
3. Depending on local snow or drainage conditions, the Public Works Department, in its discretion, may withhold the issuance of a Right-of-Way Access Permit during the months of November through May. A Rightof-Way Access Permit shall be good only for the calendar year in which it is issued and it shall expire automatically on the 30th day of November of such year.
4. Standards.
  - a. Access Points. No more than one right-of-way access point shall be approved to a single buildable lot or to contiguous buildable lots which were under the same ownership at the time such buildable lots were created, unless it can be shown that additional accesses would be significantly beneficial to the safety and operation of the road or the local circulation.
  - b. When access to a buildable lot could be from two different roads, the Right-of-Way Access Permit shall be issued for the road with the lowest functional classification or lowest average daily trips (“ADT”), as determined by the Public Works Director
  - c. Site Distance. Right-of-way access points shall be located so that they will be visible from a vehicle traveling on the adjoining road for the minimum distance indicated in **Table 3.12-B**, corresponding to the design speed of the road. The minimum sight distance is also the minimum distance allowed between consecutive right-of-way access points on the same road.

<b>Design Speed</b> (Posted Limit or 85th percentile, whichever is greater):	<b>Minimum Distance:</b>
50 mph	500 feet
40 mph	400 feet
30 mph	300 feet
20 mph	200 feet

- d. Drainage Requirements. All driveways and approaches shall be constructed so that they do not interfere with the drainage system of the road.



- i. The applicant shall pay for all materials and drainage structures at access points and shall install them at their own expense. Such drainage structures shall become an integral part drainage system of the road.
- ii. Maintenance of the drainage improvements is the responsibility of the property owner(s) using the access.
- iii. Any culvert required for drainage shall be 18 inches in diameter or larger, as may be required by the Public Works Department.

e. Minimum Dimensions.

- i. Right-of-way access points shall have a minimum width of 20 feet within the right of way. The right-of-way access point shall be constructed to match the grade at the shoulder of the road. The grade of the entrance shall slope downward and away from the road surface at a maximum of 4% for a distance of at least 25 feet from the point of access.
- ii. The horizontal axis of an approach to the roadway shall be at a right angle (90 degrees) to the centerline of the roadway and extend a minimum of 40 feet beyond the traveled way. An angle of between 90 and 60 degrees maybe permitted if it can be shown that physical constraints exist that require an approach angle less than 90 degrees. An angle less than 60 degrees is not permitted.
- iii. An access approach that is gated shall be designed so that the longest vehicle using it can completely clear the traveled way when the gate is closed. In no event shall such distance be less than 30 feet.
- iv. Access approaches shall not have an equivalent turning radius of less than 20 feet. Access designed for use by vehicles exceeding 30 feet shall have a minimum 50-foot turning radius.
- v. The access shall be surfaced with four inches of class 6, or  $\frac{3}{4}$  minus road base, to the edge of the right of way, but not less than 30 feet from the centerline of the county road.

C. Access from Private Roads.

1. Right-of-Way-Access Permits are not required for right-of-way access points from a private road, although applicants should review any private or other independent requirements such as homeowners' association or subdivision covenants. Applicants are encouraged to follow the standards set forth in Sections 3.5.B (Right-of-Way Access Permit Required).
2. Development approvals under this UDC that involve access from a private road, may require, as a condition of approval, that access be constructed to the standards specified in the UDC.
3. Based on the level of work needing to be completed, applicants may be required to obtain a Grading and Excavation Permit from the Public Works Department.

D. Driveways.

## 1. Internal Driveway Standards.

### a. General.

- i. In order to promote safe and adequate access to all buildable lots , uses, and structures, in particular for emergency services and response, Routt County recommends that landowners comply with the following minimum design standards and criteria for the construction of the internal portions of driveways, other than the right-of-way access point.
- ii. Applicants may be required to construct driveways in compliance with the following standards as a condition of approval of any land use or subdivision approval.
- iii. Based on the level of work needing to be completed, applicants may be required to obtain a Grading and Excavation Permit from the Public Works Department as well. Individual fire protection districts may have adopted driveway design and construction requirements which are not voluntary as a part of an approved fire code applicable in such districts. In such cases, Routt County shall require a sign off from any such fire district prior to issuance of a building permit certifying that the fire district's fire code provisions regarding access have been satisfied, whether by compliance with these driveway criteria or by approved fire protection mitigation measures.

### b. Minimum Design Standards. All driveways are recommended to conform to these minimum design standards:

- i. If the driveway provides access to one buildable lot, it shall have an unobstructed width of not less than 12 feet, not including snow storage, parking or road shoulders.
- ii. If the driveway provides access to two buildable lots, it shall have an unobstructed width of not less than 16 feet, not including snow storage, parking or road shoulders.
- iii. The driveway shall have unobstructed vertical clearance of not less than 13 feet 6 inches;
- iv. Minimum centerline turning radius of 60 feet; and
- v. Grade not to exceed 10%.
- vi. Any curve with a radius of less than 80 feet shall have a grade less than 4% within 100 feet of the point of curvature of the curve or switchback.
- vii. The driveway shall be surfaced to provide a reasonable level of all-weather access given the site conditions, including but not limited to, grade, soil type, and drainage. At a minimum, the surface shall consist of "three-inch minus" structural gravel at a depth of four inches.
- viii. Driveways longer than 150 feet shall have a "T" turnaround or cul-de-sac, as approved by the Public Works Director.

- ix. Driveways longer than 200 feet and less than 20 feet wide shall have turnouts. Turnouts shall be an all-weather road surface at least 10 feet wide and 40 feet long.

E. Paving.

1. Asphaltic or higher type pavement shall be required on all arterial and collector streets and in new subdivisions or parts of subdivisions where commercial or industrial uses are planned, where residential density is planned to exceed one unit per two acres, or where average lot size is less than one acre.
2. The County may require any street to be paved upon a finding that anticipated traffic volume, surface conditions, or other considerations in furtherance of public safety.

F. Street and Road Signs.

1. Street and road name signs shall be installed at all intersections in every development.
2. All street and road names shall be approved in accordance with the Routt County Road Addressing, Naming and Signing Policy.
3. Suitable warning signs and/or devices shall be installed to address any hazards, such as railroad and other hazardous crossings or corners in accordance with the Municipal Uniform Traffic Control Device standards.

G. Street Lighting.

1. Street lighting may be required as determined by the applicable review body.
  - a. All street lighting fixtures, where required, shall comply with **Section 3.2, Lighting.**

**3.7. Common Roads**

- A. Access to a buildable lot shall be shown by the existence, at the time of the application for a Building Permit or other permit, of a common road complying with the requirements of this Section, as verified by the Planning Department at the time of review of such permit. The following categories of Common Roads shall satisfy this requirement:
  1. Common roads existing and constructed prior to February 4, 2003 that do not require additional construction, completion, upgrade, or improvement other than normal maintenance.
  2. Common roads constructed after February 4, 2003, including driveways converted to common roads and any existing common road that requires additional construction, completion, upgrade or improvement beyond normal maintenance.
- B. A Road Construction Permit pursuant to this Section shall be required which shall be issued by the Public Works Department. A Grading and Excavation Permit from the Building Department may also be required. The applicant shall pay a fee in advance as established by the Fee Schedule adopted by the Board of County Commissioners.
- C. Timing of Approval and Construction.

1. Where common roads are associated with, or are an integral part of, an application for an Amendment to the Official Zoning Map, Subdivision, PUD, or Special Use (SUP) or Conditional Use (CUP), the application for said roads shall be applied for and reviewed concurrently with and as a part of the request for an Amendment to the Official Zoning Map, PUD, Subdivision, SUP or CUP.
2. Common roads shall be constructed, or be guaranteed to be constructed (*i.e.*, pursuant to a Subdivision Improvements Agreement (SIA) or other agreement), prior to the issuance of a Building Permit or other permit for any building, use, or structure on a buildable lot to be accessed by such common road. An inspection by the Planning Department may be required prior to the issuance of such Building Permit or other permit to verify the existence and level of construction of such common road.

D. Standards.

1. All common roads shall be designed and constructed to comply with the CDOT standards for Off System and Low Volume Roadways.
2. Road Construction Permits for roads within a County-approved subdivision shall require design and construction of roads to such other standards as may be required by as a condition of the subdivision approval.
3. Once a common road is completed pursuant to the terms and conditions of the Road Construction Permit, the applicant shall be required to submit a licensed professional engineer's or licensed professional surveyor's stamped certificate that the road has been constructed in compliance with the plans approved as part of the permit and shall also submit "as built" drawings of the completed road stamped by a licensed professional civil engineer or licensed professional surveyor. The Planning Director and the Public Works Director, or an engineer designated by them, shall have the right to inspect the road during and after construction. After the submittal of the above certification and drawings, and after having an opportunity to inspect the road, not to exceed 30 days, the Public Works Department shall issue a completion certificate.
4. A Building Permit or other permit may be issued prior to the completion of the road pursuant to this Section only if the applicant enters into an agreement in a form substantially similar to the form of an SIA and submits to the Board of County Commissioners adequate security to guarantee the construction of the road, in a form acceptable to the Board and in the amount of 150% of the cost to complete the road.
5. Where a fire district has adopted these common road standards as a part of a fire code enforceable in such district, the interpretation by the district of such fire code provisions relating to the adequacy of a common road for emergency access and the reasonableness of required mitigation measures may be reviewed by the Fire Code Board of Appeals as set forth in and established by such fire codes. Any decision of the Fire Code Board of Appeals may be appealed to the Board of County Commissioners for final decision.

### 3.8. Parking and Loading

- A. Purpose. In order to improve traffic management and address the shortage of on-street parking areas, off-street parking and loading facilities shall be provided in accordance with this UDC in proportion to the need for such facilities created by the particular type

of use. Off-street parking and loading areas are to be designed, maintained, and operated in a manner that will ensure their usefulness, protect the public safety, and insulate surrounding land uses from their impacts.

B. Applicability. Off-street parking and loading spaces shall be provided for any new building, for any addition to an existing building, or for any new Land Use Approval. For additions to an existing building or new uses or changes in use that would increase the total number of parking spaces required for such building, the additional parking shall be required for only such addition, new use, or change in use and not for the entire building or use.

C. General Parking Standards.

1. Location.

- a. Parking spaces must be located entirely on the same property as the principal use, except where specifically addressed in this section.
- b. Parking spaces, aisles, and turning areas shall be entirely within lot lines and shall not encroach on any public right-of-way.
- c. For parking facilities accommodating more than four cars, off-street parking areas shall be designed so that it will not be necessary for vehicles to back into any street or public right-of-way.

2. Size of Space.

- a. In all zone districts with the exception of the Industrial (I) zone district, each off-street parking space shall not be less than nine feet wide and 18 feet long.
- b. In the I zone district, each off-street parking space shall not be less than ten feet wide and 20 feet long.
- c. When required parking spaces for a commercial, multifamily, or mixed-use development are enclosed or covered, there must be a minimum clearance height of eight feet.

3. Maneuvering Space. Each parking area for a use other than a single-family or two-family residential dwelling shall provide for safe access and maneuvering of vehicles.

<b>Table 3.9.C.3</b>	
<b>Parking Space Arrangement</b>	<b>Width of Aisle (feet)</b>
Perpendicular (90°) parking, both side	24
Angled (60°) parking, both sides	18
Angled (45°), parking both sides	15
Perpendicular parking on one side, angled (60°) on other	24
Perpendicular parking on one side, angled (45°) on other	24
Perpendicular parking on one side, parallel on other	24
Angled (60°) parking on one side, angled (45°) parking on other	17
Angled (60°) parking on one side, parallel on other	18
Angled (45°) parking on one side, parallel on other	15
Perpendicular parking, one side only	24
Angled (60°) parking, one side only	18

Angled (45°) parking, one side only	15
Parallel parking, one side only	12
Self-service storage units, both sides	24

4. Surfacing.

- a. Unless exempted by the Planning Director, Planning Commission or Board of County Commissioners, all required off-street parking spaces shall generally be required to be asphaltic, concrete or other higher type surfaces in the C and I zone districts, and in those areas within a PUD, SUP, or CUP which contain similar use characteristics and densities as the C and I zone districts.
- b. Porous pavements or other techniques to reduce runoff are encouraged.

5. Parking Lot Run-Off. New and reconstructed hard-surface parking lots that have ten or more spaces shall provide stormwater quality management treatment facilities.

- a. Alternative methods of drainage/run-off control, such as porous pavements or the creation of stormwater control features, are encouraged.

6. ADA Accessibility. Accessible spaces shall be provided in accordance with the Americans with Disabilities Act Accessibility Standards for parking space size and quantities or as required during site plan review.

7. Bicycle Parking. All multifamily, commercial, and industrial development shall provide bicycle parking.

- a. Bicycle parking is required to comply with the following standards:
  - i. Be equivalent to ½ the number of vehicular parking spaces;
  - ii. Be directly accessible from travel surfaces via a paved surface;
  - iii. Be within visual distance from the main entrance of the building; and
  - iv. Meet AASHTO design standards.
- b. Bicycle racks are prohibited from being located within the public right-of-way.

8. Pedestrian Accessibility.

- a. In an effort to enhance the public realm and encourage the safety of pedestrians, vehicular accesses shall be minimized and are encouraged to be concentrated at mid-block locations.
- b. Parking lot design shall consider pedestrians access to the front of the building.
- c. Sidewalks and crosswalks must be designed so that pedestrians can be seen by motorists, and where they can cross most safely with the flow of vehicular traffic.

D. Required Parking Spaces. Each use shall provide at least the number of parking spaces shown in **Table 2.20**, unless a different standard is specifically stated elsewhere in this UDC or is modified through the Land Use Approval process. The Planning Director shall have authority to determine the type of use and the parking requirement for each use or

combination of uses, subject to the provisions of this Section. Required parking for uses not specifically listed below shall also be determined by the Planning Director based on the characteristics of the use and consideration of the parking requirements for other uses with similar characteristics.

1. Parking shall not be provided in excess of 25% of the allowances found in the Land Use Table in **Section 2.20**.

E. Credits and Reductions.

1. A reduction to the minimum required number of parking spaces may be approved if the project is located within a quarter-mile of a public transit access point, and has sidewalk or trail connectivity to the transit stop.
2. A credit toward satisfying minimum off-street parking requirements shall be granted for any development that includes at least one Electric Vehicle (EV) charging spot. For each EV spot included, a credit of two spaces shall be granted toward the off-street parking requirements.
3. **Mixed Use and Shared Parking Facilities.** Mixed-use districts benefit from differing parking demand levels at different times of the day. Shared parking is an arrangement that takes advantage of different peak parking demands through using the same off-street parking spaces to meet off-street parking requirements. The County may permit shared parking based on a site-specific review for a reduction outlined in **Table 3.9.E-3** if the following conditions are met:
  - a. All developments involved in the shared parking must be located within 660 feet (.125 miles) from the shared parking, measured from the entrance of the use to the nearest parking space within the shared parking lot.
  - b. The site or sites involved must contain two or more separate and distinct building activities or functions which, by their nature, can use shared parking without having an adverse impact on traffic circulation or without impairing the overall functioning of the site or sites.
  - c. Shared parking may be required to be set forth in an instrument recorded with the Routt County Clerk and Recorder, describing the lands affected by the agreement to ensure unified operation, control, and continuation of multiple use or shared parking facilities.
  - d. Shared parking lots shall comply with the standards set forth in this Section.

<b>Table 3.9.E-3: Shared Parking Reductions</b>	
<b>Required Parking</b>	<b>Reduction</b>
<15 spaces	None
16-49 spaces	5% maximum reduction
50-100 spaces	10% maximum reduction
151-200 spaces	15% maximum reduction
201-300 spaces	20% maximum reduction
301-400 spaces	25% maximum reduction
>401 spaces	30% maximum reduction

F. Off-Street Loading.

1. Loading facilities are prohibited from being located on street-facing facades and shall be co-located and screened when possible.
2. Off-street loading spaces shall be located on the same lot as the building or use served and shall not be located within a parking space or an access way or circulation aisle.

### **3.9. Landscaping**

A. Purpose. These regulations are intended to preserve existing and enhance new vegetation on development sites to the maximum extent. They also serve to ensure that man-made improvements are consistent with the rural character of the County.

B. Applicability.

1. Landscaping standards shall apply to all land use and development in all zone districts unless specifically exempted by this UDC.
2. For all new development, landscaping is required to be used as a screen in the following instances:
  - a. To screen satellite dishes and other telecommunications equipment when located within two hundred (200) feet of adjacent public roads and visible from such roads;
  - b. Outdoor storage areas;
  - c. To screen non-residential parking areas and service areas when viewed from adjacent public roads;
  - d. To break up required parking lots into smaller “cells” of parking; and
  - e. To break up the perceived mass of larger buildings in the C and I zone districts.

C. General Standards.

1. Noxious weeds shall be managed in accordance with all applicable rules and regulations.
2. Protection of Existing Vegetation. Natural vegetation shall be preserved to the maximum extent possible outside of the home ignition zone.
3. Berms.
  - a. Shall minimize the visual impacts from the adjacent right of way.
  - b. Berms may be incorporated into any required landscaping, buffering, or screening area, provided that the County determines, during the development approval process, that the proposed berms will not cause drainage or erosion problems.
  - c. Berms must be contoured to a slope conducive to establishing vegetative cover. No installed berm shall have a slope of greater than four-to-one (4:1).
  - d. Berms shall be a maximum of four feet above grade.
  - e. Berms shall be designed to appear natural through contouring and undulation of the top and sides of the berm and shall be tied into the existing grade.
  - f. Landscaping may be added to the top of the berm, but may not create the appearance of a hedgerow. Trees and shrubs shall be placed in clusters and with sufficient spacing to not constitute a hedgerow.



- g. Berms shall be compacted prior to landscaping or revegetation.
- h. Berms shall be revegetated in accordance with sections 3.9.D.2.c and 3.9.D.2.d.

#### 4. Fences

- a. In all zone districts except AF, fences shall not exceed six feet in height within a required setback.
- b. In all zone districts except A/F and MRE, fences in any front yard shall not exceed four feet.
- c. Fences used for sports enclosures (baseball, tennis, etc.) shall not exceed 20 feet.
- d. In all other circumstances, fences shall not exceed 12 feet.

#### 5. Retaining Walls

- a. Retaining walls shall not exceed six feet in height. If multiple retaining walls are needed, they shall be laterally separated by a minimum of three feet to minimize the visual impact of the walls.

### D. Non-Residential Standards.

#### 1. Applicability.

- a. The following standards are applicable to the landscape plan required for all developments excluding single-family and two-family principal residential uses on individual lots.

#### 2. General Standards

- a. A landscape plan shall be developed with minimization of fire risk in mind and shall be reviewed and approved by the local Fire District.
- b. Landscaping shall be maintained to ensure the safety of the public, and in a manner that reduces fire risk.
- c. Graveled areas may make up a portion of the landscape plan, but may cover no more than one-third (1/3) of the entire landscaped area.
- d. On disturbed lands interim stabilization measures used to manage erosion or stormwater runoff shall utilize native plant material, including pollinator plants, grasses, and forbs, as referenced in the Native Plant Revegetation Guide for Colorado or the Colorado Seed Mix Tools
- e. All disturbed areas shall be reseeded for revegetation within one growing season. Vegetation shall be established within three years.
- f. Any installed landscaping shall use the species of plant materials indigenous to the area (except for flower and vegetable gardens).
- g. Required landscaping shall be located outside of public right-of-ways.
- h. Plantings shall be located in groupings to give a natural appearance.
- i. All landscaping shall be installed no later than one growing season after completion of the development or land use change.

- j. Where applicable, porous ground cover including natural-colored gravel, decomposed granite, river rock, mulch, or similar covers shall be utilized to help facilitate rainwater absorption.
- k. All landscaping shall be installed and maintained in such a way that it does not interfere with the ability of drivers to see nearby traffic at the intersection of any driveway with a public road, or at the intersection of two public roads.
- l. Whenever possible, landscaping shall incorporate the following low-water principles and practices to reduce water consumption:
  - i. Locate plant materials with similar water needs in the same area.
  - ii. Design a balanced landscaped area with a mixture of turf and plant types.
  - iii. Minimize the use of expansive turf areas. When turf is incorporated it shall be located so that it is effective or functional in terms of visual experience and use.
  - iv. Incorporate a variety of plant materials that have low water needs and are indigenous to the area. Plant hardy, low water usage materials in south and west exposures. Use grasses that remain green with a limited amount of irrigation.
  - v. Utilize soil amendments that enhance the ability of the soil to conserve moisture, such as organic matter, and certain fertilizers and polymers.
  - vi. Use rock, bark, pole peelings, or other natural mulches to keep moisture in the soil around the planted materials and to control weeds.

### 3. Irrigation

- a. Irrigation should be minimized. When included, an automatic irrigation system shall be designed and installed to provide the maximum efficiency. The system should be adjustable to meet actual precipitation requirements of the various planting zones and should operate only when necessary. The type of irrigation components should be selected to meet the needs of the type of planting.
- b. No more than 25% of the landscaped area for any multi-family residential, commercial, or industrial land use shall be vegetated with water intensive turf, such as Kentucky bluegrass or fescue. Active parks are exempt from this limitation.
- c. No more than 25% of the landscaped area shall utilize overhead spray irrigation.
- d. Practices that minimize the water needs of the landscape and prevent water waste, such as less frequent mowing of turf areas, the use of controlled-release fertilizers, and regular maintenance of the irrigation system should be implemented.

E. Financial Surety. The Planning Director may require financial security in a form in compliance with the Routt County Insurance and Surety Requirements policy, to ensure

completion of installation of all required landscaping and/or successful establishment of plants.

F. Maintenance.

1. All plants shall be maintained continually in a healthy condition in accordance with generally accepted professional horticultural standards and practices. Property owners shall be responsible for all landscaping maintenance. This includes proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of dead plants, and irrigation of all live landscaping. Maintenance shall comply with the following:
  - a. Dead trees and other plantings shall be removed and replaced within the current or the following growing season.
  - b. If trees or other plant materials are removed for convenience purposes, the property owner shall be responsible for replacing all removed materials elsewhere on the site, and the replacement shall occur at a location approved by the County Planning Director.
  - a. All replacement plants shall conform to the standards of **Section 3.8**.

**3.10. Snow Storage**

- A. Purpose. This section is intended to ensure there are adequate areas for storing accumulated snowfall until it melts and maintain the safety and functionality of parking and loading areas and vehicular and pedestrian circulation.
- B. Applicability.
  1. The provisions of this section apply to all new uses in all zone districts except single-family and duplex home development.
- C. Standards.
  1. 40 square feet per 100 square feet of shoveled or plowed area
- D. Location.
  1. Snow storage areas shall be located adjacent to and within 20 feet of the edge of the pavement area to be served. An alternative snow storage location may be approved by the Planning Director upon a finding that the alternative location meets all of the following criteria:
    - a. The alternative snow storage area contains enough unencumbered space to accommodate the necessary snow storage; and
    - b. The snow storage area is configured to adequately facilitate the proposed snow storage without damage to landscaping, sidewalks, or other site amenities; and
    - c. Snow can be moved to the alternative snow storage area on-site through the use of commonly accessible equipment or machinery.
  2. Snow storage areas shall be free of fences, retaining walls, and similar obstructions in any situation where they will inhibit the storage of snow.
  3. Snow storage areas shall not be located within wetlands or waterbodies.

A. Prohibitions.

- a. The hauling of snow offsite in lieu of snow storage shall not be permitted except for emergency maintenance purposes.

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## SECTION 2: STANDARDS ADDITIONALLY APPLICABLE TO LAND USE APPROVALS

3.20	Development in Tier 2 and 3 Growth Areas
3.21	Employee Housing
3.22	Public Benefit
3.23	Transportation
3.24	Open Space, Parks, and Trail Design
3.25	Financial Guarantee for Improvement

### 3.20. Development in Tier 2 and 3 Growth Area

#### A. General Standards.

1. Building and site plan design for all new development shall meet the following standards.
  - a. A specific architectural style is not prescribed by these standards, but care must be taken to ensure new development is consistent with the mountain and rural character of these areas, such as the use of natural materials and native landscaping.
2. Building Placement. Generally, all development should respond to the natural topography. Substantial recontouring the land to create building sites is prohibited. The use of berms shall comply with **Section 3.10**.
3. Vehicular Parking Areas. Parking areas shall be accessed from the rear or side streets, when possible. All parking areas shall be located behind the building, unless approved by the County. If located in front of a building, screening shall be installed to minimize the visual impact of the parking area. Screening may utilize increased setbacks, berms, and/or plantings.
4. Bicycle Parking. All commercial development shall provide bicycle parking equivalent to  $\frac{1}{2}$  the number of required vehicular parking spaces. Such spaces shall be directly accessible from travel surfaces via a paved surface, be within visual distance from the main entrance of the building, and shall meet American Association of Highway and Transportation Officials (AASHTO) design standards.
5. Pedestrian facilities are required in all developments through the provision of sidewalks or trail connections. Separation of pedestrian and bicycling improvements from vehicular traffic, through a landscape buffer or setback, are encouraged to support safe walking and biking opportunities. Trail facilities can be hard- or soft-surface.
6. Public spaces. All developments, except single family residential, shall include a public space, such as a plaza, seating area, or park. These should be open to the sky and accessible from the street.
7. Trash, Utility, and Mechanical Areas. All developments shall provide areas for trash, recycling, and utilities. These areas shall be screened from view. All utility and mechanical equipment located on the roof or piercing the roof shall be setback from the front-most façade a distance equal to the height of the equipment, as measured

from the point of attachment. A low wall, meeting manufacturer's specifications, shall be used to conceal roof equipment.

8. Current levels of service on all public roads shall be maintained. A transportation report identifying the additional vehicles on State and County Roads is required, and mitigation measures shall be implemented if the level of service is anticipated to be reduced as a result of the development.
  9. Annexation. Development that meets the statutory requirements for annexation shall be annexed into the Town of Hayden or City of Steamboat Springs. This requirement may be waived by the Board of County Commissioners if the applicant can show that a reasonable, good faith effort has been undertaken to seek annexation and has not been responded to, or has been denied.
- B. Standards Specific to areas within the West Steamboat Springs Tier 2 Growth Area.
1. All proposed development in this area is required to comply with certain performance standards that ensure development is consistent with the goals and vision for the area, as articulated in the Routt County Master Plan.
    - a. All proposed development in this area shall meet all development requirements of the City of Steamboat, to the greatest extent practicable.
    - b. Alleys and sidewalks shall be provided to the greatest extent practicable.
- C. Standards Specific to the Hayden Tier 2 Growth Area. All proposed development in area is required to comply with certain performance standards that ensure development is consistent with the goals and vision for the area, as articulated in the Routt County Master Plan.
- a. All proposed development in this area shall meet all development requirements of the Town of Hayden, to the greatest extent practicable.
- D. Standards Specific to the Stagecoach Tier 2 Growth Area. All proposed development within the Stagecoach Tier 2 Growth Area is required to comply with certain performance standards that ensure development is consistent with the goals and vision for the area, as articulated in the Routt County Master Plan and the Stagecoach Community Plan.
1. All new developments shall participate in existing special districts to ensure provision of services is coordinated within the Stagecoach community.
    - a. The Stagecoach Community Plan contemplates a commercial center in the north portion of Stagecoach. Any development that proposes non-residential land uses shall contribute to the commercial vitality of Stagecoach. This shall be determined based on the proposed location of commercial uses, their general accessibility and availability to the general public, and their connectivity to pedestrian facilities.
- E. Standards Specific to Tier 3 Growth Areas. All proposed development in a Tier 3 Growth Area is required to comply with certain performance standards that ensure development is consistent with the goals and vision for the area, as articulated in the Routt County Master Plan.

1. To prevent sprawl, any development in a Tier 3 Growth Area shall be immediately adjacent to, or in close proximity to, existing development.

### **3.21. Employee Housing**

- A. Definition. Employee Housing is a category of Dwelling Units that is intended to meet the demand for housing that is created by a land use permit. It is restricted for use by a person whose primary residence is Routt County, who is employed at least part-time by an employer whose primary place of business is Routt County, and who making up who is to 120% of the Area Median Income (AMI).
  1. In determining whether Routt County is the person's primary residence, the County will apply guidelines that include factors including:
    - a. Employment address;
    - b. Utilities bills;
    - c. Driver's license and car registration address;
    - d. Address on federal and state tax returns;
    - e. Family members' main residence location;
    - f. The address of a financial institution used by the household; and
    - g. Voter registration card addresses.
- B. Purpose. New construction or expansion of residential, commercial and industrial development results in new employees employed by or within those developments. This section is intended to ensure that such development provides constructed residences and installed infrastructure to mitigate the impacts to the County's housing supply as growth occurs. This section also promotes affordable housing by requiring mitigation of the impact development has on housing.
- C. Applicability. Employee Housing is required for the following land use permit applications:
  1. Commercial, residential, multi-family residential, and industrial development that requires an SUP or CUP.
  2. Non-Residential PUDs.
  3. Exemptions. The following activities are considered exempt from the requirements of this Section.
    - a. Same-size reconstruction of an existing structure;
    - b. An addition of 500 square feet or less.
    - c. A Secondary dwelling unit;
    - d. Manufactured home Community; and
    - e. A renewal of an SUP or CUP that existed prior to the adoption of this Section.
- D. Standards. All applicable development applications shall mitigate the impact of the development on housing needs by constructing employee housing units that meet the following standards.
  1. Any applicable development application shall develop the following minimum number of Employee Housing Dwelling Units:

- a. Residential development projects must provide a minimum of 15% of the total proposed Dwelling Units; or
  - b. Mixed-use development projects must provide a minimum of 15% of the residential net floor area within the project.
2. Applicable development applications shall provide an employee housing impact study, in a form acceptable to the County, that analyzes the number of employees that the development will require to operate.
3. Applicable development applications shall mitigate at least 15% of the number of employees that their development will require to operate. Some development types have specific calculations as set forth below.
  - a. Commercial Development, General. These types of development may generate 3 employees per 1,000 gross square feet (gsf).
    - i. No mitigation shall be required for developments of less than 2,250 gsf.
    - ii. For every 2,250 gsf of development, the applicant shall provide deed-restricted housing for one employee.
  - b. Hotel/Motel/Lodging. Development that includes a hotel, motel or any other type of lodging shall mitigate the impact based on the following population density formula:
    - i. Total number of lodging units divided by two = Condominium Unit Equivalent;
    - ii. Condominium Unit Equivalent multiplied by three = Residential Density Equivalent number of people.
    - iii. Residential Density Equivalent multiplied by .15 = the number of presumed employees.
    - iv. The result of (c) shall be rounded up to the nearest whole number. This is the number of employees for which the development must provide housing.
  - c. Ski Area Development.
    - i. Each ski area development that creates new base or other on-mountain facilities or facilities off site intended to be used by ski area guests shall provide housing during all seasons for 15 percent of its employees; and
    - ii. For each new ski lift added to an existing ski area, the ski area operator shall provide housing for two employees.
  - d. Golf Course Development.
    - i. Each golf course development shall provide housing during all seasons for 15 percent of its employees.
4. Required Deed Restriction.



- a. A mechanism through an agreement with the Yampa Valley Housing Authority (YVHA), acceptable to Routt County, shall be in place to ensure permanent restriction of ownership or rental by those eligible under the definition. The applicant shall identify the following information:
    - i. The applicable AMI percentage for each unit, if different.
    - ii. The total number of units, including the square footage and number of bedrooms for each unit.
    - iii. The mechanism to adjust rental and sales limits according to changes in the AMI. For instance, an annual adjustment of a specified percentage or the percentage increase of AMI.
    - iv. The mechanism to verify potential purchasers and renters meet applicable residency and income requirements and to enforce the income requirements over time.
  - b. The deed restriction shall limit the price of the Dwelling Unit(s) for both rental and for-sale units.
    - i. Units offered for sale or for rent shall be priced to be affordable for households earning 60% to 120% of AMI.
    - ii. The monthly rental price for all rental units shall not exceed thirty percent (30%) of the applicable AMI monthly income.
5. Size, Location and Occupancy of Employee Units.
- a. Employee housing shall be deed restricted housing to be occupied by any person(s) qualifying under the deed restriction established by guidelines adopted by the County. At least one member of a family must qualify under the deed restriction.
  - b. Housing required under this Section shall provide:
    - i. At least four hundred (400) square feet of space; and
    - ii. Full living, kitchen (including refrigerator, stove/oven, sink), and sanitation facilities for each employee housing unit.
  - c. Housing units shall be constructed on the site of the primary development.
  - d. Housing units shall be constructed simultaneously with or prior to the primary development.
6. Development Characteristics. The following characteristics shall be considered by the applicable review and decision-making body.
- a. Employee Housing should offer a variety of unit sizes to accommodate different household compositions, including studios, one-bedroom, two-bedroom, and three-bedroom units.
  - b. Development of Employee Housing must be on the same parcel as market rate development.
7. Waiver. The Board of County Commissioners may decrease the amount of Employee Housing that is required of an applicant in its sole discretion.

### **3.22. Public Benefit**

- A. Purpose. New development will intensify demands on local housing, opens spaces, community facilities and services, street network, and transit. At times these impacts are not known until a development is presented to the review and decision-making body and therefore the impacts may not be fully mitigated by the specific mitigation requirements of this UDC. Therefore, each applicable development shall address one of the community needs identified in the Master Plan.
- B. Applicability. All applications for new large-scale developments shall provide additional public benefit to address a community need.
- C. Standards.
  - 1. Determination of the required public benefit is at the sole discretion of the Board of County Commissioners.
  - 2. Public benefit shall be commensurate with the scale of the development.
  - 3. Public benefit shall be focused on the immediate vicinity of the development.
  - 4. Examples of public benefit include, but are not limited to:
    - a. Preservation of historic or vital community assets;
    - b. Improvement of public infrastructure including, but not limited to, providing transportation services that serve more than just those within the development site, upgrading of public roads outside of the actual development site, providing central wastewater and/or water systems that benefit more than just those within the development, or broadband and/or telecommunication networks that benefit more than just those within the development site;
    - c. Improvement of public safety services, such as police, fire and rescue;
    - d. Permanently preservation of a significant amount of open space (beyond the minimum open space requirement) that protect areas of critical wildlife habitat to ensure natural areas are not fragmented by development or commercial recreation through a conservation easement or other method acceptable to the County.
    - e. Include facilities, such as but not limited to parks, community centers, trails, trailheads, that enhance the quality of life of county residents, not just the residents or users of the development, and promote economic vitality, social opportunities, and community health and safety into the project development plan. Permanently preserve prime agricultural lands from the impacts of development and commercial recreation through a conservation easement or other method acceptable to the County;

### **3.23. Transportation**

- A. Purpose. Development within Routt County ranges in size, complexity, and location. Such development contributes to the need to increase road capacity and to improve multimodal transportation facilities to enable new development to take advantage of transit systems as well as to prevent increased road congestion for existing development.

The following standards are intended to ensure that mobility and transportation in Routt County furthers the intent of the Master Plan.

B. General.

1. Transportation systems shall be designed and constructed in a way that minimizes the development project's impact on traffic.
2. All proposed roadways shall comply with the standards found in Sections 3.6-3.8.
3. The applicant shall assess the project's impact on existing County roadways and traffic patterns, both during construction and completion phases, and how these transportation impacts will be mitigated.
4. All proposed roadways shall provide safe and convenient access to:
  - a. All portions of the proposed development using roads;
  - b. Surrounding roadways; and
  - c. Any future roadways proposed during future phases.
5. Safety.
  - a. Transportation systems shall be designed and constructed in a manner that ensures adequate safety for multiple user types.
  - b. Multi-lingual wayfinding is encouraged along key bike and pedestrian connections. Signage shall be used to mark path entrances, improve wayfinding, and along key bike and pedestrian connections.
  - c. Adequate emergency vehicle access shall be ensured through consultation with the appropriate fire protection district.
6. Multimodal Mobility.
  - a. Transportation systems shall be designed and constructed so as to maximize the mobility of people, goods, and services by multiple transportation modes, including motorized vehicles, bicycles, pedestrians, and transit.
  - b. Methods for separating automobiles from bicyclists/pedestrians, such as a combination of markings, bollards, landscaping, and/or medians, are encouraged.
  - c. All trails shall be designed in a way that improves or creates links to existing trail systems.
7. All efforts shall be made to ensure that trails and transportation systems do not infringe on wildlife habitats and movement corridors.
8. Transportation facilities shall be designed and constructed to minimize the quantity of materials needed, to utilize recycled materials, to use local materials, reduce water use, and minimize energy consumption (initial and ongoing).

- C. New Development. All new development, unless exempted by the Public Works Director, is required to prepare a traffic impact study to ensure that roads can accommodate projected traffic volumes and patterns during the construction phase and after the project is complete, and to define how these transportation impacts will be mitigated. Such study shall include the following elements:

1. Project Description.
  - a. The project's land uses (type, size, density) and their proposed phasing and timing (year) for development;
  - b. All roads and streets that will be developed or utilized within the development site;
  - c. The project's site location including adjacent development and infrastructure (roads, intersections, trails, etc.) within a one mile radius; and
  - d. Strategic intersections or roadway links beyond the one-mile radius, as appropriate.
2. Multimodal Opportunities.
  - a. A description of how pedestrian, bicycle, and transit vehicle travel within ¼ mile of the site will be accommodated within the proposed site/subdivision plan.
  - b. A discussion of types of sidewalks (attached/detached), shared-use paths, and connections to existing and planned local and perimeter destinations and facilities, such as transit routes, regional trails, and other multimodal investments.
3. Existing Conditions.
  - a. An inventory of existing multimodal transportation facilities and services (roadways, transit, pedestrian, and bicycle);
  - b. Access management/spacing dimensions;
  - c. Average daily traffic (ADT) and peak hour traffic (PHT) volumes and Level of Service (LOS) performance on roadways and intersections impacted by the development; and
  - d. Peak hour access LOS if access is existing.
  - e. Existing Traffic Patterns. Another trip rate may be recommended during the pre-application process for developments that are anticipated to generate seasonal or other unusual traffic.
  - f. Other issues as requested by Routt County Public Works.
4. Trip Generation.
  - a. Estimate the new vehicle trip generation to and from the site. Show the source and calculations for all new traffic resulting from the development.
  - b. Provide both peak hour trips and average daily traffic to and from the site.
5. Conclusions & Mitigation Recommendations.
  - a. Describe potential modes of traffic and safety impacts resulting from the development, needed actions to mitigate the impacts (both immediately adjacent to the site as well as off-site mitigation measures needed as a direct result of the development), and the applicant's proposed methods to implement the mitigation measures.
  - b. Mitigation methods are categorized as follows:

- i. Facilities: streets, sidewalks, trails, bus stops, and other multimodal transportation infrastructure components;
- ii. Services: public transit and other transportation services provided by public or private entities; and
- iii. Strategies: transportation demand management, signal timing, context sensitive solutions, and other transportation planning, design, and operation strategies.

6. Traffic Management.

- a. Each application shall describe compliance with the standards in **Section 3.24.B**
- b. The application shall include anticipated type of vehicle traffic, vehicle trips per day, during the construction phase and long term operations, and how these transportation impacts will be mitigated.

D. Road Use Standards.

1. Applicability. The provisions of this section shall apply to all non-residential uses and construction activities associated with a subdivision or PUD.
2. General Standards.
  - a. Oversize/overweight permits for vehicles shall be obtained from the Routt County Public Works Department prior to the use of such vehicles on any County maintained road.
  - b. Routt County Roads shall not be blocked at any time without a permit to do so. If traffic regulation is deemed necessary, the permittee shall notify the Routt County Public Works Department at least 48 hours in advance, which may then require:
    - i. The permittee or permittee's contractor/sub-contractor to place traffic control signage along haul routes and at intersections as specified by the Routt County Public Works Department and at permittee's expense; and/or
    - ii. Flaggers to be placed at the intersections of affected County maintained roads as specified by the Routt County Public Works Department and at permittee's expense; and/or
    - iii. The permittee or permittee's contractor/sub-contractor to supplement regular dust control efforts by application of dust palliative, as approved by the Routt County Public Works Department and Routt County Environmental Health Department and at permittee's expense.
  - c. All trucks and equipment turning off of any County maintained road shall be able to exit fully onto private property before encountering any access gate or fence. The distance from the County road right-of-way to any gate or fence shall be at least 1.5 times of the length of the longest vehicle accessing private property from a public road used for the operation.
  - d. County maintained roads affected by traffic generated by a land use permit will be inspected by the Routt County Public Works Department at intervals

determined by same. Any road damage shall be repaired by the County or a third-party contractor as selected by the Routt County Public Works Department, on a schedule determined by same, and at the sole cost of the permittee.

- e. County maintained roads affected by traffic generated by a land use permit shall be maintained to the same standard as prior to the use beginning for the life of the permit. Maintenance shall be determined by the Routt County Public Works Department in its sole discretion and at permittee's expense. Maintenance may include grading and graveling roadways, sweeping or cleaning access points, and application of a dust palliative as approved by the Routt County Public Works Department and Routt County Environmental Health Department. Method and timing of payment shall be determined by the Routt County Public Works Director. A cost contribution agreement may be required that details calculations for payments and a payment schedule.

### 3. Road Improvement Study.

- a. Applicability: A road improvement study is required for all large-scale development unless specifically exempted by the Routt County Public Works Director.
- b. Process.
  - i. Applicant shall submit a project plan that includes the haul route, type of traffic, and amount of traffic created by the development to the Public Works Department.
  - ii. After the Public Works Department determines that the project plan adequately describes the scope of the project and County Road uses, the County will contract with a consulting engineer of the County's choosing for the completion of a road improvement study for the purposes of determining the impacts to County Roads and the improvements that must be completed in order to maintain the quality of the road and provide for the safety of the public. The study shall be paid for by the applicant through a reimbursement agreement with the County after an estimate for the work has been received by the consulting engineer.
  - iii. If improvements to the County Road(s) are deemed necessary by the study, the County will conduct its chosen procurement method pursuant to County purchasing policies and practices.
  - iv. All required improvements shall be paid for by the applicant. The applicant shall enter into a separate reimbursement agreement for the required road improvements.
  - v. The County will contract with the selected contractor and perform the project management for the required improvements.
  - vi. All identified roadway improvements shall be completed prior to the commencement of the permitted use or any construction of the approved development.

### 3.24. Open Space, Parks, and Trail Design

- A. Purpose. The purpose of this section is to provide standards for open space, active or passive parks or amenity space, and trails when these elements are required.
- B. General Requirements. All parks, open space and trails required by this UDC, or as a condition of approval, shall comply with the following standards:
  1. Design and Location.
    - a. The location, shape, size, and character of the parks and open space lands shall be provided in a manner to meet the needs of the development. The parks and open spaces shall enhance the environment and preserve community integrity in the most practical and attractive manner possible.
    - b. Open spaces shall be generally contiguous and shall prioritize the inclusion of environmentally-sensitive areas, wildlife habitat and movement areas, and areas for active or passive recreation.
    - c. The land shall promote continuity of open space links, habitats, trails and an overall recreation system. Design shall ensure pedestrian, bicycle, and vehicular access is reasonably provided to the spaces.
    - d. The land shall protect natural and historical features, scenic vistas or watercourses.
    - e. Open spaces shall be designed to minimize disruption to existing natural habitats and sensitive environmental areas.
    - f. Lands with development constraints such as, but not limited to, wetlands, waterbodies and waterbody setbacks, slopes greater than 30%, critical wildlife habitat, and any land considered to be in a hazardous area, per Section 3.1, Environmentally Sensitive Area, shall not be counted towards the calculation of active park areas, but may be included in the calculation for open space.
    - g. Open spaces may include lands protected for scenic, habitat, wildlife, or geological reasons. Trails may be included on designated open space but shall not be required when the designation is intended to preserve existing natural environments and ecosystems on the land to safeguard the species and biodiversity that depend on them.
    - h. The integration of building setbacks or waterbody setback areas within open space is permissible where it is compatible with the purpose of open space. The County may approve such combined use areas as counting toward open space standards upon a finding that open space is not entirely comprised of setback areas; or includes environmentally-sensitive areas.
    - i. Public utility and similar easements and rights-of-way for watercourses shall not be included in the open space calculation unless such land or right-of-way is usable as a trail, fishing access, or other similar purpose and is approved by the County.
    - j. Active park lands shall contain land suitable for the type of recreational amenity proposed.
    - k. Open space shall not include streets, alleys, parking areas including islands and landscaping strips, loading, storage, or driveways. Buildings on the open space are allowed, must be predominantly open air, and are limited to 300 sq.

- ft. The number of buildings allowed on the open space shall be determined through the review process.
1. Parks shall incorporate inclusivity measures for users of varying ages, physical abilities, and mobility levels
  2. Use of Land.
    - a. The uses intended for the common open space must be appropriate to the scale and character of the development, considering its size, density, expected population, topography, and the number and type of structures and uses provided.
    - b. The use and improvement of common open space shall be planned in relation to any existing public or semi-public open space which adjoins or is within 1,000 feet of the perimeter of the development.
    - c. If the open space is set aside for scenic, habitat, wildlife, or geological reasons, the use of the open space shall be restricted to passive use in the PUD Guide or in the Development Agreement.
  3. Trail Standards.
    - a. Trails shall have a minimum width based on the specific and reasonable needs of the trail, its location, the surrounding terrain and the projected usage. In all cases the easement shall be of adequate width to handle the proposed uses.
    - b. Access to the trail shall be provided within the subject property, and be fully accessible to the general public during reasonable hours.
    - c. The trail easement may overlap and include property designated as ditch, canal, utility, public open space, or other easements, provided that no easement compromises the functional use of any other easement.
    - d. Trails shall be planned to create a network that connects key destinations within and adjacent to the development, such as parks, communal spaces, amenities, and residential areas.
    - e. To the greatest extent possible, trails shall be routed away from environmentally sensitive areas, such as riparian zones and high priority habitat.
  4. Dedication and Designation. One of the following options shall be required to ensure the long term protection of designated land:
    - a. A developer may utilize easements to designate open space. Such open space shall be equal in function and usability to open space that is conveyed via a dedication or other mechanism. The form of ownership and maintenance of the open space must be approved by the Planning Director.
    - b. Land not accepted by the County for ownership or maintenance may be dedicated to an owners' association, local district, or other quasi-governmental entity. The form of ownership and maintenance of the open space must be approved by the Planning Director and the transfer of ownership shall be completed prior to recording of the Final Plat.



- c. All land to be dedicated shall be designated on the approved Final Plat as separate parcels, and the restrictions or conditions of development for the parcels shall be shown on the plat. Such land shall be deeded to the appropriate entities as specified by the County, at the time of recording of the Final Plat, or by dedication on the Final Plat.

5. Maintenance.

- a. Environmentally-sensitive and wildlife habitat and movement areas shall remain un-mowed and natural vegetation shall be retained to the maximum extent possible.
- b. The long-term maintenance of all designated open space or parks shall ensure the safety and longevity of the improvements. Maintenance shall be the responsibility of an owners' association or property owner, which shall be outlined in the Development Agreement. If a land dedication is accepted by the County, the County shall have full discretion to require the developer to provide maintenance of the dedicated open space or park. Failure to maintain required open space may result in enforcement and remedies in accordance with **Chapter 6, Enforcement**.

**3.25. Financial Guarantees for Improvements**

A. Purpose. The purpose of this section is to ensure that all required improvements to subdivisions and PUDs, or improvements required as part of an approval, are financed, constructed, and maintained in accordance with the specific approvals granted pursuant to this UDC.

B. General.

- 1. All public or private improvements required by this UDC, or as a condition of approval, shall be secured by a financial guarantee in a form that is in compliance with Routt County's Insurance and Surety Policy then in effect.
- 2. This section provides for the continued responsibility for such improvements until all required improvements have been deemed complete and the responsibility for continued maintenance of such improvements has been assumed by the relevant successors in interest, such as a homeowners' association or special district.
- 3. Unless otherwise determined by the Board of County Commissioners, an **Improvements Agreement** shall be required for every subdivision and PUD as provided for in this UDC and shall control the administration of that project and related improvements.
  - a. Any agreement approved by the Board shall conform substantially to the provisions of this section, but once it is signed and recorded, the terms and provisions of the agreement shall control.
- 4. Financial surety for extractive uses, solar development, and cell towers are addressed **Chapter 3 Section 4**.

C. Responsibility for Improvements

1. All improvements required by a land use approval are the responsibility of the developer. All improvements shall be designed and constructed in accordance with all relevant design standards, regulations, specifications, and standards as adopted by Routt County and any regulatory authority having jurisdiction.
2. The developer shall provide, at the developer's sole cost, all necessary engineering designs, surveys, field surveys, as-built drawings, and incidental services, including the cost of updating County mapping related to the construction of all public improvements and infrastructure required by the UDC or by a condition of approval.
3. The applicant shall be responsible for constructing and/or installing all public improvements and infrastructure required by the UDC or by a condition of approval, unless the County or another governmental or quasi-governmental entity has agreed to be responsible for such construction or installation in a written document in a form and substance acceptable to the Planning Director.
4. The County shall not maintain any improvements required by this section, unless and until said improvements are dedicated to, and expressly accepted by, Routt County.

D. Cost Estimates for Improvements.

1. Prior to the completion and recordation of any Subdivision Improvements Agreement, the developer shall provide Routt County with an itemized cost estimate of all required improvements. The estimate shall be based upon the reasonable calculation of the costs of all material, labor, and administration necessary to complete the improvements in accordance with applicable requirements, standards, and specifications.
  - a. Documentation demonstrating that the estimate is based upon a reliable calculation of all estimated costs may be required, as determined by the Planning Director.
  - b. The Routt County Public Works Director, or designee, shall review the estimate and determine if it is sufficient and reasonable given the required improvements.
2. Cost estimate shall be updated every five years and updated financial assurances shall be required.

E. Guarantee of Improvements.

1. When improvements are required to be constructed as a condition of approval, or any modifications of existing infrastructure is required to complete new improvements, the Final Plat or PUD plan shall not be signed by the Board until the developer has completed an agreement in a form acceptable to the County setting forth the plan, parties responsible, the security, and method for the construction of all required improvements.
2. All required improvements shall have a warranty period to ensure that the completed improvements will be substantially free of defects in materials and workmanship.
  - a. The warranty period shall generally be one calendar year from preliminary acceptance or until final acceptance of the improvements, whichever occurs

later. In the case of landscaping improvements and roads, the warranty period shall be two calendar years from preliminary acceptance or until final acceptance of the improvements, whichever occurs later. The developer shall be responsible for maintenance of all improvements during the warranty period.

3. Concurrently with signing of the Final Plat, the developer shall furnish the County with a financial guarantee in favor of the County to secure the performance and completion of the required improvements. The financial guarantee shall be in a form in compliance with the County's then current Insurance and Surety Policy. The financial guarantee shall be in an amount determined by the Board but in no event less than 150% of the estimated cost of said improvements.
  - a. No financial guarantee issued by a company, bank, or financial institution having any relationship to the developer or any principal, director, officer or shareholder of the developer other than the relationship of depositor or checking account holder, shall be acceptable.
  - b. Should a developer not provide suitable collateral to ensure completion of the required subdivision improvements or any portion thereof, no Final Plat shall be signed and recorded until said improvements are constructed, the warranty period has elapsed, and final approval of the improvements has been granted.
  - c. The financial guarantee terms shall provide for payment to Routt County upon demand if the developer has not performed the obligations specified in the agreement and the issuer has been notified of such default.
  - d. The financial guarantee shall not have an expiration date.

F. Completion and Acceptance of Improvements.

1. From time to time, as work to be performed and improvements to be constructed progress to completion, the County may, upon its inspection of and satisfaction with the completion of improvements or work, allow release of security in an amount that corresponds to the completed improvements or work. However, the County shall retain 10% of the original amount until the expiration of the warranty period. Consent to release all or part of a financial guarantee shall not constitute acceptance by the County of such improvements or work for maintenance purposes.
2. At the time of filing an application for final acceptance of improvements, the developer may be required to submit a certificate signed by a registered professional engineer that all improvements required under the agreement have been constructed and completed in accordance with the agreement.
3. Prior to final acceptance and release of the financial guarantee, the developer shall provide for the ongoing operation and maintenance of any improvements not accepted by the County for operation and maintenance. Such provision may be accomplished by written acceptance of the improvements by a third party such as a homeowners' association, utility company, special district, or public agency. Any such third party must have the financial wherewithal to operate and maintain the improvements for the purposes that they were intended.

G. Noncompliance.

1. If the improvements required to be installed are not constructed in accordance with the approvals, the County shall notify the developer of the noncompliance and establish schedules for the correction of the noncompliance. If the Board determines that any or all of the improvements will not be constructed in accordance with the approval, the County shall have the power to declare a default, either fully or in part and withdraw from the financial guarantee such funds as are necessary to construct the improvements in accordance with the specifications previously established.
2. No subdivision or PUD application may be processed involving land that is owned, in whole or in part, by a developer who is in default of any agreement with the County for the payment of any fee or charge.

#### H. Fair-Share Reimbursement.

1. If, within the useful life of any of the required improvements, but not to exceed fifteen years from the date of the completion of an improvement, another land use permit, subdivision approval, subdivision exemption, or PUD is approved which will directly benefit from or which requires the use of the required public improvements, then the approval body shall determine the proportionate share of such improvements.
2. The new applicant shall be required, as a condition of the new approval, to reimburse the party that paid for required public improvements the proportionate share of such improvements. The proportionate share shall be the final cost of the improvements as demonstrated by the subdivision improvements agreement multiplied by the percentage of capacity of the required public improvements to be used by the new project.
3. In no event shall the party that paid for the required improvements recover more than the final cost of the improvements.

## SECTION 3: ENVIRONMENTAL STANDARDS

- 3.30 Development within Visually Sensitive Viewsheds**
- 3.31 Development Adjacent to Water Bodies**
- 3.32 Development within Floodplains**
- 3.33 Development within a Natural Hazard Area**
- 3.34 Development within a Sensitive Wildlife Area**
- 3.35 Mitigation Techniques to Reduce Air Quality Impacts**
- 3.36 Mitigation Techniques to Reduce Noise Impacts**
- 3.37 Mitigation Techniques to Reduce Impacts to Scenic Quality**
- 3.38 Mitigation Techniques to Reduce Water Quality and Quantity Impacts**

### **3.30. Development within Visually Sensitive Viewsheds**

- A. Purpose. This section is intended to preserve the natural landscape and visual quality of the Routt County. If a structure rises above the ridgeline and creates a silhouette against the sky, it shall be considered “skylined.”
- B. Applicability.
  - 1. The provisions of this section shall only apply to new structures or additions to existing structures, or any part thereof, proposed to be constructed within Mapped Skylined Areas.
  - 2. Exemptions. The following are exempt from skyline regulations:
    - a. Where construction is proposed outside of Mapped Skylined Areas or outside of the Skyline Applicability Area Skylined structures are discouraged throughout the County;
    - b. Utility lines, towers, and associated structures;
    - c. Ski lift towers and associated infrastructure;
    - d. Communication towers less than 100 feet in height; and
    - e. Interior modifications to structures in existence, provided that such replacement or modification does not increase the height or square footage of habitable space or conflict with one of the elements in this section.
  - 3. Review for compliance with this section shall occur as part of the Building Permit review.
    - a. No part of any new structure or addition to an existing structure shall be permitted to be constructed on land within any Mapped Skylined Area inside the Skyline Applicability Area, as depicted on the Skyline Area Map, unless:
      - i. No more than fifteen vertical feet of such proposed structure or addition, or part thereof, will be skylined as viewed from any point along the designated public roadways shown on the Skyline Area Map within a three-mile radius of the proposed structure or addition, but not including designated public roadways within a one-quarter-mile radius of the proposed structure or addition.
    - b. Prior Certifications. A landowner may obtain from the Planning Director a certification prior to the issuance of a Building Permit that a proposed

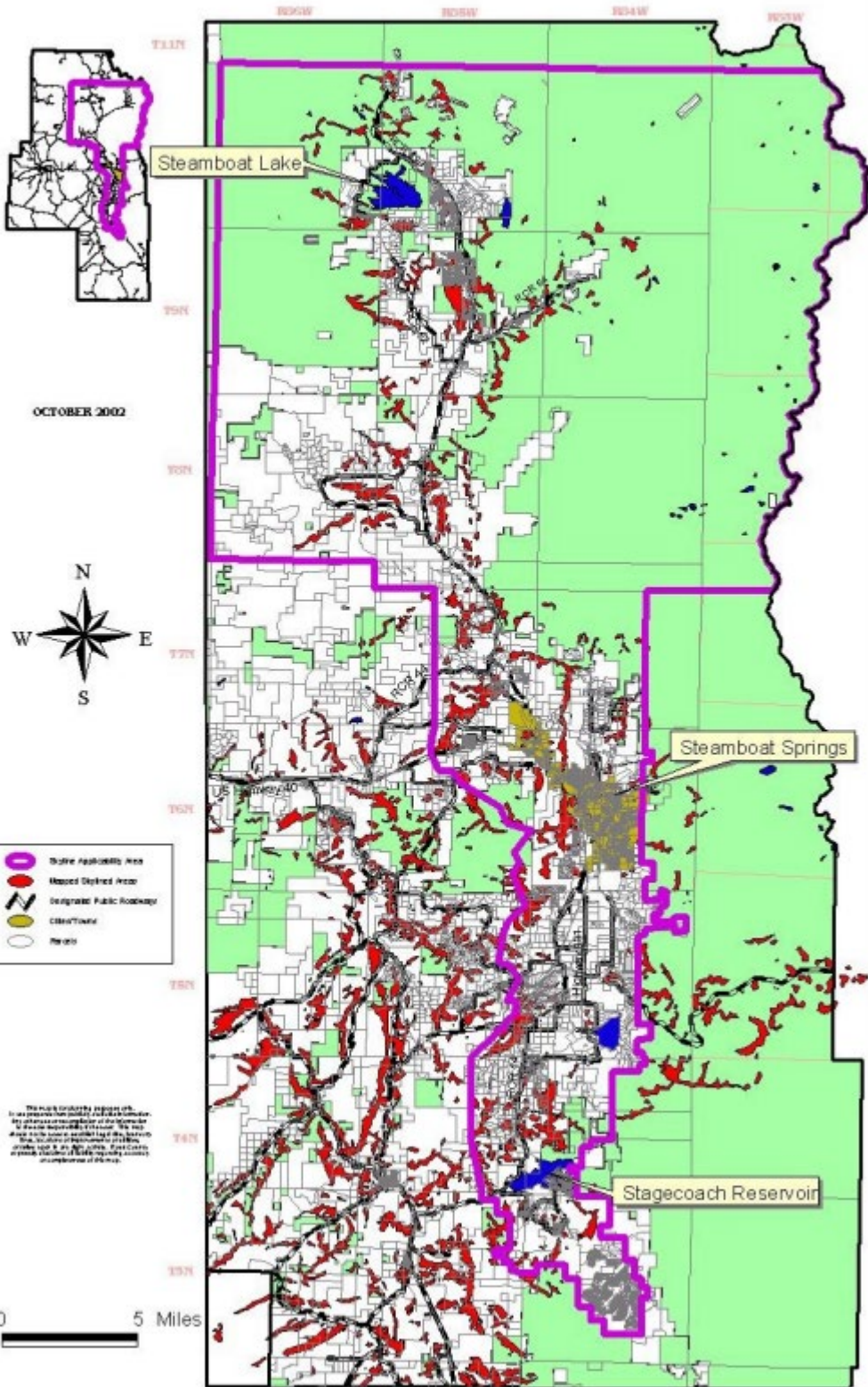
structure or addition would be allowed under this section. The applicant shall submit, at a minimum, a site plan and building elevations, in addition to other information as may be required by the Planning Director.

C. Skyline Area Map

1. The Board of County Commissioners has adopted the Skyline Area Map, which has been incorporated into this UDC. The official Skyline Area Map is on digital file at the County. Precise GIS verification of parcels, the boundary of the Skyline Applicability Area, and the parcel coverage of specific Mapped Skylined Areas shown on the Skyline Area Map may be obtained at the Planning Department.
2. The parameters used in the creation of the “Mapped Skylined Areas” as shown on the Routt County Skyline Area Map are as follows:
  - a. Six-foot tall observer;
  - b. Structure height of 40 feet;
  - c. Skylined sites visible from between  $\frac{1}{4}$  and three miles from any point along designated County Roads;
  - d. Skylined sites visible from at least one mile (cumulative) along designated County Roads; and
  - e. That the designated County Roads are limited to those shown on the Routt County Skyline Area Map.

3. **Figure 3.11.B.2: Skyline Area Map**

# ROUTT COUNTY SKYLINE AREA MAP



### 3.31. Development Adjacent to Water Bodies

#### A. Purpose.

1. This section is intended to protect waterbodies, as defined in **Chapter 9**, Definitions, and wetlands from the impacts of development, maintain water quality and quantity, and maintain critical environmental functions. It is further intended to further the intent and meet the requirements of the Integrated Water Management Plan, the 208 Regional Water Quality Management Plan, and the Routt County Master Plan.

#### B. Applicability.

1. The provisions of this section shall apply to all development and changes in use that are located in and around all waterbodies and wetlands located in unincorporated Routt County. This section shall not repeal, override, abrogate, or impair any existing federal, state, or local law, rule, or regulation, or any legal requirement there under.

#### C. Exemptions. The following activities are exempt from the provisions of this section:

1. Projects for the enhancement, protection, creation, and/or restoration of stream banks, stream channels, riparian areas and/or piscatorial or wildlife habitat approved or sponsored by a wildlife or conservation organization, or a governmental agency including the Army Corps of Engineers or Colorado Parks and Wildlife;
2. Maintenance and repair of public roads and bridges;
3. Activities solely for agricultural purposes including clearing and grading of land for the purpose of, and reasonably necessary for, preparing the soil for crop production, weed control, maintenance and construction of agricultural-related water structures, other agricultural cultivation purposes, and the construction of fences and other agriculture-related structures that are exempt from the requirements of obtaining a Building Permit;
4. The continued existence and reasonable maintenance and repair of structures in existence prior to the implementation of waterbody setbacks, as determined by the Planning Director;
5. Structures that are water dependent (*e.g.*. docks, piers, watercraft launches and ramps);
6. Activities, structures, and improvements that occur around man-made waterbodies;
7. Waterbodies located on federal land;
8. Development on lots within County-approved building envelopes; and
9. Emergency flood control structures.

#### D. Waterbody Setbacks. All construction, development, and uses, unless exempted by **subsection C**, above, shall comply with the setback requirements of this section.

1. Setbacks shall be measured from the Ordinary High-Water Mark (OHWM) or edge of wetland.
  - a. The OHWM shall be determined by staff, or by a qualified water resources professional, as approved by the County. A qualified professional shall submit a resume to the Planning Department showing at least five years of documented recent experience in wetland or OHWM delineation or other

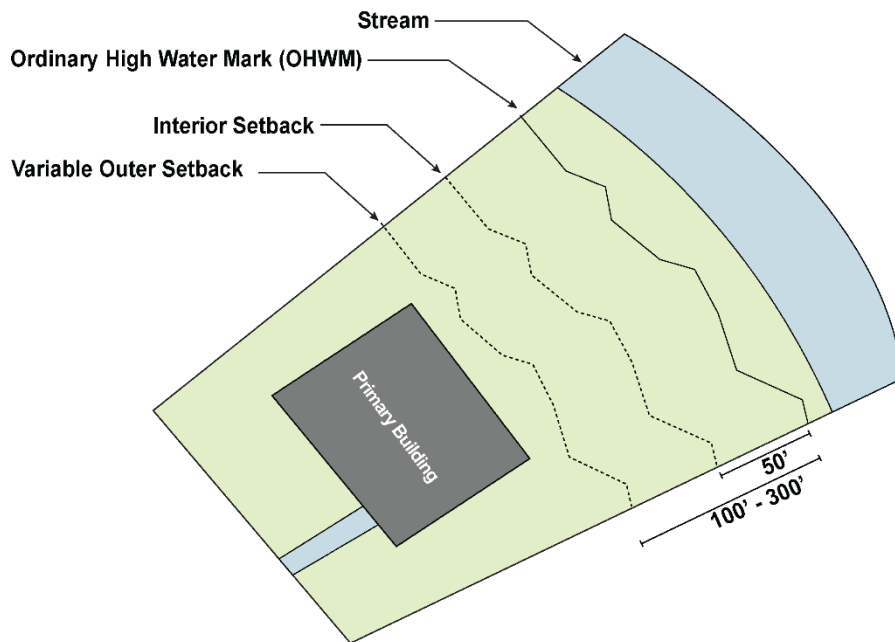


similar field. The County reserves the right to accept or reject the consultant's qualifications.

- b. In the event that the certification is made by a qualified professional, any conclusions shall be based on the definition of OHWM.

## 2. Minimum Setbacks Established.

- a. Interior Waterbody Setback. A minimum interior waterbody setback of 50 feet, measured horizontally from the OHWM is established. The following activities are prohibited within this area, unless the applicant can demonstrate the activity or disturbance is unavoidable, pursuant to **subsection F**, below:
  - i. Placement of any material, including aggregate, soil, gravel, plowed or imported snow and the like;
  - ii. Removing, excavating, or dredging of any solid material;
  - iii. Lowering of the water level;
  - iv. Disturbance of the existing natural surface drainage patterns; and
  - v. Removal of any existing live vegetation or engaging in any conduct that will cause any loss of vegetation, unless it involves the permitted and/or required removal of noxious weeds, non-native species, dead or diseased trees.
- b. Outer Setbacks. In addition to the interior water setback, an additional variable outer setback is established for certain waterbodies to ensure that their functionality and natural state is protected.
  - i. Maximum Width of Outer Setback. In no circumstance shall the variable setback be required to extend more than the following dimensions for specific waterbodies:
    - (1) Yampa River and Elk River: 250 feet
    - (2) Named Creeks (Soda Creek, Morrison Creek, Oak Creek, Trout Creek, Fish Creek, etc.): 150 feet
    - (3) For all other waterbodies: 50 feet
  - ii. Non-Uniform Outer Setback. The Outer Setback may vary based on the site-specific conditions. This setback is not required to be uniform across a parcel and shall include all areas entirely surrounded by the outer setback which are less than 2 acres in size. In determining the Outer Setback, the following features shall define the setback:
    - (1) Slopes greater than 15%;
    - (2) Highly erodible soils or unstable bank conditions exist;
    - (3) The presence of trees, shrubs, vegetation or other natural features that provide for bank stability or riparian area protection;
    - (4) The existence of high priority habitat mapped by CPW;
    - (5) The area includes portions of the Special Flood Hazard Area, areas of know or recorded floods; and/or
    - (6) The area is needed to prevent or minimize flood damage by preserving storm and flood water storage capacity.



- E. Determining Unavoidability. When development, construction, or land uses are proposed within a waterbody setback, the review body shall only approve the activity if it can determine the intrusion is unavoidable pursuant to this section.
1. Roads other than waterbody crossings, paved and gravel trails, utility crossings, irrigation devices, water diversion facilities, and culverts, may be permitted in a waterbody setback only upon a finding that there is no feasible alternative location and that any adverse impacts will be adequately mitigated as required by **subsection F below**.
  2. Encroachments into the Waterbody Setback. When an applicant seeks to encroach into the applicable waterbody setback, pursuant to **subsection D.2.a-b**, above, the applicant shall provide documentation that the encroachment is warranted and is unavoidable based on the following criteria, where applicable:
    - a. Construction outside the setback would substantially create or contribute to a hazardous condition.
    - b. Utility infrastructure cannot be located outside of the setback area. A specific finding from the utility provider is required for this criterion. Access for utility maintenance in buffer areas should be located at specific points rather than parallel to the utility corridor.
    - c. All adverse impacts will be adequately mitigated as required by **subsection F below**.
    - d. The proposed development will return the site to natural conditions that better preserves and/or enhances the waterbody.

- e. Denial of the proposed development in the setback would result in denying the landowner all economically viable use of the subject parcel.
- f. The proposed development would create or contribute to a hazardous condition outside of the setback because of the physical features, or other restrictions and conditions of the parcel.
- g. The proposed development consists of a structure or other improvement to eliminate or reduce potential flood hazards or damage.
- h. In the case of one-family, two-family, and associated accessory residential uses on nonconforming parcels, the encroachment is necessary to afford the applicant with the rights and privileges customarily associated with other properties within the same zone district.

F. Mitigation Measures for Development in a Waterbody Setback.

1. General

- a. Appropriate stormwater management permits that utilize robust BMPs that protect the wetland or waterbodies from sediment runoff is required.
- b. Existing significant vegetation within and surrounding wetland areas must be preserved.
- c. Reclaim and revegetate disturbed areas in accordance with sections 3.9.D.2.c and 3.9.D.2.d.
- d. Avoid disturbance of streambeds, stream banks and streamside vegetation.
- e. Snow storage areas, sediment ponds and drainage swales must be installed to prevent sedimentation and pollution impacts of nearby waterbodies and wetlands.

2. Wetland Mitigation Measures. The following mitigation measures shall apply to development within a setback that results from a wetland:

- a. A comprehensive wetland delineation survey must be completed as part of the Environmental Report to accurately identify wetland boundaries.
- b. All activities must comply with applicable Environmental Protection Agency (EPA) and Army Corps of Engineers (ACOE) standards and regulations for wetlands, if applicable.
- c. Disturbed wetland areas must be replaced in-kind, and on-site.
- d. Restoration of a wetland is required when a wetland or its buffer is altered without specific permission or approval by the County. The following standards apply to restoration of a wetland or buffer area to the maximum extent practicable:
  - i. The original wetland configuration shall be restored, including its width, depth, length, and gradient at the original location.
  - ii. The original soil type and configuration shall be restored.
  - iii. The wetland edge and buffer area shall be restored to its original configuration.
  - iv. The wetland and buffer shall be replanted with species native or adaptive to the County that restore the original vegetation in species composition, size, and densities to the maximum extent practicable.
  - v. The original wetland functions shall be restored, including hydrologic, and biologic functions.

- vi. The restoration shall be accomplished according to a plan prepared by a recognized wetland expert with demonstrated expertise in the field who has been approved by the County. The property owner is responsible for the expert's fee and cost of restoration.

G. Waterbody Crossings.

1. Approval. A Minor Use Permit, pursuant to the procedures in Chapter 4 Section 1 shall be required for waterbody crossings. For crossings that comply with the standards listed in G.2, below, a separate Minor Use Permit will not be required and reviews can occur concurrently through the review of a Building or Grading and Excavating Permit.
2. Standards. The following mitigation measures shall apply to all waterbody crossings not classified as public roads and bridges.
  - a. Removal or disturbance of native vegetation in riparian and wetland buffer areas shall be avoided to the maximum extent practicable
  - b. The structure or improvement shall be designed, sited, and constructed in accordance with the currently effective CDOT Erosion Control and Storm Water Quality Guide or other recognized Best Management Practices (BMP's) so as to minimize:
    - i. the encroachment of the structure or improvement into the Waterbody Setback area; and
    - ii. the impact of the structure or improvement on the water quality, drainage, vegetation, wildlife habitat, or other functional characteristics of the waterbody.
  - c. Construction shall occur during periods of no- or low-flow and in as short a period of time as possible.
  - d. Stream crossings shall be located where the stream channel is straight and has a gradient of less than 6%.
  - e. Construction of crossings in areas of highly erodible soils shall be avoided.
  - f. Culverts shall be oriented parallel to the direction of flow.
  - g. The approach and exit of the road shall be aligned within 15 degrees of perpendicular with the culvert with as little curvature as possible and in a location where the approach has minimal slope.
  - h. The amount of water from the road entering the stream shall be minimized by:
    - i. Constructing the road so the grades approaching the crossings divert water from the stream;
    - ii. Directing roadside ditches away from the stream before the crossing;
    - iii. Ensuring that the approaches are constructed of non-erodible materials and that they extend 50 feet or more on both sides of the crossing; and
    - iv. Using soil stabilization practices on exposed soil at stream crossings. Seed and mulch shall be applied and temporary sediment control structures such as hay bales or silt fences shall be installed immediately following construction to minimize erosion into streams. These practices shall be maintained until the soil is permanently stabilized.
  - i. Culverts shall span the active channel.
  - j. To maximize aquatic-organism passage, the following shall occur:

- i. Low flow shall be concentrated through the culvert by setting it lower or contouring the land.
- ii. A natural streambed that matches on-site conditions shall be installed and maintained through the culvert. Several options to accomplish this include:
  - (1) Placing culverts in the natural channel;
  - (2) Digging culverts into the streambed so the inside of the culvert has the same substrate as the natural streambed; and
  - (3) Using open-bottom culverts.

### **3.32. Development within Floodplains**

- A. Authority. Pursuant to C.R.S. § 29-20-101 et. seq, and C.R.S. § 30-28-101 et. seq, Routt County has adopted floodplain management regulations in the UDC. In the State of Colorado, it is delegated to county governments the responsibility to adopt regulations designed to minimize losses due to flooding. Therefore, the Board of County Commissioners of the County of Routt does hereby adopt the following floodplain management regulations.
- B. Warning and Disclaimer of Liability. The degree of flood protection required by this UDC is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This section does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Routt County or any official or employee thereof for any flood damages that result from reliance on this DC section  
or any administrative decision lawfully made thereunder.
- C. Applicability. This section shall apply to all development located within a Special Flood Hazard Area, as defined by Chapter 9, Definitions, and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F).
- D. Basis for Establishing the Special Flood Hazard Area. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Routt County," dated February 4, 2005, with accompanying Flood Insurance Rate Maps and/or Flood Boundary- Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this UDC. These Special Flood Hazard Areas identified by the Flood Insurance Study (FIS) and attendant mapping are the minimum area of applicability of this UDC and may be supplemented by studies designated and approved by the Routt County. The Floodplain Administrator shall keep a copy of the FIS, DFIRMS, FIRMS and/or FBFMs on file and available for public inspection.
- E. Application Requirements. Applicants shall obtain a Floodplain Development Permit before beginning construction or development in any Special Flood Hazard Areas. Floodplain Development Permits are administered by the Floodplain Administrator.

- F. Elevation Certificate Required. For all structures to be located in the Special Flood Hazard area, an Elevation Certificate shall be provided to the Planning Department at the following three different points in time:
1. Prior to the Floodplain Administrator signing off on a Foundation Only Building Permit;
  2. Following completion of the forms for the foundation; and
  3. Prior to obtaining a Certificate of Occupancy or Completion.
- G. Criteria for Approval or Denial. In evaluating a proposed Floodplain Development Permit, the Floodplain Administrator shall consider the following, and place relevant conditions on the permit to address the following issues:
1. The danger to life and property due to flooding or erosion damage;
  2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  3. The danger that materials may be swept onto other lands to the injury of others;
  4. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  5. The potential impacts to public infrastructure and possible interruption of governmental services during and after flood conditions, including maintenance and repair of streets, bridges, and public utilities and facilities such as wastewater, gas, electric, and water systems;
  6. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action;
  7. The necessity to the facility of a waterfront location, where applicable;
  8. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  9. The compatibility of the proposed use with existing and anticipated development;
  10. The compatibility of the proposed use to the Routt County Master Plan; and
  11. The possibilities of the use diminishing floodplain function and ecological services.
- H. Uses within the 100-year floodplain. The following uses are permitted within the floodplain, pursuant to the requirements and mitigation techniques in this section:
1. Agricultural uses, except structures;
  2. Accessory uses to residential uses that do not involve a structure, such as a lawn or landscaped area;
  3. Flood mitigation structures;
  4. Bank stabilization measures;
  5. Recreational uses that do not involve structures designed for occupation, such as trails, wildlife and nature preserves, areas for fishing and hiking, and parks; and
  6. Roads, driveways, and utilities, as long as a Waterbody Setback Permit is obtained in accordance with [Section 3.35](#).
- I. Uses Prohibited within the 100-year floodplain. The following uses are prohibited within the floodplain:
1. Any residential building, constructed after February 5, 2005, where the lowest floor is lower than two feet above the base flood elevation;
  2. Landfill or recycling facilities;

3. Hazardous material storage;
  4. New wastewater treatment plants;
  5. Critical facilities, as defined in Chapter 9, Definitions; and
  6. Subdivisions that create lots where the only building sites are located within the Special Flood Hazard Area.
- J. Flood Hazard Reduction Standards. In all Special Flood Hazard Areas, the following provisions are required for all new construction, substantial improvements, or other development:
1. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood within Zones A and AO more than one foot and within Zones AE more than six inches at any location within the community.
  2. All new construction shall be anchored and capable of resisting hydrostatic and hydrodynamic loads.
  3. Only materials and utility equipment resistant to flood damage shall be used in any new construction or substantial improvements. Construction methods shall use best practices for minimizing flood damage.
  4. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
  5. Central Water and Wastewater Systems. All upgraded, or replaced water and wastewater treatment systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  6. All utility systems, such as gas and electrical systems, shall be located and constructed to minimize flood damage.
  7. On-Site Wastewater Treatment Systems. All on-site wastewater systems shall be located to avoid impairment to them or contamination from them during flooding.
  8. Residential Construction. New construction and substantial improvement of a residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities (including ductwork), elevated to two feet above the base flood elevation. A registered Colorado Professional Engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that this standard has been satisfied.
  9. Nonresidential Construction. With exception to critical facilities, new construction and substantial improvements to any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to two feet above the base flood elevation, or, together with attendant utility and sanitary facilities, be designed so that two feet above the base flood elevation of the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the

- capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice outlined in these regulations.
10. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:
    - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - b. The bottom of all openings shall be no higher than one foot above grade.
    - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  11. All manufactured and mobile homes must be elevated and anchored and capable of resisting the hydrostatic and hydrodynamic loads of flood waters.
  12. All manufactured homes that are placed or substantially improved within the Special Flood Hazard Area shall be elevated on a foundation such that the lowest floor of the manufactured home electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities (including ductwork), is elevated to two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- K. Alteration of Waterbodies and Activities within in the floodway. Where a waterbody will be altered or activities will occur in the floodway, the following criteria shall be met.
1. Any waterbody alteration activity or activity within the floodway shall be designed and certified by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
  2. All activities within the regulatory floodplain shall meet all applicable federal, state and Routt County floodplain requirements and regulations.
  3. Excluding required flood control structures, all bank stabilization/rehabilitation work shall allow the river to access the floodplain to the maximum extent possible.
  4. Prior to issuance of a permit for the alteration or relocation of a waterbody, notification shall be sent to adjacent communities and the Colorado Water Conservation Board. Evidence of such notification shall be submitted to FEMA. Such notices shall be mailed by the applicant. The applicant shall then submit a notarized certificate of compliance to the Floodplain Administrator.
  5. Within the regulatory floodway and Special Flood Hazard Area, waterbody alteration activities shall not be constructed unless the project proponent demonstrates through a detailed hydrologic and hydrodynamic analysis and report, sealed by a registered Colorado Professional Engineer, that there will be no more than a 0.00-foot rise in the



- proposed conditions resulting from the project compared to existing conditions, unless the applicant first applies to FEMA for a CLOMR and floodway revision in accordance with these regulations. Such analysis and report are known as a No-Rise Certification.
6. The flood carrying capacity within the altered or relocated portion of any waterbody shall provide equal or greater conveyance than the original stream segment. The ongoing conveyance capacity of the altered or relocated stream segment shall be maintained.
  7. Channelization, stream alteration, and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project, as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
  8. Channelization and flow diversion projects shall evaluate the regulatory and residual 100-year floodplain.

### **3.33. Development within a Natural Hazard Area**

- A. Purpose. This section is intended to protect areas of important environmental, ecological, and natural significance; support the preservation of vital ecosystems, habitats, and geological features while balancing human activities and the environment; and ensure development is mitigated to avoid creating any private or public nuisance or any dangerous, injurious, noxious, or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the subject property or on neighboring properties.
- B. Applicability. The provisions of this section shall apply to all large-scale developments and developments that fall within one of the mapped hazard areas.
- C. Prohibited Development. Certain development may be prohibited in order to safeguard public safety and property by explicitly prohibiting any new construction, excavation, or development within hazardous areas in Routt County. By prohibiting development in these hazardous zones, this UDC aims to mitigate potential dangers and protect both residents and the natural environment.
- D. Exemptions
  1. Planning Director may exempt the following types of development from the requirements of this section:
    - a. Construction of improvements essential for public health and safety which cannot be reasonably accommodated outside of the protected area including, but not limited to, potable water systems, wastewater facilities, utilities, and fire suppression systems, provided the County determines the development complies, to the extent practical, with the applicable standards.
    - b. Replacement of, or modification to, structures that were legally constructed before the designation of an area as a hazard area and that lie within the designated hazard area boundaries. Owners of existing structures within

designated hazard areas shall implement safety retrofitting measures as recommended by a qualified geotechnical expert or engineer.

2. Certain remodeling and expansion activities are exempt from the provisions of this Section, pursuant to the following limitations and criteria:
    - a. The development does not add more than 10% to the gross area of the existing structure.
    - b. The development is located such that no portion of the expansion, remodeling or reconstruction will be any closer to the environmental or natural hazardous area than is the existing development.
    - c. If an approved building envelope exists, the development is located entirely inside said envelope.
  3. Single family and duplex dwelling units
  4. Agricultural Uses.
- E. Hazard Data. Routt County possesses data for the relevant hazards to ensure development in these areas is mitigated. A copy of this data is available from the County.
- F. Environmental Report. Due to the importance of protecting environmental and hazard areas, certain activities shall require an environmental report to ensure site specific environmental and hazard areas are adequately protected. The environmental report is intended to provide an analysis of the environmental effects that proposed development will have on the environment.
1. Applicability. Environmental reports are required for all large-scale development.
  2. Procedure. The environmental report, prepared by an environmental engineer or similar professional, shall be submitted as part of the application.
    - a. An environmental report shall not be required for phased developments that have previously completed an environmental report that covered all phases of the entire development, provided that the development was not significantly altered.
    - b. The environmental report shall address the environmental and hazard area(s) that is (are) present on the site.
    - c. The environmental report shall contain data and analysis completed by a qualified professional, licensed as required, in the state of Colorado, and shall provide the decision makers with information to determine the environmental impact of the proposal and consider all alternatives and mitigation measures, including:
      - i. Adverse effects, which cannot be avoided if the proposal is implemented;
      - ii. Mitigating measures proposed to minimize the impact;
      - iii. Possible alternatives to the proposed action;
      - iv. Secondary and cumulative long-term effects of the proposal; and
      - v. Irreversible environmental changes resulting from the proposal.
- G. General Requirements. Development in all natural hazard areas shall comply with the following requirements:

1. Methods of mitigation of natural hazards and potentially significant negative impacts shall not shift the hazard or impact to another property or to another area on the same property.
2. Methods of mitigation shall run with the land and shall not be terminated after transfer of ownership or final approval of the development.
3. Building restrictions may be waived by the Planning Director for construction of temporary buildings used only when the hazard is not considered a threat, such as avalanche areas during the summer, and that are removed during the hazardous season.
4. Development shall be sited in locations that avoid natural hazard areas. Where avoidance is not possible, the following standards shall be met. These are designed to minimize potential harm to life, safety, health, and property and are considered minimum standards. Additional mitigation techniques may be imposed if deemed necessary by the review body or the Environmental Report.
  - a. All applications shall implement methods of stabilization, such as chemical treatment, artificial structural support, deflection structures, and removal of unstable elements. No development activity shall remove underlying support.
  - b. All applications shall contain layouts, plans, and construction designed by a qualified professional engineer, licensed in the state of Colorado, who shall certify that the mitigation techniques are adequate to withstand the potential hazards
5. The relevant hazards shall be marked on the ground by a surveyor to ensure specific hazards and environmental areas are adequately protected when development occurs.

#### H. Development on Steep or Potentially Unstable Slopes.

1. Standards.
  - a. Development shall not be permitted on slopes that exceed 30%.
  - b. Development shall not be permitted on potentially unstable slopes unless mitigation measures pursuant to this section are implemented.
  - c. Cut and fill, and any other grading, shall be limited to the area of development and any area needed for construction.
  - d. The site shall be returned to its natural state to the extent practicable following construction.
    - i. Areas disturbed by construction grading activities shall be contoured to fit with the site and so they can be re-vegetated.
    - ii. Disturbed areas shall be revegetated in accordance with sections X.
  - e. All development shall be designed to blend with the natural topography of the site. Roads and driveways shall follow the natural contours of the site, and shall be located behind natural landforms whenever possible.
  - f. Utilities shall be placed underground, unless such placement would cause disturbance to a natural area or feature.
  - g. In areas where potentially unstable slopes exist, the following activities shall be prohibited:

- i. Adding water to the site that would cause decreased stability;
    - ii. Removing vegetation from the slope without timely replacement in the same growing season;
    - iii. Cutting into the slope without adequate mechanical support;
    - iv. Increasing the weight load on the top of the hillside; and
    - v. Oversteepening the existing slope of the hillside.
- I. Development in Landslide and Mudflow Areas. Development in landslide and mudflow areas shall only be permitted if the development meets the requirements of this section.
  1. The proposed development shall employ mitigation techniques and construction practices recommended by a qualified professional engineer licensed in the state of Colorado, or by a qualified geologist, and approved by the County. Mitigation techniques may include, but are not limited to:
    - a. Site design to control surface and subsurface drainage;
    - b. Use of channelization, diversion dikes, or debris catchment basins to redirect mudflows;
    - c. Implementation of special foundations on buildings; and
    - d. Location of new development outside areas of slope failure complex, landslide or other highly unstable areas and prevention of the removal of soils below these types of unstable slopes.
  2. The following activities shall be prohibited in landslide and mudflow areas:
    - a. The addition of water or weight to the top of slope or that otherwise decreases the stability of the area;
    - b. The removal of vegetation and other natural material that supports the stability of the area;
    - c. Any activity that increases the steepness of the area; and
    - d. Removal of the toe of the landslide area, unless adequate mitigation is provided.
- J. Development in Rockfall Areas.
  1. The proposed development shall employ mitigation techniques and construction practices recommended by a qualified professional engineer licensed in the state of Colorado, or by a qualified geologist, and approved by the County. Mitigation techniques may include, but are not limited to:
    - a. Use of rock fences, screening, channeling and dams, concrete barriers, or covered galleries; and
    - b. Installation of physical barriers against rock impact areas.
  2. The following activities shall be prohibited in rockfall areas.
    - a. The addition of water or weight to the top of slope or that otherwise decreases the stability of the area; and
    - b. The removal of vegetation and other natural material that supports the stability of the area.
- K. Development in Seismic Areas and Previously Mined Areas.

1. The proposed development shall employ mitigation techniques and construction practices recommended by a qualified professional engineer licensed in the state of Colorado, or by a qualified geologist, and approved by the County. Mitigation techniques may include, but are not limited to:
  - a. Avoiding areas of faulting to the greatest extent practicable;
  - b. Avoiding blasting in fault areas; and
  - c. Ensuring development does not create or increase geologic hazard

L. Development in Mine Waste and Radioactive Areas.

1. Any development proposed in an area with mine wastes, tailings piles or other radioactive sources shall relocate said hazards to approved hazardous waste disposal sites.

M. Development in Wildfire Risk Areas

1. Purpose. This section is intended to ensure development avoids areas of high wildfire danger and that mitigation measures are implemented to minimize the potential threats wildfires may pose to life and property.
2. Exemptions. Single family and duplex units
3. Standards.
  - a. Development shall further the intent of the Community Wildfire Protection Plan (“CWPP”).
  - b. A fire protection plan shall be developed in consultation with a wildfire specialist. The plan shall be based on a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions, and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management. The plan shall be reviewed and approved by the local fire district.

N. Development on Other Natural Features.

1. Purpose. These standards are intended to protect the unique natural features of Routt County. The section applies to development on, in, or adjacent to natural features such as large stands of trees, areas of significant geological, cultural, or paleontological interest, unusual rock formations, unique topography, and the like.
2. Standards.
  - a. Existing, unique natural features shall be retained during development of a site to the maximum extent practicable.
  - b. Development shall be clustered or grouped to avoid encroachment upon, damage too, or diminishment of the views and visual enjoyment of the identified natural feature to the maximum extent practicable.

**3.34. Development within a Sensitive Wildlife Area**

- A. Purpose. This section is intended to protect areas of high priority wildlife habitat, including migration corridors, and areas for breeding, feeding and living.

- B. Applicability. All applications that fall within the boundaries of a high priority wildlife habitat area shall comply with the requirements of this section, unless exempted below.
- C. Exemptions. The following activities are exempt from the requirements of this section:
1. Agricultural activities; and
  2. Maintenance and repair of existing utilities and roads located within an existing right-of-way or easement.
- D. Mapping. Wildlife habitats in Colorado are diverse and dynamic. Colorado Parks and Wildlife (“CPW”) has collated scientific, observational, and modeled data to express wildlife presence on the landscape as a Species Activity Map, which is updated every four years. Applicants shall obtain such mapping directly from CPW. Routt County hereby adopts and incorporates these maps into the UDC. Applicants shall utilize the Colorado Parks and Wildlife maps to determine applicability of this section.
1. If a development is determined to be located in a high priority habitat area, a pre-development wildlife and habitat survey shall be performed by a qualified wildlife biologist. Such survey will be required to assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems; wildlife; and endangered and threatened species. Consultation with CPW will be required before survey protocol is finalized.
  2. Routt County will consult CPW regarding how to use the best available science and most recent map updates to evaluate the full impact that development will have on wildlife.
- E. Standards. Development located in a high priority habitat area shall meet the following requirements.
1. Development in high priority habitat areas shall be limited to the greatest extent possible. A mitigation hierarchy shall be used in the design of the development. The steps in the hierarchy are as follows:
    - a. Avoidance. Leave wildlife habitat functionally intact with no direct, indirect, or cumulative adverse impacts to wildlife resources.
    - b. Minimization. Reduce adverse impacts on wildlife resources from anthropogenic disturbance.
    - c. Mitigation. Take actions that result in habitat uplift for the impacted wildlife populations equal to or exceeding the proposed disturbances. Examples of mitigation include:
      - i. Reclamation of a site when operations are complete;
      - ii. Creation of additional or improved habitat in the immediate area to compensate for any habitat losses resulting from the development;
      - iii. Re-establishment of populations impacted by development; and
      - iv. Offsite mitigation to compensate for impacted habitat.
    - d. An explanation of the design process that details how the mitigation hierarchy was used in the design of the project, along with the alternatives that were considered, shall be submitted.

2. In order to protect critical breeding, nesting, foraging, migrating, or other critical uses by wildlife, all development shall adhere to the recommendations found in “Colorado Parks and Wildlife’s Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado” matrix. Routt County reserves the right to require mitigation measures that are more restrictive than CPW’s recommendations.
3. A wildlife mitigation plan and/or other legally enforceable agreement for development in high priority habitat shall be required detailing the mitigation measures to be utilized. The pre-development wildlife survey shall be included in this plan. Such plan shall be developed in consultation with CPW. Routt County may require that an independent third party consultant, chosen by the County and paid for by the applicant, review the pre-development wildlife and habitat survey and associated wildlife mitigation plan.
4. Proposed development shall be designed to preserve large areas of vegetation used by wildlife for food and cover, based upon recommendations by the CPW. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry, and fruit producing species.
5. Proposed development shall maintain connectivity of habitats and provide wildlife corridors around and within the project area.
6. Vegetation removed to control noxious weeds is not required to be replaced, unless the site requires revegetation to prevent other noxious weeds from becoming established.
7. Fencing shall not obstruct historical movement patterns and shall meet the applicable requirements from CPW guidance for wildlife safe fencing, “Fencing with Wildlife in Mind.” In addition:
  - a. Barbed wire fencing is prohibited;
  - b. Fencing shall have at least six inch openings; and
  - c. Gates, drop-downs, removable fence sections or other passages shall be placed where animals concentrate and cross.
8. Avoid new road and driveway construction through sensitive wildlife areas and migration routes. If an alternative location is not feasible, mitigation measures, including by not limited to, seasonal closures may be required.
9. Development should be clustered to the maximum extent possible to minimize impact on wildlife.
10. Construction activities should be limited to timeframes outside of sensitive seasons. Specific timing limitations may be approved as a condition of approval, pursuant to a recommendation from CPW.
11. Where domestic animals are possible, controls to prevent the harassment, disturbance and killing of wildlife, and to prevent the destruction of wildlife habitat, shall be included.
12. In instances where impacts to wildlife cannot be fully mitigated, compensatory offsets may be required, as determined by the County.

### **3.35. Mitigation Techniques to Reduce Air Quality Impacts**

- A. Purpose. This section is intended to ensure all structures, uses, and activities in unincorporated Routt County avoid creating any private or public nuisance related to air quality and comply with the requirements of the Colorado Air Pollution Control Division.
- B. Applicability. This section applies to all site development, grading, construction, and changes in land uses on a property. Agricultural uses shall be exempt from the requirements of this section.
- C. Required Mitigation Measures. In order to mitigate the impacts to air quality, the following measures shall be taken:
  - 1. Limit area of disturbance to reduce dust generation. Minimize overlot grading for projects and phase grading with construction.
  - 2. Gravel, water or chemically stabilize public and private access roads, stripped areas, transfer points and excavations to minimize dust.
  - 3. Limit hours of operation of asphalt and concrete batch plants to prevent cold weather firing during early morning temperature inversions.
  - 4. Increase watering operations immediately in response to periods of high wind conditions or dust complaints.
  - 5. Disturbed areas and soil stockpiles shall be revegetated in accordance with Sections 3.9.D.2.c and 3.9.D.2.d.
  - 6. Overburden and topsoil stockpiles shall be contoured and conditioned to a slope conducive to establishing vegetative cover.
  - 7. Place air emissions monitors upwind and downwind of the use and on the permittee's property, to assure that the employed mitigation methods are effective.
  - 8. Cease aeration operations at commercial wastewater ponds during periods of high wind.
  - 9. If the proposed use has the potential to negatively impact a sensitive airshed, a background study with baseline data may be required.
  - 10. Promote alternative transportation options (biking and walking) to and within the site to reduce vehicular emissions.
  - 11. All dust and air emissions shall comply with standards established by the Colorado Department of Health and Environment, and the Colorado Air Quality Control Commission.
  - 12. Activities that will exceed air pollution thresholds established by the Air Pollution Control Division of the Colorado Department of Public Health and Environment shall report those emissions and apply for the applicable state permit.
  - 13. Any development that has emission sources that are regulated under the Colorado Air Quality Control Commission shall submit an Air Pollution Emissions Notice and a Colorado Air Emissions Permit, if applicable.

### **3.36. Mitigation Techniques to Reduce Noise Impacts**

- A. Purpose. This section is intended to ensure all structures, uses, and activities in unincorporated Routt County avoid creating any private or public nuisance related to



noise, pursuant to C.R.S 25-12-103, and avoid creating a nuisance that would interfere with the use and enjoyment of adjacent properties.

- B. Applicability. This section applies to all site development, grading, construction, and changes in land uses on a property. Agricultural uses shall be exempt from the requirements of this section.
- C. Required Mitigation Measures. In order to mitigate noise impacts, the following measures shall be taken:
  - 1. Any amplified sound equipment shall be mounted so as to direct sounds inward from property boundaries.
  - 2. Limit hours of hauling and route haul truck traffic away from residential, commercial and recreation areas.
  - 3. No use or activity, other than temporary construction activities, shall cause inherent and recurring generated vibration perceptible without instruments at any point along the property line.
  - 4. Limit hours and days of equipment operation to reduce noise impacts on adjacent or nearby residents.
  - 5. Place extractive operation processing areas behind berms or soil stockpiles, or at the bottom of the excavation.
  - 6. Use landscaping to muffle or redirect sound with the use of berms, fencing, soil stockpiles, or vegetation.
  - 7. Locate equipment in an enclosed and acoustically insulated structure.
  - 8. Use electric pumps for water where feasible, and use "quiet design mufflers" where electricity is not available.
  - 9. Use latest equipment approved by Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA), or design the circulation pattern to reduce or eliminate equipment back-up alarms.
  - 10. Place the operation a sufficient distance from residences, commercial areas, and recreation areas to minimize noise impacts to those areas.
  - 11. Install acoustically insulated housing or covers enclosing any motor or engine.
  - 12. Install a solid wall or fence of acoustically insulating material surrounding all or part of the facility. Construction of insulated buildings or other enclosures may be required where facilities create otherwise unmitigable noise impacts.
  - 13. Implement a noise management plan specifying the hours of maximum noise and the type, frequency, and level of noise to be emitted.
  - 14. Install any noise mitigation measures as required by the Colorado Energy and Carbon Management Commission.
  - 15. Eliminate or reduce the use of compression "jake" brakes on haul trucks, when possible, at the entries to or within sites located near residential areas.
  - 16. Locate access points in a manner to minimize the noise impacts created by vehicles using such access.
  - 17. Limit traffic generation and/or provide customer shuttles.

### **3.37. Mitigation Techniques to Reduce Impacts to Scenic Quality**

- A. Purpose. This section is intended to protect the inherent scenic quality of unincorporated Routt County and to further the intent of the Routt County Master Plan.

- B. Applicability. This section applies to all site development, grading, construction, and changes in land uses on a property. Agricultural uses shall be exempt from the requirements of this section.
- C. Required Mitigation Measures. In order to mitigate the impacts to scenic quality, the following measures shall be taken:
1. Provisions shall be made to preserve as open space any natural features of the site that would enhance the development, e.g. unusual rock formations, lakes, rivers, streams, trees, or attractive relief features.
  2. Limit the number of acres disturbed at one time.
  3. Minimize overlot grading for projects and phase grading with construction.
  4. Maintain landscaping, weed control and vegetation viability for the life of the project.
  5. Proposed landscaping, screening, fencing and other visual impact mitigation shall be approved by the Planning Director, Planning Commission or Board of County Commissioners prior to use of the site.
  6. Significant vegetation shall be preserved wherever possible.
  7. Setbacks of the project area from property boundaries, and height limitations of facilities and equipment, and colors and screening of equipment and facilities shall be determined by the Board of County Commissioners on a project-specific basis, dependent upon:
    - a. The constraints of topography and other natural features;
    - b. Geologic information, site location and surrounding uses; and
    - c. The nature of the operation, and other pertinent factors that may affect the proposal.
- D. Conforming structures that project zero to 15 feet above the skyline are encouraged to implement the following mitigation measures.
1. Size reduction. A reduction in the overall mass may be used to decrease visual obstruction.
  2. Setback modification. A modification in setbacks from the edge of a hillside for buildings may be implemented to protect key vistas. If there is more than one building on the site, consider tiered setbacks to create a gradual transition between developed areas and the natural landscape, rather than clustering development in a single area where it would be more visible.
  3. Roofline. Utilize the shape or profile of the ridge when designing the exterior of the structure, and blend the roofline into the ridgeline, tree line, rock outcroppings, and other site features.
  4. Height Gradation. A height reduction may be used to decrease the amount of protrusion into the sky. Buildings should follow the contour of the land to blend in with the natural topography.

### **3.38. Mitigation Techniques to Reduce Water Quality and Quantity Impacts**

- A. Purpose. This section is intended to protect water quality and quantity in Routt County and to implement the intent of the Routt County Master Plan. This section seeks to ensure water quality impacts are addressed by preventing the discharge of pollutants that could impact water quality for Routt County's residents and visitors.

- B. Applicability. This section applies to all non-residential site development, site grading, development, construction, and changes in land uses on a property.
- C. Required Mitigation Measures. In order to mitigate the impacts to water quality and quantity, the following measures shall be taken:
1. Areas used for the collection or temporary storage of solid or liquid waste shall be designed to prevent discharge of these materials in runoff from the site.
  2. Secondary containment measures shall be installed for all fuel storage areas to prevent release.
  3. On-site sediment ponds shall be created to prevent erosion into waterways.
  4. Lining of sediment, water or waste disposal ponds with impervious material may be required based upon:
  5. Site conditions;
    - a. Distance to groundwater;
    - b. Quality of the water or materials being disposed of; and
    - c. Input from the Colorado Department of Public Health and the Environment, and other pertinent factors which may affect the use.
  6. Monitoring wells shall be placed upstream and downstream of the use, on the permittee's property and/or adjacent properties with landowner consent, to test impacts to ground water and/or stream water quality and quantity in the following locations:
    - a. Where the use is located in a high ground water table area; and
    - b. Where the use has the potential to pollute nearby waterways.
  7. Nearby water wells shall be tested, with the landowner's permission, to ensure the use is not negatively affecting water quality or flow.
  8. Proof of sufficient water rights or a water augmentation plan shall be submitted.
  9. Sites that would present a high probability of surface or ground water pollution shall be avoided.

## SECTION 4: STANDARDS APPLICABLE TO EXTRACTIVE USES

- 3.40 General
- 3.41 Isolated Mining
- 3.42 Mining Operations Over 9.9 Acres
- 3.43 Asphalt and Concrete Plants
- 3.44 Oil, Gas, and Coal Bed Methane Exploration and Development
- 3.45 Seismic Testing
- 3.46 Injection Wells and Commercial Wastewater Disposal Sites

### 3.40. General

#### A. Purpose and Intent.

1. The following Section 4 serves to regulate any type of extractive uses, including but not limited to: mining, including gravel mining and coal mining; asphalt and concrete plants; oil, gas, and coal bed methane exploration and development; seismic testing; and injection wells and commercial wastewater disposal sites.
2. This section is for the purpose of protecting the public health, safety, and welfare of Routt County's residents.
3. Routt County recognizes that state and federal agencies have programs in place to permit, inspect, and enforce regulations to ensure protection of environmental resources associated with extractive uses. Routt County reserves the right to impose more stringent standards than other agencies as necessary to mitigate land use impacts.
4. It is the intent of Routt County to assure that the local land use planning and zoning requirements are enforced without creating operational conflict with the pertinent state and federal requirements. Routt County reserves the right to assume the functions of external agencies involved with mining and resource extraction if such agencies are eliminated or their operations are curtailed.

#### B. Permits Required.

1. A permit shall be obtained in accordance with **Chapter 2, Section 2.20** prior to any extractive activities commencing and prior to any extension or expansion of existing extractive uses.
2. All extractive uses, including the extension or expansion of existing extractive uses onto land outside the area permitted by the County, shall comply with the requirements of this section.
3. There may be additional standards and regulations within this UDC that also apply to a specific extractive use and all such standards and regulations shall apply to the use.

#### C. General Review Standards. The following standards apply to any type of extractive use:

1. General.
  - a. The requirements of **Chapter 3** apply to all extractive uses.
  - b. The employment of best management practices and the use of the most technologically advanced and proven procedures and equipment to mitigate

the significant negative impacts of the extractive use is required.

- c. Open pits are prohibited for all extractive facilities and uses.
  - d. No new approvals shall be granted if the operator and/or applicant is subject to an outstanding enforcement action by the County or the State.
  - e. Applicant shall submit weed management plan approved by the County. Permittee shall keep all disturbed areas and surrounding lands free of all noxious weeds in accordance with the approved Weed Management Plan and all applicable rules and regulations.
  - f. On-site toilets shall meet minimum CDPHE requirements for sanitary/sanitation facilities.
  - g. Any land survey monuments shall be recorded in the Colorado Land Survey Monument Records prior to commencement of operations, and if removed, shall be replaced following reclamation.
  - h. Flows of all potentially affected irrigation ditches shall be protected and maintained.
  - i. Extractive uses shall not be used to power crypto-mining operations, or any other use prohibited by the County.
  - j. Unless waived by the County, extractive uses shall provide a public benefit in accordance with **Chapter 4, Section 4.41.C**
  - k. Fuel, flammable materials, and hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements. Any spills of fuels or hazardous materials shall be reported to the Routt County Planning Department within three days of occurrence.
2. Air Quality.
    - a. The permittee shall take all appropriate actions to mitigate and control dust from all sources.
  3. Scenic Quality.
    - a. The permittee shall submit a visual impact mitigation plan or landscape plan that mitigates visual impacts to adjacent properties and, in particular, adjacent residences. Mitigation techniques may include landscaping, project siting, buffering, screening, or other methods deemed sufficient by the County.
    - b. Screening berms not natural to the area or desired by adjacent landowners shall be removed at the completion of the extractive use in accordance with the approved reclamation plan.
  4. Water Quality
    - a. All water uses and discharges shall conform to standards established by the Colorado Water Pollution Control Commission and the water laws of the state of Colorado.
  5. Wildlife
    - a. Extractive uses shall fully mitigate all wildlife concerns raised by CPW or other state or federal agency.

6. Environmental Impacts

- a. Extractive uses shall comply with all requirements of Chapter 3 Section ??, Environmental Standards.
- b. The operation shall not increase any drainage or flooding on any adjacent property.

D. Reclamation and Financial Requirements. The following reclamation and financial requirements apply to all extractive uses:

1. Permittee shall submit a reclamation plan acceptable to the County.
2. All reclamation activities shall comply with the requirements of the applicable state agency charged with overseeing the extractive activity as well as any County required reclamation plan.
3. Unless all disturbance created by the extractive use is fully covered by a reclamation bond under jurisdiction of the State, or by the federal government on federally owned lands, a financial guarantee in favor of Routt County to secure the performance and completion of the required reclamation shall be submitted. The financial guarantee shall be in a form in compliance with the County's then current Insurance and Surety Policy.
4. The financial guarantee for reclamation shall be in an amount determined by the BCC but in no event less than 150% of the estimated cost of the reclamation.
5. If additional bonding is required by Routt County, the operator shall provide an itemized engineer's cost estimate of required reclamation. The estimate shall be based upon the reasonable calculation of the costs of all material, labor, and administration necessary to complete the restoration in accordance with applicable requirements, standards, and specifications.
  - a. Documentation demonstrating the estimate is based upon a reliable calculation of all estimated costs may be required, as determined by the Planning Director.
  - b. The County Public Works Director, or designee, shall review the estimate and determine if it is sufficient and reasonable given the required improvements.
6. The cost estimate shall be updated every five years and updated financial assurances shall be required.
7. The County may require a financial performance guarantee in addition to that required by the State and for purposes other than restoration to insure that certain conditions of a permit will be complied with. Such financial performance guarantees shall be subject to the same standards as for reclamation.
8. Copies of all financial guarantees related to the project shall be submitted to the Planning Department prior to permit issuance including, but not limited to, those required by federal agencies, the state of Colorado, and Routt County.

E. Impacts to County Roads

1. All extractive uses shall comply with all requirements of Section 3.24.D
2. Permittee shall mitigate dust under the supervision of the Public Works Director.

3. Truck haul and traffic routes shall avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools, civic buildings, and roads designated by the County as congested roads to the maximum extent practicable. Alternative routes must be utilized if the proposed route is found to impact the health, safety, and welfare of the area.
4. The County may impose restrictions on the hours of operation and the number of trucks that may access an extractive operation to avoid damage to roads caused by heavy vehicle use, weather conditions, or water saturation.

F. Permit Term Limitations

1. A permit for an extractive use will be approved for a specific period at the time of approval. Permits for mines shall not exceed ten years. A shorter period of time may be required by the County based on the compatibility with surrounding properties and uses and size of the project.
2. A renewal of the permit requires a new application and is subject to any new provisions of the UDC and may be subject to new or additional conditions.

**3.41. Isolated Mining**

- A. Permit Term. A permit for isolated mining shall not exceed three years.
- B. Review Standards. In addition to the standards listed in **Section 3.40**, isolated mining operations shall meet the following requirements:
  1. The mine shall be located in proximity to the construction project it is intended to serve.
  2. Permittee shall minimize impacts to the roads used from the mine to the project site.
  3. Processing, screening operations, crushers, asphalt plants, and/or concrete plants located on the mining site require a separate Special Use Permit.

**3.42. Mining Operations Over 9.9 Acres**

- A. Review Standards
  1. General Standards.
    - a. Required permits from all applicable agencies shall be obtained and complied with including, but not limited to, the following:
      - i. Division of Reclamation, Mining and Safety (DRMS) 110 Construction Materials Permit
      - ii. Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division (APCD) Air Quality Permit
      - iii. CDPHE Stormwater Management Plan
      - iv. US Army Corps of Engineer permits
      - v. CDOT access permit
      - vi. Routt County Road & Bridge Right-of-Way permit
    - b. For mining proposed in floodplains, the applicant shall obtain all necessary County and Federal Emergency Management Agency (FEMA) approvals and permits for both mining and final reclamation-related alterations to the

floodplain prior to issuance of a permit. No increase in base flood elevation on adjoining properties shall be allowed as part of any such permit. Required approvals include but are not limited to a Routt County Floodplain Development Permit, a FEMA Conditional Letter of Map Revision (CLOMR) prior to any mining related construction, a FEMA Letter of Map Revision (LOMR) for as-built mining related construction, and a LOMR for as-built final reclamation.

- c. Operating Hours.
  - i. Operating hours are limited to: 7:00 a.m. to 7:00 p.m., Monday through Saturday. “Operation” includes the firing-up and operation of the crusher and wash plant, loading, hauling, extraction, sorting and crushing of gravel and other materials; it does not include use of the office, maintenance and repair of equipment, and shipping and receiving of non-aggregate materials.
  - ii. No extraction, processing, hauling, or operation of trucks or other equipment shall occur on Sundays and the following national holidays: Christmas Day, Thanksgiving Day, New Year’s Day, Fourth of July, Presidents’ Day, Memorial Day, and Labor Day.
  - iii. Warming of equipment, except any crusher, may commence 15 minutes prior to the defined hours of operation.
  - iv. The Planning Director may grant a temporary waiver of limits on the hours and/or days of operation for public projects or for projects with special technical requirements.
  - v. The hours of operation may be amended by the Planning Director to avoid conflicts with school busses or commuter traffic.

## 2. Reporting Requirements.

- a. Division of Reclamation, Mining, and Safety (DRMS) Annual Report. The operator shall submit a current DRMS Annual Report for the pit to the Planning Department within two weeks of the due date each year for compliance verification.
- b. Quantities. The operator shall submit a materials and trip annual report to the Planning Department and Assessor’s office that details total materials imported and exported, remaining reserves, and the number of truck trips to and from the site. This report shall be submitted on the same day as the DRMS Annual Report.
- c. Weed Inventory. Permittee shall conduct an annual inventory of weeds on site each spring, including, but not limited to, species identification and map locations. The inventory shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.
- d. Weed Control. Permittee shall prepare an annual report to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied. The weed control annual report shall be submitted to the RCWP no later than December 31 of each year.



- e. Violations. Any written or verbal notice of violation or citation issued to the Permittee by DRMS, Colorado Department of Public Health and Environment Department (CDPHE), Mine Safety and Health Administration (MSHA), or any other permitting agency will be provided to Routt County within seven business days of the violation.
  - f. Other Reports. Any other inspection reports, annual reports, asphalt plant and crusher relocation notices, and any other documentation required to be submitted to DRMS, CDPHE, or MSHA for any permits obtained through those agencies shall also be submitted to Routt County.
3. Reclamation Requirements.
- a. A reclamation plan shall be approved by the DRMS and the County as the final reclamation plan for this site prior to the issuance of a County permit.
  - b. Permittee shall implement the reclamation plan in a manner concurrent with the phased mining plan to insure the maximum disturbed area is not exceeded. Completed phases should be partially filled with water where possible to reduce disturbed area. Disturbed area is land not covered by substantially noxious weed free vegetation, water, pavement, or seed and mulch sufficient to resist wind and water erosion.
  - c. Final reclamation shall be designed to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred.
  - d. Final reclamation shall be designed to limit the amount of exposed groundwater in order to minimize the cumulative impacts of evaporative water loss from reclaimed mine sites.
  - e. Reclamation shall occur concurrently with mineral extraction in each area, including grading, topsoiling, and seeding, and in accordance with the approved plans.
4. Access Requirements. The applicant shall coordinate with any applicable school district to determine appropriate safety measures for times when hauling may conflict with school bus routes. Terms and conditions agreed upon by the applicant and any school districts shall be submitted to the Routt County Planning Department.
5. Visual Mitigation Requirements.
- a. During initial development of the mine, the stockpile height shall not protrude more than ten feet above the original ground elevation unless sufficient evidence is submitted demonstrating that the restriction cannot be achieved on a particular site.
  - b. Following initial development of the mine, stockpiles shall not protrude above the original ground level.
  - c. Permittee shall use low profile permanent equipment, and/or permanent equipment painted to "blend with the surroundings." Permanent equipment shall be construed as the equipment left in place for one year or more.
6. Environmental Requirements (Air, Water Quality, Noise)

- a. Wetlands. A wetland mitigation and monitoring plan shall be developed to ensure that any wetlands on-site are maintained in a healthy condition during the life of the mine. The plan may require annual sample plot and photo monitoring, turbidity monitoring, and water-depth monitoring at key points.
- b. Water wells. Permittee shall conduct pumping and recovery tests on all existing wells within 2,500 feet of the permit boundary for any landowner who grants permission prior to any excavation on site that exposes the groundwater. Independent third-party tests, by a lab acceptable to the County and paid for by the permittee shall be used to determine baseline well information.
- c. Groundwater Monitoring. If a reduction in groundwater levels is anticipated, the permittee shall conduct monthly groundwater level monitoring. Monitoring shall be conducted by an independent third-party acceptable to the County and paid for by the permittee. Monitoring reports shall be made available to Routt County Planning Department on request.
  - i. After ten years of successful and accurate monitoring, the Planning Director, in consultation with the Environmental Health Department, may administratively authorize changes in the testing regimen, including frequency and who performs the monitoring.
- d. Impacts to adjacent wells. Prior to mining, the permittee shall test nearby wells to determine flow rates and water depth. Changes that are reasonably attributable to dewatering of the mine shall be immediately mitigated and rectified. The Planning Director (or a third-party expert) shall use baseline pump data, groundwater monitoring information, and any other pertinent information to determine whether mine dewatering has negatively affected nearby wells. The Division of Water Resources shall be consulted prior to any mitigation being required. Should the County require the use of a third-party expert to analyze the data, such expert shall be contracted by the County and paid for by the permittee.
- e. Water Rights. Adequate water rights shall exist for the use. Documentation that may be used to demonstrate this include:
  - i. Change in water rights approved by the water court;
  - ii. Valid contract for water augmentation; or
  - iii. Commitment from a municipal water provider.
- f. Discharge Permits. Permittee shall comply with all conditions of any applicable discharge permits and shall not permit drainage onto adjacent properties greater than historic flows thereon, unless approved by the terms of any discharge permit and by separate agreement with affected property owners.
- g. Watershed Protection Permit. Within the Routt County watershed protection area, a Watershed Protection Permit shall be obtained from the County prior to permit issuance.
- h. Soil.

- i. Soil and vegetation shall not be stripped in excess of an area required for one year of mining.
- ii. Topsoil and overburden stockpiles shall have a minimum of 3:1 slopes and shall be revegetated if left undisturbed for more than six months.

i. Air Quality and Dust.

- i. If applicable, the operation shall maintain a State-approved fugitive dust control plan for the sand and gravel operation.
- ii. No off-site transport of visible dust emissions shall be allowed.
- iii. The Planning Director and/or the Environmental Health Director may require temporary closure of the facility if dust control measures are not effective.

j. Dewatering.

- i. All permanent dewatering pumps on site shall be connected to line electric power.
- ii. Temporary dewatering pumps may be used for up to two months at the start of each phase.
- iii. Temporary pumps may be powered by generators, which shall use best available technologies to reduce noise.

7. Wildlife Requirements

- a. The applicant shall comply with all requirements of Section 3.3??, Development within a Sensitive Wildlife Area.

8. Modification Process.

- a. Any proposed amendments to the DRMS permit must be approved by the Planning Director and may be cause for a review of the SUP. Evidence of approval of an amendment from DRMS shall be submitted.

**3.43. Asphalt and Concrete Plants**

A. Review Standards. In addition to the standards listed in Section 3.40, Asphalt and Concrete Plants shall meet the following requirements:

1. New asphalt and concrete plants located outside of an Industrial or Mining zone district shall obtain at least 90% (measured on an annual basis) of the aggregate used in the plant from on-site.
2. Fuel tanks shall not be located within the Special Flood Hazard Area unless it will meet the County's floodplain management regulations.
3. All plants and processing equipment shall have current Colorado Department of Public Health and the Environment (CDPHE) Air Pollution Permits and shall meet current CDPHE and Routt County emissions standards for air and water. The Board of County Commissioners may set more stringent requirements in certain locations.
4. The permittee shall limit hours of operation to prevent cold weather firing during early morning temperature inversions.

### 3.44. Oil, Gas, and Coal Bed Methane Exploration and Development

#### A. Application Term.

1. Oil & Gas Special Use Permits shall expire upon the occurrence of one the following:
  - a. Two years after date of approval if permittee does not commence drilling and was granted a Permit-to-Drill by ECMC using ECMC Form 2.
  - b. Three years after date of approval if permittee does not commence construction operations on an ECMC-approved oil and gas location using ECMC Form 2A.
  - c. Upon approval of final reclamation by the County and ECMC.
2. Oil and Gas Operation Standards. In addition to the standards listed in Section 3.40, Oil, Gas and Coal Bed Methane Exploration and Development shall meet the following requirements:
  - a. The operator shall comply with all ECMC rules, regulations, notices, and orders.
  - b. All facilities shall be located:
    - i. At least 2,000 feet from any occupied structure;
    - ii. At least 200 feet from any property boundary;
    - iii. Outside of the 100-year floodplain;
    - iv. At least 2,000 feet from the edge of any water body, unless Colorado Parks and Wildlife has waived or modified the setback from the stream, surface water, or the riparian area and all requirements of **Chapter 3, Section 11, Development Adjacent to Waterbodies**, are complied with;
    - v. At least 1,000 feet from a cemetery;
    - vi. At least 1,000 feet from any public park, religious or educational institution, publicly owned building, public institution, places having unique historic interest or value, or national/state wilderness areas; and
    - vii. A sufficient distance from other mining operations so as not to create cumulative impacts to roads, air and water quality, or other resources and amenities. The Planning Commission and the Board of Commissioners will shall determine sufficiency of distance.
3. If water is pumped from a river source, all such pumping shall be done in accordance with the rules, regulations and policies set forth by the Division of Water Resources.
4. The applicant shall submit an emergency response plan approved by the County. The emergency response plan shall be updated and resubmitted after a permit is approved prior to drilling, completion, or using workover rigs. The emergency response plan shall provide adequate protection and notification procedures should a spill or release occur. The plan shall be updated and submitted to the Planning Department on an annual basis or within ten working days after conditions change that may affect the execution of the plan.

#### B. Water Quality Testing Requirements

1. Prior to well completion, initial baseline testing shall include those parameters listed in ECMC Rule 609, including pH, specific conductance, total dissolved solids (TDS), dissolved gases (methane, ethane, propane), alkalinity (total bicarbonate and carbonate as CaCO<sub>3</sub>), major anions (bromide, chloride, fluoride, sulfate, nitrate and nitrite as N, phosphorus), other elements (barium, boron, selenium, and strontium), presence of bacteria (iron related, sulfate reducing, slime forming), total petroleum hydrocarbons (TPH), and BTEX compounds (benzene, toluene, ethylbenzene and xylenes). Field observations such as odor, water color, sediment, bubbles, and effervescence shall also be documented.
2. Sampling following well completion is required in accordance with ECMC rules. Sampling shall include the following parameters: total dissolved solids (TDS), dissolved gases (methane, ethane, propane), major anions (bromide, chloride, sulfate, and fluoride), major cations (potassium, sodium, magnesium, and calcium), alkalinity (total bicarbonate and carbonate as CaCO<sub>3</sub>) BTEX compounds (benzene, toluene, ethylbenzene and xylenes), and TPH. Field observations such as odor, water color, sediment, bubbles, and effervescence shall also be documented.
3. The baseline sampling results shall be monitored over time for changes unrelated to seasonal fluctuations. Additional post-completion test(s) may be required if changes in water quality are identified during follow-up testing.
4. For all sampling events, if free gas or a methane concentration level greater than one milligram per liter (mg/L) is detected in a water quality testing well, gas compositional analysis and stable isotopes of both the carbon and hydrocarbon isotopes of methane shall be performed to determine gas type (thermogenic, biogenic or a mixture).
5. The Planning Director may request further water source sampling following consultation with ECMC and the applicant.
6. If post-completion baseline water quality sample testing indicates either of the conditions listed in subsection a-b below, the permittee shall immediately notify the ECMC, the owner of the water source, and the Planning Director. The permittee shall also proceed with actions to determine the source of the impacts, implement corrective action to contain any contaminant(s) related to the operation of the water source that are not naturally occurring, and shall prepare plans for mitigation of the impacts to any affected waters in accordance with ECMC rules and regulations.
  - a. Abnormalities beyond normal seasonal or natural variations.
  - b. Previously undetected petroleum hydrocarbon contaminants (included in the list of parameters being monitored in Condition #16) that may be attributed to the Permittee's oil/gas operations.
7. If water is to be discharged, it shall be discharged in accordance with the Water Quality Control Act and ECMC rules. Permittee shall notify the Planning Director at least four weeks in advance of such discharge and provide the Colorado discharge permit number as well as a topographic map showing the location of the discharge outfall as well as the haul route. Permittee shall not discharge wastewater from the drill or re-inject drill site water for disposal purposes on site except that injection of water for stimulation operations shall be permitted.

### C. Air Quality Requirements

1. Operation shall be in compliance with CDPHE, Air Quality Control Commission, Regulation No. 2 (Odor Emission), 5 C.C.R. 1001-4 Section A and ECMC Rule 805, as may be amended.
2. Operation shall obtain approval from the Routt County Environmental Health Department, the local fire district, and CDPHE prior to any open burning of slash. Masticating of slash is preferred and should be considered.
3. Dust control shall be applied to maintain dust opacity under 20% off any public access road during construction and use of the access road. Permittee shall work with the Routt County Public Works Department to address dust mitigation at permittee's expense.

#### D. Wildlife Protection Requirements

1. Tanks, overhead wire, fences, pole tops, and other facilities or structures shall be designed so they do not provide perches or nests for raptors, crows, and ravens. Raptor perch deterrents shall also be installed. Any deviations shall only be with concurrence of CPW.
2. If the well goes to production, the permittee shall reduce the noise to surrounding wildlife. Measures to reduce noise may include, but are not be limited to, proper lubrication of mechanical equipment, hospital grade mufflers for all permanent internal combustion engines including those on compressors, pump jacks or other equipment necessary to run operations at the site, and upward-pointing mufflers to dissipate potential vibration.
3. The operator shall work with CPW to establish drilling operations that mitigate disturbance to hunting and wildlife management operations.
4. Devices, such as generators, used to pump the water shall be quiet in design and measures shall be taken to reduce noise to surrounding wildlife.
5. Specific recommendations of CPW may be imposed as conditions upon a Special Use Permit. These may include recommendations such as setbacks from critical habitat and nesting areas and modifying the timing of operations to mitigate impacts during migration and calving.
6. Fences of the type and at the locations recommended by CPW and agreed to by the surface owner, if different than permittee, and listed as a condition in the ECMC Form 2A, shall be installed immediately after drilling to protect domestic animals and wildlife. Permittee shall also adhere to the requirements of ECMC Rule 1002.

#### E. Visual Mitigation Requirements

1. The applicant shall provide a visual mitigation plan, identifying the methods to be used to minimize the visual impacts of the oil & gas operation on adjacent parcels and rights-of-way. All equipment used for production shall be screened to the greatest extent practicable. Screening shall be accomplished through landscaping, fencing, locating operations behind existing topography or natural features, or a combination thereof. Any landscaping utilized for screening shall be kept in a healthy growing condition at all times.
2. To the extent practicable, all facilities shall be located away from prominent natural features, such as distinctive rock and landforms, and other landmarks, and shall be located such that production equipment is located below the ridge of the property

- when one exists. To the extent possible, facilities shall be located at the base of slopes to provide a visual background of topography and/or natural cover.
3. Where vegetation clearing is required, this shall be completed by feathering and thinning, rather than clear cutting.
  4. Pad dimensions shall be the minimum necessary in order to provide a safe work area and minimize surface disturbance.
  5. All exterior lighting shall be downcast and opaquely shielded, except lighting found to be necessary for emergencies and site safety by the Planning Director.

#### F. Road Requirements

1. All access roads shall be at least 200 feet from the property line of the parcel on which operations are to occur, excluding the property line from which access is taken, and property lines with other properties in the Mining or Industrial zone districts.
2. Directional signs, no less than three and no more than six square feet in size, shall be provided during any drilling or recompletion operation, by the permittee. Such signs shall be at locations sufficient to advise emergency crews where drilling or recompletion is taking place. At a minimum, such locations shall include:
  - a. The first point of intersection of a public road and the rig access road; and
  - b. At each intersection of the rig access route following the first intersection.
3. The permittee shall notify the Routt County Sheriff's Office of the site and its access point.
4. Permittee shall provide and post advance warning signs of truck traffic turning from and entering onto US Highway 40 during the importation and exportation of drilling equipment to the site. Types and placement of signs shall be in conformance with the Model Traffic Code and shall be coordinated with CDOT.

#### G. Reclamation and Weed Mitigation Requirements

1. All surfaces disturbed or otherwise affected by drilling or subsequent operations, except areas needed for production operations or for subsequent drilling operations to be commenced within 12 months, shall be reclaimed to their original condition or their final land use as designated by the surface owner as soon as practicably possible and, while disturbed, shall be maintained to control dust and minimize erosion.
2. Drill pits shall be reclaimed in conformance with ECMC Rule 905 and Rule 1003.
3. When the well is completed for production, all disturbed areas no longer needed shall be restored and revegetated as soon as possible and in conformance with ECMC Rule 1003.
4. The interim reclamation completion notice (ECMC Form 4 and attachments) required by ECMC Rule 1003 shall be submitted to the Local Government Designee (LGD) upon completion.
5. Upon plugging and abandonment of the well, all debris and surface equipment shall be removed within three months. All disturbed surfaces shall be reclaimed to their original condition or their final land use as designated by the surface owner and pursuant to ECMC Rule 1004.

6. Land disturbed as part of the construction, commercial operation and/or decommissioning process shall be reseeded or revegetated to a condition reasonably similar to its condition prior to development of the facility.
7. Permittee shall work with the local Natural Resources Conservation Service, the CSU Routt County Extension, and the landowner to determine the appropriate types and quantities of application materials.

#### H. Hazardous Material and Waste Requirements

1. All tanks and hazardous material containment areas shall comply with ECMC Rules 604, 902, and 904. Tanks and containment areas shall be inspected at least every 30 days, and the results of such inspections shall be reported to the Planning Department by permittee within five days.
2. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state requirements and the emergency response plan. An inventory of such materials shall be supplied to the Routt County Planning Department and Routt County Emergency Manager prior to issuance of a permit and consistent with regulations of the ECMC and CDPHE.
3. All solid waste, excess drilling fluids, and other waste materials shall be transported to a disposal facility that is operated in compliance with the regulations of the Colorado Department of Public Health and Environment. If waste materials are considered hazardous according to state or federal definitions, the wastes must be disposed of in an approved hazardous waste disposal site. Records of such disposal shall be available for review. The Routt County Emergency Manager shall be notified in advance of the proposed transportation of hazardous materials. The notice shall include the type of material being transported, the intended route, the date that transportation of hazardous materials will commence, and notice when transportation of hazardous materials ceases.

#### I. Safety Operation Requirements

1. Applicant shall submit an emergency response plan developed in consultation with the Routt County Department of Environmental Health, the Routt County Emergency Manager, the Routt County Sheriff, the Routt County Communications Center, the local fire district, and the Colorado State Forest Service (Emergency Consultants) and approved by the County. Permittee shall amend the emergency response plan if required by ECMC rules or the Routt County Emergency Manager.
2. Permittee shall follow all ECMC requirements for initial and ongoing site security and safety measures. Such requirements shall address security fencing, fire hazards, equipment specifications, structural stabilization and anchoring, and other relevant safety precautions.
3. No pets or firearms shall be allowed on the property at any time.

#### J. Miscellaneous Oil and Gas Operations Requirements

1. Equipment used and practices employed shall be as emission-free as the best commonly used practices in the state.
2. Permittee shall comply with ECMC noise mitigation procedures and standards as set forth in ECMC Rule 802.



3. All equipment and housing units used during drilling and completion operations shall be removed from the site immediately after such operations are complete.
4. The permittee shall prevent erosion on any private access roads and the pad site in accordance with all requirements of its CDPHE storm water permit.
5. The permittee shall comply with construction or alteration notification requirements of the Federal Aviation Administration and provide further notice to the Routt County Planning Department of the same. The permittee shall comply with any further filings or requirements set forth by the Federal Aviation Administration and/or the Yampa Valley Regional Airport prior to the issuance of a permit.
6. If the development is located within an Airport Overlay (AO) zone district, the applicant shall comply with all applicable standards of the Airport Overlay (AO) zone district.
7. Identification of the water source shall be provided to the Planning Department prior to the commencement of each phase of operations.
8. If water is pumped to the drilling site by surface water lines, the route of the final line shall be supplied to the Planning Department prior to operations. All lines placed in Routt County road rights-of-way or through culverts or under bridges shall have placements approved by Routt County Public Works Department.

#### K. Oil and Gas Operator Standards

1. General.
  - a. Permittee shall notify the Planning Director should the permittee have any permit, for any well or operation in any location, denied, revoked, or suspended. Denial, revocation, or suspension of any permit is grounds for revocation of the County's permit.
  - b. Permittee shall comply with the terms of the emergency response plan.
  - c. Permittee shall reimburse Routt County within 30 days of receiving notice of services provided and costs associated therewith on the part of Routt County in relation to any adverse condition or event that results from operations or permittee's conduct (or that of an employee or subcontractor).
2. Reporting Requirements.
  - a. Permittee shall notify the Planning Director 48 hours in advance of all drilling and completion dates, drilling rig arrival and removal, mechanical integrity test, name of the drilling or other service provider, and the drilling rig number. Notification shall occur at least 48 hours in advance of onset or transport of equipment for preparation for drilling rig arrival.
  - b. Permittee shall notify the Planning Director of any written or verbal notice of violations or citations issued to permittee by ECMC, CDPHE, or any other regulatory agency, within 24 hours of notice of same.
  - c. Within eight business days from the commencement of drilling, the permittee shall conduct a well site visit for the Routt County Assessor or designee. Within four months of the commencement of production, permittee shall conduct an additional well site visit for the Routt County Assessor or designee. The Assessor and staff shall be allowed to take photo documentation of all equipment on site. All information and photography

shall remain confidential pursuant to C.R.S. § 39-5-120. Future site visits may be requested by the Assessor to update or verify equipment inventory listings. The permittee shall accommodate the Assessor's request for inspection within 30 days from the initial request.

- d. Copies of all water quality test results including a summary shall be provided to the Routt County Planning Department and to the landowner where the water quality testing well is located, within three months of collecting the samples used for the test.

### **3.45. Seismic Testing**

- A. Permit Term. All permits granted for seismic testing and accessory uses shall be valid for no more than six months, unless otherwise approved.
- B. Review Standards. In addition to the standards listed in Section 3.40, seismic testing shall meet the following requirements.
  1. No testing or blasting shall be permitted in any Routt County rights-of-way.
  2. During seismic testing operations, areas of geologic hazards shall be avoided.
  3. Any sinkholes or other subsistence shall be filled and graded.
  4. Blasting activities shall meet the setback requirements of the ECMC.
  5. Any undetonated charges shall be reported to the Sheriff's Department immediately.
  6. Permittee shall notify the Planning Department at least ten days before and following testing on each line.

### **3.46. Injection Wells and Commercial Wastewater Disposal Sites**

- A. Applicability. This section shall apply to projects that meet one or both of the following characteristics:
  1. Project serves as a wastewater disposal site for one or more oil, gas, or coal bed methane well.
  2. Project will involve traffic from other areas and wells for wastewater disposal purposes.
- B. Review Standards. In addition to the standards listed in Section 3.40, Injection Wells and Commercial Wastewater Disposal Sites shall meet the following requirements.
  1. The permit for wastewater disposal is contingent upon a Certificate of Designation being issued by the Board of County Commissioners after review and approval by the Colorado Department of Public Health and the Environment.
  2. The use of aeration to increase evaporation from commercial wastewater ponds will be reviewed and may be limited if odors will create an impact to adjacent properties, or if airborne materials may be transported off the property on which such use is located.
  3. If aeration is approved, the permittee shall cease aeration during periods of high wind.
  4. Any disturbed areas that are not needed for the operation, and stockpiles of topsoil and overburden shall be stabilized by revegetation after construction.

5. All evaporation ponds shall be impervious to leaching pursuant to the Colorado Department of Public Health and the Environment regulations, and shall be fenced and flagged overhead.
6. Prior to approval the applicant shall provide evidence and certification by a professional soils and water engineer to assure that water placed in an injection well will not cause pollution to underground or surface water, nor cause seismic effects to nearby land and structures.
7. No discharge into and waterbody shall be allowed unless all appropriate permits are in place. The County reserves the right to require independent sampling and testing by a qualified, independent water sampling firm for Sodium Absorption Rates (SAR) and to limit discharge or impose other conditions as necessary to maintain existing surface and/or groundwater quality.
8. Water and springs testing
  - a. All domestic water wells/springs within the project area and outside of the project area to a distance of two miles beyond the project area shall be located and, with the consent of the owner, sampled and tested by a qualified, independent water sampling firm, acceptable to the County, and paid for by the permittee, for inorganic and organic contaminants, including but not limited to methane, BTEX, hydrogen sulfide, ammonia chloride, nitrates, and sulphates.
  - b. Such wells/springs shall be tested prior to the start of the project to establish baseline data, and monthly thereafter with results submitted to the Planning Department quarterly throughout the life of the project to ensure domestic water wells/springs are not contaminated as a result of the project.
  - c. The Planning Director in consultation with the Environmental Health Department may administratively authorize changes in the testing regimen including: location, frequency, and required tests.

## CHAPTER 4. PROCEDURES

### SECTION 1: GENERAL REVIEW PROCEDURES

- 4.10 General Procedural Requirements and Authority
- 4.11 Pre-Application
- 4.12 Application Submittal and Completeness Review
- 4.13 Public Notice Provisions
- 4.14 Staff Review
- 4.15 Decision Making and Public Hearings
- 4.16 Continuance of Application
- 4.17 Withdrawal of Application
- 4.18 Scope of Approval

#### 4.10. General Procedural Requirements and Authority

- A. Purpose. The purpose of this section is to describe the procedures for review of applications for land use and development activity in Routt County. Chapter 4, Section 1 of the UDC, General Review Procedures, is intended to ensure consistency and efficiency in the administration of the County's UDC. **Table 4.10.A** identifies the required review procedures, including pre-application meetings and public noticing for the different reviews in Routt County. This table also identifies the applicable code sections for different reviews. This is intended to improve the ease of use of this UDC and may not be an all-inclusive list for an individual application.

<b>Table 4.10.A: Review Procedures</b>						
Application Review Procedure	Pre-Application Meeting	Planning Director	Planning Commission	Board of Adjustment	Board of County Commissioners	Public Notice <sup>1</sup>
	M = Mandatory O = Optional	R = Recommendation D = Decision				M = Mandatory O = Optional
<b>Land Development Applications</b>						
Administrative Permit	M	D	-	-	-	M
Conditional Use Permit (CUP)	M	R	D	-	-	M
Interpretation	O	D	D	-	-	M
Minor Use Permit (MUP)	M	D	-	-	-	O
Pre-Application Conference	O	-	O	-	O	M
PUD	M	R	R	-	D	M
Site Plan Review	M	R	D	-	-	M
Special Use Permit (SUP)	M	R	R	-	D	M
Subdivision – Administrative	M	D	-	-	-	M
Subdivision – Minor	M	D	-	-	-	M
Subdivision – Major; Sketch	M	R	R	-	D	M
Subdivision – Major; Preliminary	M	R	R	-	D	M
Subdivision – Major; Final	M	D	-	-	-	M

Subdivisions – Minor LPS	M	D	-	-	-	M
Subdivisions – Major LPS	M	R	-	-	D	M
Temporary Use Permit	M	D	-	-	-	O
Vacation of ROW or Public Utility Easement <sup>2</sup>	M	R	R	-	D	M
<b>Rezoning and Text Amendments<sup>3</sup></b>						
Master Plan Amendments	M	R	D	-	Ratification	M
Rezoning <sup>2</sup>	M	R	R	-	D	M
Text Amendments	M	R	R	-	D	M
<b>Permits and Agreements</b>						
Agreements	O	D	-	-	-	M
Building Permit	O	D	-	-	-	M
Skyline Prior Certification	O	D	-	-	-	M
<b>Relief Procedures</b>						
Appeals	See Chapter 4, Section 4.70					
Variance	M	R	R		D	M
Adjustment	M	R	-	D	-	M
Administrative Modifications	O	D	-	-	-	O
<b>Notes</b>						
<p>1. See Section 4.13 for description of different notice types. Mineral Rights - Notice only required pursuant to Section 4.13.</p> <p>2. For applications that include a reduction in density, the review shall be placed on the BCC’s consent agenda</p> <p>3. Notice only required pursuant to Section 4.13.</p>						

#### 4.11. Pre-Application

- A. Purpose. The pre-application process is intended to help minimize development planning costs, avoid misunderstandings or misinterpretation of County requirements, clearly articulate submittal requirements and application procedures, and ensure compliance with the requirements of the UDC.
- B. Applicability.
  - 1. Anyone considering an application for any land use change is encouraged to meet with County Planning staff as early in the process as possible. The Routt County Planning Department has resources available that can help identify issues related to the proposed land use change.
  - 2. Required Pre-Application Meeting. A pre-application meeting between the applicant and the Planning Department and other staff is required in accordance with Table 4.10.A.
    - a. Waiver. The Planning Director may waive the pre-application meeting requirement for applications if they find that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development, in their opinion, support such waiver.
- C. Pre-Application Meeting Content.
  - 1. The pre-application meeting is intended to be informational. Staff will review a checklist with the applicant and provide informal feedback on applicable codes and requirements. The intent is to promote efficiency and two-way communication early in the development review process between applicants and the County.
  - 2. At the meeting the staff planner will work with the applicant to determine the appropriate process for handling the proposed land use change.
  - 3. The staff planner will provide a preliminary list of submittal requirements.
  - 4. The Planning Director, or designee, may provide recommendations and/or inform the applicant of any potential issues that might be presented to the decision-making body.
  - 5. Pre-application meetings may not adequately address all County requirements or requirements of outside agencies (e.g., Colorado Department of Transportation, Colorado Parks and Wildlife, etc.). Applicants are encouraged to seek information on permit requirements from other agencies, as applicable.
- D. Pre-Application Meeting Process.
  - 1. The applicant shall request a pre-application meeting with the Planning Department. Upon receipt of such request, the Planning Department will schedule the meeting with the applicant.
  - 2. The applicant shall provide the required information as determined necessary by the Planning Department to provide an informal evaluation and any recommendations.
  - 3. Following the pre-application meeting, the Planning Director may provide a written summary of the applicable UDC sections and criteria.

- E. Optional Administrative Review Team Meeting. An applicant may request a review of their project by the Administrative Review Team (ART), prior to a formal application submission. This meeting is non-binding, and provides an applicant the opportunity to review their proposal with the Planning Department, other County staff, and relevant outside agencies prior to formally submitting a land use application.
- F. Pre-Application Conference with Planning Commission or BCC. At the discretion of the Planning Director, or at the request of an applicant, a pre-application conference may be held with the Planning Commission and/or Board of County Commissioners for the purpose of establishing general guidelines and eliciting feedback from the members of the boards regarding specific questions or problem areas related to a proposed development. The pre-application conference is intended to provide the applicant with general guidance prior to the expenditure of large amounts of time and money in the planning effort. A pre-application conference is non-binding and advisory only.

#### **4.12. Application Submittal and Completeness Review**

- A. Application Form and Materials. The Planning Director shall compile the requirements for application contents, forms, and fees and make such materials available to the public. The application submittal checklists are maintained separately from this UDC. The Planning Director may amend and update the application submittal checklists at any time.
  - 1. All applications shall be electronically submitted to the Planning Department along with all items identified on the submittal checklist and in this UDC, demonstrating compliance with the requirements set forth for the particular land use change as stated in this UDC.
  - 2. All applications shall include the required application fee, as outlined in **Appendix X of these Regulations**.
- B. Authority to Submit Applications.
  - 1. Unless otherwise specified in the UDC, applications may be initiated by:
    - a. The owner of the property that is the subject of the application;
    - b. The owner's authorized representative; or
    - c. Any review or decision-making body for Routt County.
  - 2. When an authorized representative files an application on behalf of the property owner, the representative shall provide the County with written documentation that the owner has authorized the filing of said application.
  - 3. When a review or decision-making body initiates action, it does so without prejudice toward the outcome.
  - 4. The burden of persuasion on the issue of whether the development or use applied for, if completed as proposed, will comply with the requirements of the UDC and should be approved remains, at all times, on the applicant.
- C. Concurrent Review. Where a project involves more than one review process under the UDC, the Planning Director may authorize or require a concurrent review, provided all minimum notification requirements are met. An application subject to a concurrent review shall be processed based on the highest level of review (e.g. if an application



requires a review that is typically administrative and a review that is typically with the Planning Commission, both reviews shall be completed by the Planning Commission).

D. Completeness Review.

1. The Planning Director, or designee, shall review the application and accompanying submittals and determine if the application is complete in accordance with the requirements of this UDC and the submittal checklist and that all fees have been paid. The Planning Director may waive certain submittal requirements deemed unnecessary.
2. An application shall not be processed until the Planning Director deems it complete.
3. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in the UDC.
  - a. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the submittal checklist and this UDC, and is accompanied by the applicable fee.
  - b. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of any additional applicable development review fees.
  - c. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of the UDC, or other applicable codes.
4. Incomplete Applications. If the application is determined to be incomplete, the County shall notify the applicant in writing and shall identify the materials needed to complete the application. No further processing of an incomplete application shall occur until the deficiencies are corrected in a resubmittal.
  - a. If the required materials are received by the County within 30 days after such notice to the applicant, the County shall begin processing the application.
  - b. If the required materials are not received within the 30-day period, the County shall notify the applicant that unless the required materials are received within the following 30 days, the County shall treat the application as withdrawn.
  - c. If the required materials are not received within the second 30-day period, the County shall return the incomplete application materials and the application fee to the applicant, and the applicant shall be required to resubmit all materials to re-activate the process.

E. Application Review. Once an application has been deemed complete by the Planning Director it will be distributed to all applicable reviewers. The review of any proposal may be delayed if additional information and/or studies are required to determine if all applicable regulations can be met. If the Planning Director makes a finding, at any stage of review, that an application is incomplete, the matter shall not be further processed until deemed complete.

F. Additional Information.

1. Upon submittal of an application, or at any stage of review, the Planning Commission, Board of County Commissioners, Board of Adjustment, or Planning Director may require, at the applicant's expense, the submission or completion of any plan, study, survey, or other information in addition to that specified in this UDC, as such body or individual may determine necessary to enable it to review and act upon the application or in order to determine whether the application complies with the requirements of this UDC.

#### **4.13. Public Notice Provisions**

##### **A. Applicability**

1. The requirements of this section apply to those application types shown on the Review Procedures **Chart, Table 4.10.A.**
2. Notice of public meetings are subject only to the requirements of the Colorado Open Meetings law, C.R.S. § 24-6-401, *et seq.*
3. Applications that will result in a vested property right shall require additional public notice following approval, pursuant to **Section 4.13.D.**

##### **B. Type of Notice.**

1. The following types of notice shall be used, in accordance with Table 4.10.A, to notify the public of development applications submitted to the County for review and decision:
  - a. Publication in a newspaper of general circulation in the County;
  - b. Mail to surrounding property owners;
  - c. Posting a sign on the property; and
  - d. Certified mail to mineral rights owners.

##### **C. Form of Public Notice.**

###### **1. Mailing Notice.**

- a. Letters sent by first class U.S. Mail no later than 14 days prior to the public hearing or final decision date to all property owners within 200 feet of the subject parcel. This buffer may be expanded to a larger distance if the Planning Director deems it necessary based on project impacts.
- b. Mailed notice shall include:
  - i. Name of the project and a brief summary of the type of application and requested action;
  - ii. General description of the location of the subject property;
  - iii. Name of the applicant;
  - iv. Name and contact information of the Planning Department contact;
  - v. The time, date, and location of any public hearings, if applicable, or the final decision date, or a statement that additional notice will be provided when public hearing or final decision dates have been scheduled; and
  - vi. Address where written comments may be sent.

- c. The Planning Director shall make a good faith effort to identify the most current owners of property located partially or completely within the notice area. Failure of a property owner to receive a mailed notice will not necessitate the delay of a hearing and shall not be regarded as constituting inadequate notice.

## 2. Newspaper Publication.

- a. Publication of a notice of public hearing or decision date shall be posted once in the legal section of a newspaper of general circulation within the County no less than seven days prior to the public hearing or final decision.
- b. Publication shall include the information detailed in **Section 4.13.C.1.b.**

## 3. Property Posting

- a. Signs shall be posted upon the subject property for a minimum of ten consecutive days prior to the public hearing or final decision date. Such notice shall include how to access the application materials and contact information for the Planning Department.
- b. The signs shall be of a size and form prescribed by the County and shall consist of at least one sign facing an adjacent right-of-way. The sign shall be reasonably visible and legible in from. If there is no location on the property that is conspicuously and readily visible from a public right-of-way, the Planning Director may approve an alternative location. In all situations, the sign shall be posted where the greatest number of members of the public will have a reasonable opportunity to view it.
- c. For projects that include more than one lot, more than one street frontage, or property greater than one acre, the Planning Director may require additional signs to be posted.
- d. The fact that a property was not continuously posted for the full period shall not, at the sole discretion of the decision-making body, constitute grounds for continuance where the applicant can show that a good faith effort to meet this posting requirement was made.
- e. For bulk rezonings, signs are not required to be posted on all affected properties.
- f. Property posting shall include:
  - i. Planning Department contact information; and
  - ii. A statement that the application is available for public review at the Planning Department during regular business hours and on the Department website.

## 4. Mineral Rights Notification.

- a. In addition to the notices described above, and in accordance with C.R.S. § 24-65.5-103, not less than 30 days before the date scheduled for the first public hearing on an application for a subdivision creating more than one additional buildable lot, the applicant shall provide notice to mineral estate owners, as defined in C.R.S. § 24-65.5-102(5). The applicant shall submit

proof of notice to the Planning Department on forms approved by the Planning Department, prior to commencement of any hearing.

- D. Public Notice for Projects Receiving Vested Rights. Notice of any project that receives vested rights pursuant to approval of a Site-Specific Development Plan as described in Chapter 4 Section 8, must be published as set forth in Section 8.
- E. Proof of Notice. Proof of giving notice by mail, personal delivery, newspaper publication, or property posting must be established by affidavits of the person with personal knowledge of the giving of notice. The affidavit shall be prima facie evidence of its contents and shall be a part of the record at the subject hearing.

#### 4.14. Staff Review

- A. Referral Comments. Following a determination that an application is complete, the Planning Director shall circulate the application to staff and appropriate review agencies and/or departments for review and comment. The Director shall compile all comments and recommendations from appropriate County staff persons, departments, and referral agencies, which shall be provided to the applicant prior to any decision or public hearing.
- B. The Planning Director may request a meeting with the applicant to discuss the application and any comments. Based on the comments, the applicant may request an opportunity to revise the application prior to further processing. Additional submittals and reviews may be subject to additional fees as determined by the Director.
- C. Report and Recommendation. Once comments have been adequately addressed according to the Director, the Director shall provide a staff report and recommendation to the applicable review and decision-making body. The staff report shall be available to the public prior to any scheduled public hearing. The Planning Department shall provide the application, review comments, public comments, and other applicable information to the applicable review and decision-making body.
- D. Once staff has completed its review and no additional information from the applicant or referral agencies is needed, the application shall be scheduled for review on the next open agenda for the applicable review and/or decision-making body.

#### 4.15. Decision Making and Public Hearings

- A. The applicable review process, notice, and decision-making body for each type of approval are as noted in the Review Process Table (Section 4.10.A). Approvals may be granted by the designated decision maker provided all applicable requirements of this UDC have been met.
- B. Administrative Decisions. If the application is subject to an administrative review, the Planning Director shall complete a notice of approval once all applicable review standards have been deemed to be met or met with conditions.
- C. Actions by Review and Decision-Making Bodies.
  - 1. Criteria for Approval. Reviews of all applications shall be based upon the applicable provisions of this UDC and other applicable regulations. The burden shall be on the

applicant to demonstrate conformity with the applicable regulations. In addition, the following general review criteria shall be met:

- a. The application complies with all applicable provisions of this UDC and any other applicable County regulations;
  - b. The application furthers the intent of the Routt County Master Plan and any applicable Sub-Area Plans;
  - c. The application mitigates any negative impacts on surrounding properties to the greatest extent practicable;
  - d. The application is consistent with any previous approvals or valid development agreements, or seeks to modify such approvals;
  - e. The property or applicant is not in default on any agreement with the County; and
  - f. The property or applicant is not subject to any pending code enforcement case or notice of violation or legal action by the County or by an outside agency as a result of violation of any federal, state, or local laws or regulation; or the application is to correct such violations.
2. Public Hearings. All public hearings with the Planning Commission, Board of Adjustment, or Board of County Commissioners shall be conducted in accordance with the following:
- a. The applicant, or the applicant's representative, shall be present, either in person or over a telecommunication platform, at the public hearing to represent the application.
  - b. The Planning Department shall provide to the review and/or decision-making body the application, staff report, review comments, written public comments, any applicable recommendation from a review body, and other applicable information.
  - c. At the public hearing, the review and/or decision-making body shall accept oral and written testimony from staff, the applicant and members of the public. The applicant and/or public shall provide Planning Department staff a copy of all new written or graphic information provided at the public hearing for inclusion in the official record.
3. Decision. After consideration of all information presented, the review and/or decision-making body shall make a recommendation or make a decision on the application, depending on their role in the process.
- a. Review bodies making a recommendation to the Board of County Commissioners shall take one of the following actions:
    - i. Continue (table) the hearing for the presentation of additional information;
    - ii. Recommend that the application be approved, subject to any conditions it finds necessary to protect the public health, safety and welfare or to ensure compliance with the UDC; or
    - iii. Recommend denial of the application.

- b. Review bodies making a decision on the application shall take one of the following actions:
    - i. Continue (table) the hearing for the presentation of additional information;
    - ii. Approve the application, subject to any conditions it finds necessary to protect the public health, safety and welfare or to ensure compliance with the UDC; or
    - iii. Deny the application, stating the specific reasons for denial.
  - c. All review and decision-making bodies shall include in their recommendations or decisions approving, approving with conditions, or denying the application specific findings, based upon the evidence submitted, justifying the recommendation or decision.
4. Effect of a Denial. Whenever the Planning Commission or Board of County Commissioners denies a subdivision application, such subdivision may not be reconsidered by the County for one year unless the applicant clearly demonstrates that circumstances affecting the subject property have substantially changed, or new information is available that could not, with reasonable diligence, have been presented at the previous hearing.
- a. Nothing contained in this subsection 4 shall preclude the submission of a substantially new subdivision application. The determination of whether the submission is substantially new shall be as determined by the Planning Director.
- D. Conditions of Approval. A decision-making body may place any reasonable conditions on an approval to ensure the proposal will comply with this UDC or other applicable regulations, or to mitigate the impacts of the development on its surroundings. Any condition of approval shall be reasonably related to the anticipated impacts of the proposed use or development.
- 1. During its consideration, the decision-making body may consider alternative potential conditions of approval. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision makers unless and until the decision makers take formal action to attach that condition to a development approval.
  - 2. Any representations of an applicant in submittal materials or during a public hearing shall be considered binding as conditions of approval.
  - 3. The applicant shall comply with all of the conditions imposed in the decision.
- E. Issuance of Approval. The final documentation required for any approval will be initiated by the Planning Director once the applicable appeals period has expired, all review, filing and recording fees have been paid, all taxes have been paid, all required conditions of approval have been met, and the applicant has submitted all necessary information. No construction or modification to the property may begin until such time as final documentation has been completed, unless otherwise approved by the County.

- F. Recording of Decisions. Once an application is approved which results in a Resolution, Plat, **Development Agreement, or PUD** Guide, the documentation shall be recorded with the Routt County Clerk and Recorder.

#### **4.16. Continuance of Application**

- A. The decision makers conducting the hearing may, at their own discretion or at the request of the applicant, continue the hearing to a specific date, time, and place for modification or further study if they find there is insufficient evidence to take action.
- B. No new notice shall be required where a hearing is continued to a fixed date so long as valid notice was properly given in the first instance. However, where a public hearing has been continued without a fixed date, the hearing may only be reconvened upon the giving of all notice(s) as would be required for an initial public hearing.
- C. Where the application is for approval of a subdivision or subdivision improvement agreement pursuant to C.R.S. § 30-28-133.5, the public hearing shall not be continued for more than 40 days from the original hearing date without the written consent of the applicant.

#### **4.17. Withdrawal or Abandonment of Application**

- A. Applicant Withdrawal of Application. An applicant may withdraw an application at any time through a written request to the Planning Department, but no portion of application fees shall be returned to the applicant.
- B. Withdrawal Due to Lack of Additional Information. During the processing of an application that was previously deemed complete, if the County or any review agency identifies any additional materials that are needed to accurately evaluate the potential impacts of the proposed application, the County shall promptly notify the applicant in writing and shall identify the materials needed to complete the review of the application.
  - 1. If the required materials are received by the County within 30 days after such notice to the applicant, the County shall continue processing the application.
  - 2. If the required materials are not received within the 30-day period, the County shall notify the applicant that unless the required materials are received within the following 30 days, the County shall treat the application as withdrawn.
  - 3. If the required materials are not received within the second 30-day period, the application will be deemed withdrawn without further notice to the application. The applicant shall be required to resubmit all materials as a new application. The applicant shall forfeit the entirety of the application fee and shall be required to submit a new application fee upon submittal of any new application.
  - 4. The Planning Director may grant additional time for the submission of required materials.
    - a. A request for additional time shall be requested in writing by the applicant.
    - b. The additional time is required because of the technical nature of the additional required materials.
    - c. The additional time shall be determined by the Planning Director and shall be set to a date certain.

C. Abandonment of Application.

1. Pursuant to **Section 4.12.D.4**, Incomplete Application, if an applicant fails to respond to requests to complete the filing of an application within six months of being notified, it shall be deemed abandoned in accordance with said section.
2. If a complete application has been reviewed and comments provided to the applicant for correction but a resubmittal addressing staff-noted deficiencies has not been received within six months of staff providing the applicant with comments, the application shall be deemed abandoned and application fees paid in connection with the application shall not be returned.
  - a. The applicant may request an additional three months to address staff-noted deficiencies. The Planning Director may approve such additional time at their sole discretion.

**4.18. Scope of Approval**

- A. Multi-Step Applications. Certain applications require multiple review steps, including subdivisions pursuant to **Chapter 4, Section 5**, and Planned Unit Developments, pursuant to **Chapter 4, Section 4**. The following timelines shall apply to such applications.
1. Sketch and Preliminary Subdivision and PUD approvals shall be effective for a maximum period of 36 months.
  2. If a complete application for a Preliminary or Final Subdivision or Site Plan Review for a PUD is not submitted to the County within the 36 month period, the Sketch or Preliminary Subdivision or PUD approval shall be deemed to automatically lapse. Any further application must begin at the initial stage of the applicable process.
- B. Term of Validity. Approvals shall be valid for the time period specified at the time of issuance of the approval. The approved use must commence within the below specified time or the approval shall be deemed to automatically lapse.
1. For land use and sign approvals, unless otherwise stated in the approval, the use shall commence within 12 months of the approval.
  2. For variances, adjustments, modifications, and site plans, unless otherwise stated in the approval, construction shall commence within 36 months of the approval.
  3. Actions that meet this requirement for commencement include:
    - a. A building permit has been issued and is being diligently pursued for the structure that is the subject of the approval or a Certificate of Occupancy or Letter of Completion has been issued for the structure that is the subject of the approval.
    - b. Prior to the lapse, the applicant has requested and received an extension of the term. This shall be reviewed consistent with the requirements of the applicable UDC section for the request.
    - c. Diligent initiation of the use.
  4. Whenever an approved use has been discontinued for a period of one year, the approval shall be deemed to have automatically lapsed, except for uses that are



customarily operated seasonally or periodically, which shall be deemed to have automatically lapsed if the use has been discontinued for 24 months.

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## CHAPTER 4. PROCEDURES

### SECTION 2: MASTER PLANS, SUB-AREA PLANS AND UDC TEXT

- 4.20 Master Plan or Sub-Area Plan Adoption or Amendment
- 4.21 Municipal Sub-Area Plan Acknowledgement
- 4.22 UDC Text Amendment

#### 4.20. Master Plan or County Sub-Area Plan Adoption or Amendment

- A. Applicability. Routt County reserves the right to adopt a Master Plan and Sub-Area Plans to reflect the needs and aspirations of the community and define methods for achieving those goals. The Master Plan and County Sub-Area Plans shall be adopted and amended according to the provisions of this Section.
- B. Procedures.
  - 1. The Planning Commission shall hold a public hearing on the adoption of, or amendment to, the Master Plan and County Sub-Area Plans, where public comment shall be taken.
  - 2. Public notice shall be provided, pursuant to Chapter 4 Section 4.13.
  - 3. Adoption of the Master Plan, County Sub-Area Plans, or amendments thereto shall be by resolution of the Planning Commission. Following adoption of the Master Plan and any amendments thereto, the Planning Commission shall certify the approved plan or amendment to the Board of County Commissioners, who may choose to ratify the plan.
  - 4. Creation of the Master Plan and any amendments thereto shall be completed in accordance with C.R.S. § 30-28-106.
- C. Standards. The Planning Commission shall evaluate the Master Plan, County Sub-Area Plans, and any amendments thereto and shall make the following findings:
  - 1. The process of drafting the plan has included public outreach to solicit input regarding community goals and aspirations. This outreach may include open houses, surveys, small group meetings, web-based methods, structured feedback sessions, and the like to enable a broad spectrum of the community the opportunity to participate.
  - 2. The plan addresses the diverse needs of the community.
  - 3. The plan promotes the long-term environmental, economic, and social health and well-being of Routt County.
  - 4. The plan may include a Future Land Use Map that identifies the community's vision for land use patterns in the County, if applicable.
  - 5. The plan complies with all applicable laws of the State of Colorado related to county master plans.
  - 6. The plan supports the protection of public health, safety, and welfare.

#### 4.21. Municipal Sub-Area Plan Acknowledgement

- A. Applicability. When a municipality within Routt County adopts a new comprehensive plan, or amends the same, the new or amended plan shall be considered a sub-area plan of

the Routt County Master Plan, and the County shall acknowledge the plan according to the provisions of this section.

B. Procedures

1. The Planning Commission shall hold a public hearing on the acknowledgement of the municipal sub-area plan, where public comment shall be taken.
2. Public notice shall be provided, pursuant to Chapter 4 **Section 4.40**.
3. Acknowledgement of the municipal sub-area plan shall be by resolution of the Planning Commission. Following acknowledgement of the plan, the Planning Commission shall certify the acknowledged plan to the Board of County Commissioners, who may choose to ratify the decision.
4. Creation or amendment of the municipal sub-area plan shall be completed in accordance with **C.R.S. § 30-28-106**.

C. Standards. The Planning Commission shall acknowledge the new or amended municipal sub-area plan after making a finding that the following standards have been met:

1. The process of drafting the plan has included public outreach to solicit input regarding community goals and aspirations. This outreach may include open houses, surveys, small group meetings, web-based methods, structured feedback sessions, and the like to enable a broad spectrum of the community the opportunity to participate.
2. The plan addresses the diverse needs of the municipality.
3. The plan promotes the long-term environmental, economic, and social health and well-being of Routt County.
4. The plan may include a Future Land Use Map that identifies the community's vision for land use patterns in the County, if applicable.
5. The plan complies with all applicable laws of the State of Colorado related to municipal comprehensive plans.
6. The plan supports protection of public health, safety, and welfare.

#### 4.22. UDC Text Amendment

A. Applicability. This section shall apply to all amendments to the text of this UDC.

B. Procedures.

1. The Planning Commission shall review the proposed text amendment in a public hearing and shall make a recommendation to the Board of County Commissioners.
2. The proposed text amendment shall be available for public review and comment for a period of 30 days prior to the adoption hearing with the Planning Commission.
3. A public hearing by the Board of County Commissioners shall be held within 45 calendar days following the Planning Commission's recommendation.
4. The recommendation of the Planning Commission shall be voted on by the Board of County Commissioners. The Board may choose not to adopt the proposed text amendment.
5. If approved, a resolution of the amendments shall be recorded. The text amendment shall become effective on the date specified in the resolution.
6. **Public Notice** shall be provided for any public hearing pursuant to Chapter 4 **Section 4.13**. Newspaper notice shall be provided at least 14 days prior to the public hearing.

C. Criteria for Approval. The following criteria for a text amendment shall be met.

1. The proposed amendment furthers the intent of the Master Plan and adopted Sub-Area Plans, and at least one of the following:
  - a. The amendment addresses changed circumstances or conditions;
  - b. The amendment achieves a policy, goal, or objective, as identified by the County;
  - c. The amendment addresses a new or unforeseen threat to public health, safety, and welfare;
  - d. The amendment is required to support the economic, social, or environmental health and well-being of Routt County and will not create a material risk to the public health, safety, and welfare; or
  - e. Any other reason deemed necessary by the Planning Commission and/or Board of County Commissioners.

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## CHAPTER 4. PROCEDURES

### SECTION 3: ZONING AND USE PROCEDURES

- 4.30 Rezoning
- 4.31 Use Permits
- 4.32 Use Permit Amendments

#### 4.30. Rezoning

- A. Applicability. This section applies to all applications to change a zoning district classification of a property in Routt County. This section also applies to applications that w create, amend, or repeal a PUD zone district or overlay zone district.
- B. Procedures.
  - 1. All applicable provisions of Chapter 4 Section 4.10, General Review Procedures, shall apply unless specifically modified by this subsection.
  - 2. An application for a rezoning may be initiated by the Board of County Commissioners, Planning Commission, Planning Director, or a person or persons owning a majority of the area of land subject to the amendment.
- C. Criteria for Approval
  - 1. In addition to the criteria below, the rezoning shall comply with the criteria in Section 4.15.D.1, Actions by Review and Decision-Making Bodies.
  - 2. The rezoning is consistent with the Future Land Use Map, if applicable, and furthers the intent of the Routt County Master Plan.
  - 3. The area subject to the rezoning includes geological, physiological and other environmental conditions compatible with the characteristics of the zone districts requested.
  - 4. Where the rezoning would result in an increase in allowable residential, commercial, or industrial density, adequate facilities such as roads, water, sanitation, fire protection, emergency services, and public utilities are available to serve the area at the proposed maximum density.
  - 5. One of the following conditions applies to the property for which the rezoning is requested:
    - a. The existing zone district is inconsistent with the policies and goals of the Master Plan and any applicable Sub-Area Plans;
    - b. The area has changed or is changing to such a degree that it is in the public interest to encourage new uses and/or density in the area;
    - c. The proposed rezoning is necessary in order to provide land for a demonstrated community need; or
    - d. The existing classification on the Official Zoning Map is in error.
  - 6. For expansions of the Tier 3 overlay in Milner and Phippsburg, the expansion shall coincide with the provision of adequate utilities.

#### 4.31. Use Permits

- A. **Applicability.** This Section applies to all applications for Use Permits, pursuant to the **Land Use Table in Section 2.20** of this UDC.
- B. **Procedures.** All applications for a Use Permit shall be processed according to the procedures in **Chapter 4 Section 4.10, General Review Procedures**, unless specifically amended by this subsection.
  1. A Minor Use Permit that is being processed concurrent to, and a component of, a building or grading and excavating permit, except for a Floodplain Development Permit, may be reviewed solely through the building permit process.
- C. **General Criteria.** All Minor, Administrative, Conditional, and Special Use Permits shall comply with the following criteria:
  1. The proposal shall comply with the criteria in Section **4.15.D.1**, Actions by Review and Decision-Making Bodies.
  2. The proposed use complies with all applicable requirements of the UDC, including any applicable standards in Chapter 3, Development Standards.
  3. Recommendations from referral agencies have been considered and addressed to the maximum extent practicable.
  4. The proposed use furthers the intent of the Master Plan.
  5. The permittee shall provide liability insurance in compliance with the County's Insurance and Surety Requirements Policy then in effect. In addition to the requirements of the policy, any certificate of insurance shall include all permit numbers associated with the activity and the permittee shall notify the Routt County Planning Department of any claims made against the policy.
- D. **Additional Criteria for Administrative, Conditional, and Special Use Permits.** These use permits shall comply with the following requirements:
  1. Any negative impacts to the surrounding area related to wildlife, the environment, access, transportation, emergency services, noise, glare, odor, and other material adverse impacts have been sufficiently addressed and mitigated.
  2. The use shall be compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses, or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development.
  3. There are adequate public facilities and services to serve the special use, including but not limited to roads, potable water, wastewater disposal, solid waste disposal, parks, police, fire protection, emergency medical services, hospital and medical services, drainage systems, and schools.
  4. The proposed development must not materially endanger the public health, safety or welfare.
  5. If a land use permit ceases, or its permitted term of use ends, all uses and structures shall immediately be brought into conformance with the underlying zone district regulations

#### 4.32. Use Permit Amendments

- A. Applicability. This Section applies to amendments to any Use Permit.
- B. Minor Amendments.
  - 1. Technical Corrections. The Planning Director may authorize minor changes, technical corrections, or clarifications to applicable conditions of approval or development plans for any Use Permit so long as the corrections or clarifications do not increase the scope or extent of the approval or change the intended purpose of the conditions. Technical corrections are subject to the Minor Use Permit review process, pursuant to Chapter 4 Section 4.10.
  - 2. Administrative Amendments. The Planning Director may authorize the review of minor amendments that do not qualify under subsection 1, above, through the same process as an Administrative Permit, pursuant to Section 4.33. Amendments meeting the following criteria are eligible to be processed as Administrative Amendments:
    - a. The proposed amendment is to amend or delete conditions of approval that are either obsolete or no longer serve the intended purpose; or
    - b. The proposed amendment meets all of the following:
      - i. The proposed amendment will not increase permitted building square footage by more than 25% (building permits may still be required); and
      - ii. The proposed amendment will not increase traffic generated by more than 20%; and
      - iii. There is sufficient land available to support any proposed increased intensity of use.
- C. Major Amendments. Any Amendment not qualifying as a Technical Correction or an Administrative Amendment, pursuant to subsection B, above, shall be processed according to the applicable procedures of Chapter 4 Section 4.10.

## CHAPTER 4: PROCEDURES

### SECTION 4: PLANNED UNIT DEVELOPMENT

- 4.40 Generally
- 4.41 Standards
- 4.42 Review Processes
- 4.43 PUD Amendments

#### 4.40. Generally.

- A. Pursuant to **Section 2.15**, a PUD is a Zone District. The approval of a PUD application creates a new base zoning district, subject to a PUD Guide and optional PUD Plan that identifies all relevant requirements, uses, and dimensions for the PUD.
- B. This zone district is intended to:
  - 1. Accommodate grandfathered historical uses that would not be allowed in the zone district that they are currently operating in; and
  - 2. Encourage flexibility and innovation in developments that could not otherwise be realized through the strict adherence to the UDC. A PUD shall promote community amenities and benefits such as active and/or passive open space, more functional and economical use of land, placement of structures in appropriate relationship to each other, to open space, and to common facilities, and design features focusing on energy efficiency.
- C. The PUD zone district allows for site-specific dimensional requirements, including but not limited to uses, minimum lot area, maximum lot coverage, minimum setbacks, and maximum heights. In turn, this zone district, by allowing greater flexibility, will be able to accommodate imaginative ideas and development in site design without being restricted to customary "standard" regulations, while maintaining the goals and policies of the Master Plan.
- D. These PUD regulations apply to any parcel zoned as PUD in Routt County. There is no limitation on the size or location of a PUD.
- E. Subdivisions. In the event a proposed Planned Unit Development involves a subdivision or division of land into separate ownership units, the applications shall be reviewed concurrently according to the review process with the strictest review process. Approval criteria for Planned Unit Developments must be considered in addition to the approval criteria required to be considered for subdivisions, pursuant to **Chapter 4, Section 5**. As a general guideline, the PUD review required by this section is generally equivalent to the Sketch Plan required by the Subdivision Regulations.
- F. Site Plan Review. If a proposed Planned Unit Development does not involve a subdivision, a Site Plan review, pursuant to **Chapter 4, Section 6**, shall be required prior to any construction.

#### 4.41. PUD Standards

- A. Recommendations and decisions concerning a proposed Planned Unit Development shall be based upon the criteria in this section. To the extent that other regulations in this UDC



conflict with the standards contained in this section, such regulations shall not be applicable and the provisions of this section shall control.

B. General Standards.

1. A PUD shall comply with the requirements of Chapter 3, unless varied by the Board of County Commissioners, pursuant to Chapter 4 Section 6, Relief.
2. In no case shall the approval of a Planned Unit Development vary any requirements concerning health and safety, public peace, and welfare, public improvements, water and wastewater service, or the requirements of the County's Building Code.
3. The PUD shall further the intent of the Master Plan and any applicable Sub-Area Plans.
4. The PUD shall comply with the zone change criteria in Chapter 4, Section 4.31.
5. The design and construction of the PUD shall include adequate, safe, and convenient arrangements for pedestrian and vehicular circulation, off-street parking and loading space.
6. While there are no fixed setbacks or lot widths required for a PUD, the Planning Commission or Board of County Commissioners may require such setbacks, lot widths, and space between buildings as necessary to provide adequate access and fire protection, to ensure proper ventilation, light, air, drainage, and snow melt between buildings, proper locations for utility lines, and to ensure that the PUD is compatible with other development in the area.
7. The PUD shall be designed, to the greatest extent practicable when considering the overall size of the PUD, to provide commercial, recreational and educational amenities conveniently located to its residents in order to alleviate the impacts of increased traffic congestion.
8. The developer shall pay for any improvements to public infrastructure required as a result of the development.

C. Site Planning.

1. The PUD shall prohibit development on land unsuitable for development due to natural or human-made hazards including flooding, mudflow, debris flow, fault ruptures, landslides, rock or soil creep, rock falls, rock slides, mining activity including mine waste deposit, avalanche or snow slide areas, slopes in excess of 30%, and any other natural or human-made hazard or condition that could harm the health, safety, or welfare of the community.
2. The site plan shall respond to the site's natural characteristics and physical constraints such as steep slopes, vegetation, watercourses, scenic corridors, wildlife habitats, and any natural or human-made hazards and shall allow development to blend in with, or enhance, said features.

D. Parks and School Lands Dedications.

1. Any PUD that includes residential land uses, even if the PUD is not proposed as part of a subdivision, shall comply with the Parks and School Lands dedication requirements, pursuant to Section 4.51.A.11-12.

E. Open Space and Parks Design.

1. A minimum of 25% of the total PUD area shall be dedicated or designated as open space. Any park land dedication that is required as part of a subdivision (**Section 4.51**) shall be included in this 25% calculation.
  2. The required 25% land designation may be reduced by the Board of County Commissioners, following a recommendation by the Planning Commission, upon a finding that the proposed open space provides enhanced connectivity, such as through paths, trails, or entrances. A reduction in the amount of land designation shall meet the following criteria:
    - a. Provide a significant benefit to the public beyond the requirement of **Section 4.18.C**, such as providing public trail access to a key recreation asset or natural feature;
    - b. Include signage indicating designated routes, potential hazards, and emergency contact information; and
    - c. Incorporate inclusivity measures for users of varying ages, physical abilities, and mobility levels. Such inclusivity measures shall be above and beyond what would typically be required.
  3. All required open space and trails shall comply with Chapter 3, **Section 3.25**, Open Space, Parks, and Trail Design.
- F. Utilities. All utilities shall comply with **Chapter 3, Section 3.30, Utilities**.
- G. Transportation. All utilities shall comply with **Chapter 3, Section 3.23, Transportation**.
- H. Uses. An application for a PUD shall propose all uses intended for the PUD zone district. The burden shall rest upon the applicant to justify the request against the following criteria:
1. The uses are compatible with the character of existing and planned land uses in the project and surrounding areas.
  2. The uses further the intent of the Master Plan and any applicable Sub-Area Plans.
  3. The location, size, design, and operating characteristics of the proposed uses minimize adverse effects on the neighborhood and surrounding properties.
  4. The proposed uses are effectively incorporated into the project.
  5. Residential Uses.
    - a. Clustered housing shall be encouraged to promote maximum open space and economy of development.
    - b. Variety in type, design, and layout of buildings shall be encouraged.
    - c. Residential density shall be limited as required by the County upon consideration of the intent of the Master Plan, any applicable Sub-Area Plans, and the individual characteristics of the subject land.
  6. Non-Residential Uses.
    - a. New non-residential uses shall be limited to areas identified by the Routt County Master Plan as a Tier 2 or 3 Growth Area. The density of such uses shall be limited as required by the County upon consideration of the intent of the Master Plan, any applicable Sub-Area Plans, and the individual characteristics of the subject land and the adjoining properties.

- I. Architecture, Landscaping, and Site Design.
  - 1. The PUD shall comply with all landscaping and site design standards required in **Chapter 3, Section 3.8**.
  - 2. Each structure in the PUD shall be designed in such a manner as to be compatible with other structures in the area, but avoid uniformity and lack of variety of structural design within the PUD.
- J. Phasing. Phasing of PUD development is permitted under the following conditions:
  - 1. Each phase is self-sufficient and is not dependent upon later phases.
  - 2. Public amenities and benefits, such as open space, parks, and recreational areas, are provided prior to or simultaneously with the associated phase.
  - 3. All necessary or proportionate improvements to public facilities, payment of impact fees and fees-in-lieu, construction of any facilities to be used jointly by residents of the PUD, and any mitigation measures shall be completed concurrent or prior to the respective impacts associated with the phase.
  - 4. Failure to develop subsequent phases will not have an adverse impact on the PUD, its surroundings, or the County in general.

#### **4.42. Review Process**

- A. General. All PUDs are subject to the review process outlined in this section, unless modified elsewhere in the UDC.
- B. PUD Requirements. Each PUD shall consist of a written PUD Guide and a Site-Specific Development Plan and shall include the standard provisions required below:
  - 1. Parameters in Formulating PUD Guide. Where a PUD is proposed, the provisions of this UDC shall be used as parameters in formulating the PUD Guide. Building, site design and other standards that differ from those stated in the UDC may be adopted as part of the process to create a PUD because of special circumstances or in order to achieve certain development or design objectives.
    - a. PUD Relationship to the UDC. After a PUD designation is adopted, the development regulations and standards stated in the PUD designation shall supersede the provisions of this UDC if such regulations and standards are specifically covered in a PUD. Where an adopted PUD designation does not address a specific standard covered by this UDC, the specific provisions contained in the UDC shall apply. The PUD and the UDC shall be interpreted in a manner that ensures consistency and conformity between the relative documents.
    - b. A PUD Guide shall be required for all PUDs.
    - c. The PUD Guide shall generally include the following information. The Planning Director shall have the authority to waive items or to require additional information based on the nature and complexity of the proposal.
      - i. Uses Permitted
      - ii. Dimensional Allowances and Limitations
      - iii. Development Standards

- iv. Method of providing access, water, wastewater disposal, and utilities
- v. Areas reserved for parks, schools, and/or open space
- vi. Implementation, such as phasing or platting

C. PUD. An application for PUD approval is subject to all standards of Chapter 3 and other applicable regulations.

1. At public hearings in accordance with Chapter 4, Section 1, the Planning Commission and Board of County Commissioners shall evaluate the PUD application according to the review criteria in this section. Additionally, the following requirements shall be met:
  - a. The proposal shall comply with the criteria listed in Section 4.15.D.1, Actions by Review and Decision-Making Bodies.
  - b. The proposed uses shall comply with all applicable requirements of the UDC, including any applicable standards in Chapter 3, Development Standards.
  - c. Recommendations from referral agencies have been considered and addressed to the maximum extent practicable.
  - d. The proposed zoning and uses are generally consistent with the character of the immediate area, or are necessary to address an important community purpose, as determined by the Board of County Commissioners.
  - e. The proposal furthers the intent of the Master Plan.
  - f. The proposal complies with the approval criteria for Subdivisions (Chapter 4, Section 5) and/or Site Plan Review (Chapter 4, Section 6), as applicable, except where adjustments to the standards of the UDC are allowed.
2. The applicant shall provide the following information as part of the PUD application:
  - a. Identification of uses, dimensions, and other standards that are being requested through the PUD process.
  - b. Identification of proposed uses, dimensions, or other standards that will supersede the requirements outlined in this UDC or other regulations adopted by Routt County.

D. Recording of Planned Unit Development.

1. Following approval, a Resolution zoning the subject property as a Planned Unit Development and the PUD Guide shall be recorded with the Routt County Clerk and Recorder pursuant to Chapter 4, Section 4.15. The PUD Guide shall be binding and shall not be changed during the construction or operation of the PUD without authorization through the appropriate amendment process.

E. Site Plan Review.

1. Any development proposed under the PUD Guide must be approved through a Site Plan Review process. Such review shall conform to the approved Planned Unit Development Guide, including all conditions of approval, the requirements of the UDC, and any other applicable regulations.

F. Required Improvements.

1. All required improvements for a Planned Unit Development shall be designed, constructed and installed in accordance with the requirements for improvements set forth in **Chapter 4 Section 5** and in accordance with an improvements agreement entered into by the BCC and the developer, or in accordance with requirements of the Site Plan Review approval.

#### **4.43. PUD Amendments**

- A. Applicability. This section applies to amendments to any PUD.
- B. The Planning Director or other decision-making authority may approve a Minor Amendment contingent on the recording of an amended Final PUD Guide or Plan.
- C. Minor Amendments.
  1. Technical Corrections.
    - a. Technical corrections may be approved by the Planning Director without notice.
    - b. The Planning Director may make corrections of technical errors in approved PUD Guides and Site Plans that do not change the character of the PUD and that meet the requirements for the item being corrected or amended. Technical errors include errors to dates, seals, legal descriptions, typographical and spelling errors or transpositions, and the like.
    - c. No technical change may increase the size of any building or structure by more than 10%.
    - d. The Planning Director may also approve accessory structures, up to 800 square feet in total floor area, not listed in the PUD Guide and/or not shown on the PUD Plan.
  2. Administrative Amendments
    - a. Minor Amendments to a PUD Guide or Site Plan, not qualifying as Technical Corrections and substantially similar to the approved PUD Plan may be approved by the Planning Director in the same manner permitted for review of Administrative Permits as outlined in this UDC, provided all the following standards are satisfied:
      - i. The proposed amendment will not increase permitted building square footage by more than 25% (building permits may still be required).
      - ii. The proposed amendment will not increase traffic generated by more than 20%.
      - iii. There is sufficient land available to support any increased intensity of use.
      - iv. The amendment affects no more than three 3 lots or interests in land within the PUD, and will not result in the creation of additional lots or interests in land.
      - v. All owners of the affected lots or interests in land consent in writing to the amendment.
      - vi. The amendment does not require or involve modification of existing public utilities or streets within or adjacent to the PUD.

vii. The amendment meets all the applicable standards of the UDC.

b. In addition, administrative modifications to a PUD may be approved by the Planning Director, pursuant to Chapter 4, Section 4.73, Administrative Modifications.

D. Major Amendments.

1. Any amendment not qualifying as an Administrative Amendment shall be processed as a new PUD application. Such amendments include, but are not limited to, increases in density, substantial changes of uses or traffic circulation patterns, reductions in off-street parking and loading spaces, increases in the height of buildings, reduction of proposed open space, changes in total bedroom count, substantial changes in the phasing, changes in road standards, or changes in the final governing agreements, provisions, or covenants.

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## CHAPTER 4. PROCEDURES

### SECTION 5: SUBDIVISION PROCEDURES

4.50	Generally
4.51	Standards
4.52	Administrative Subdivision
4.53	Major Subdivision
4.54	Minor Land Preservation Subdivision
4.55	Major Land Preservation Subdivision
4.56	Vacating Plats or Public Ways

#### 4.50. Generally

- A. Applicability. These procedures shall apply to all subdivisions, as defined by this UDC.
- B. Obligations of the County.
  1. No subdivision plat shall be approved by the County and no land shall be subdivided unless said subdivision furthers the intent of the Master Plan and adopted and acknowledged Sub-Area Plans, and complies with the provisions of this UDC.
- C. Subdivision Review Process.
  1. General. All subdivisions within unincorporated portions of Routt County are subject to the review process outlined in this section, unless modified elsewhere in the UDC.
  2. Sketch Subdivision. The purpose of a Sketch Subdivision is to review the basic design of the proposed subdivision, including land uses, density, street and road access, open space, and overall compliance with the Master Plan.
    - a. In the TO-2 and TO-3 Overlays, this Sketch Subdivision process is recommended but not required.
    - b. An application for Sketch Subdivision approval is subject to all requirements of this UDC and other applicable regulations.
    - c. At public hearings in accordance with Chapter 4, Section 4.15, the Planning Commission and Board of County Commissioners shall evaluate the Sketch Subdivision application according to the review criteria identified in Chapter 4, Section 4.21.
  3. Preliminary Subdivision. An application for Preliminary Subdivision approval is subject to all requirements of this UDC, conditions of approval from the Sketch Subdivision approval, and other applicable regulations.
    - a. At public hearings in accordance with Chapter 4, Section 4.15, the Planning Commission and Board of County Commissioners shall evaluate the Preliminary Subdivision application according to the review criteria identified in subsection 4.51 of this section.
    - b. In compliance with CRS § 30-28-136, upon receipt of a complete application, the Planning Director shall distribute the plan to the following entities, when applicable:

- i. The appropriate school district(s);
  - ii. Each county or municipality within a two-mile radius of any portion of the proposed subdivision;
  - iii. Any utility, local improvement and service district, or ditch company;
  - iv. The Colorado State Forest Service;
  - v. Colorado Parks and Wildlife;
  - vi. The appropriate planning commission;
  - vii. The local conservation district board within the County for explicit review and recommendations regarding soil suitability, floodwater problems, and watershed protection. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district;
  - viii. The County Public Health Department or the Colorado Department of Public Health and Environment for its review of the on-site sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision;
  - ix. The state engineer for an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply the proposed subdivision and adequacy of proposed water supply to meet requirements of the proposed subdivision;
  - x. The Colorado Geological Survey for an evaluation of those geologic factors that would have a significant impact on the proposed use of the land; except that, upon written request from the Board of County Commissioners or the Board's authorized representative, the Colorado Geological Survey may exempt any preliminary plan from this referral and review requirement; and
  - xi. Any other appropriate referral agency as determined by the Planning Director.
4. Final Subdivision Plat. An application for Final Subdivision approval is subject to all requirements of this UDC, conditions of approval from the Preliminary Subdivision approval, and other applicable regulations.
- a. The purpose of the Final Plat is to provide a permanent and accurate record of the exact size, shape, and location of the lots, blocks, streets, easements, common areas, and other parcels of land within an approved subdivision. In addition, the Final Plat ensures that streets, roads, utility, and other easements, and subdivision improvements are adequately dedicated.
  - b. The Final Plat, when recorded by the County Clerk and Recorder, becomes the legal instrument whereby the location and boundaries of the separate land parcels within the subdivision are identified and the separate interests and easements are set forth.



- c. The Planning Department shall identify all technical requirements for plat documents and keep them on file. All plat documents shall comply with these requirements, as may be amended.
5. Subdivision Improvement Agreement. Each Final Plat for a subdivision in which the applicant will be required to construct any public or private facilities shall be accompanied by a written subdivision improvements agreement and financial guarantees in compliance with Chapter 3, **Section 3.25**, Financial Guarantees for Improvements, and as otherwise required by provisions of this UDC.
6. Recording of Final Documents.
  - a. Following approval, the Final Subdivision Plat shall be recorded with the Routt County Clerk and Recorder pursuant to Chapter 4, Section 4.15. The Final Plat shall be binding and shall not be changed without authorization by subdivision amendment.

#### **4.51. Standards**

- A. Unless otherwise exempted in this **Chapter 4, Section 5**, all subdivisions shall comply with the criteria in **this Section 4.51**.
- B. General Standards.
  1. The subdivision shall comply with the criteria in Section 4.15.D.1, Actions by Review and Decision-Making Bodies.
  2. The subdivision shall comply with all applicable requirements of the UDC, including any applicable standards in Chapter 3, Development Standards.
  3. Recommendations from referral agencies have been considered and addressed to the maximum extent practicable.
  4. The subdivision furthers the intent of the Master Plan
  5. No subdivisions that increase the number of buildable lots, except for Land Preservation Subdivisions, shall be approved outside of the TO and TTO Overlays.
  6. The application complies with any agreements or conditions of approval previously approved by the County.
  7. All lots conform to the requirements of the applicable zone district in which the property is located.
  8. The subdivision shall not create or increase the degree of non-conformity of a non-conforming use, structure, or parcel.
  9. The subdivision utilizes efficient development patterns.
    - a. The proposed subdivision shall promote an efficient pattern of development that will optimize the use of land for development. Lots shall be capable of being built upon.
    - b. The subdivision layout shall be designed to preserve natural topography and existing vegetation to the greatest extent possible while still meeting all the technical requirements of the UDC. Overlot grading is prohibited.
  10. The reviewing body shall make a finding that the general requirements of the County are being met. Particular attention shall be given to the specific requirements for

- parcs, open space, school sites, roads, utility and pedestrian easements, adequacy of street connections, and the overall suitability of the land for development.
11. The subdivision of lands that do not further the intent of the Routt County Master Plan; that are far in advance of the needs of the County; that by their location cannot be efficiently served by public utilities, fire protection, police protection or other public services; that are located in areas subject to flooding and other ecological hazards; that are topographically unsuitable for development; or that for any reason are being unwisely or prematurely proposed to be subdivided, shall be prohibited.
  12. The replatting of lands deemed to have been unsatisfactorily subdivided in the past is encouraged.
  13. The coordinated platting of adjacent small parcels of land is encouraged. To meet this consideration, the County may require sketch plans for such coordinated platting, may arrange meetings of the several owners of such small parcels of land, or may carry out the intent of this directive and the Master Plan by other means which are lawful and appropriate.
  14. Any additional criteria required by C.R.S. § 30-28-133 or any other federal, state, or local law or regulation.
- C. Lots, Blocks and Road Configuration.
1. General.
    - a. The minimum site area and dimensions of all lots shall meet the requirements of the applicable zone district, and Onsite Wastewater Treatment System (OWTS) requirements.
    - b. Each lot shall contain land area that is sufficient to be developed given the intended use and requirements of the UDC.
    - c. All corner lots shall have sufficient area to meet visual clearance and driveway / road intersection spacing requirements.
    - d. All lots shall be designed to accommodate defensible space as recommended by the Colorado State Forest Service.
    - e. The overall block and lot layout shall be compatible with the surrounding context and neighborhoods.
  2. Blocks.
    - a. The development of block lengths and widths shall meet the requirements of the zone district.
    - b. All blocks shall be designed to ensure traffic safety and ease of traffic control and circulation.
    - c. Block dimensions may consider limitations and opportunities related to topography and natural features.
    - d. Within Tier 2 and 3 Growth Areas, block lengths shall not exceed 800 feet. In all other areas, block lengths shall not exceed 1,600 feet.
    - e. Dead-end streets and cul-de-sacs are discouraged. When they are proposed, they shall meet the requirements of Section 3.2.

- f. Block design shall provide sufficient areas for leach fields where individual sewage disposal systems are proposed in conformance with the Routt County Environmental Health Department regulations.
  - g. Block design shall enable a suitable location for wells where individual septic systems are proposed in conformance with the Routt County OWTS regulations.
3. Lots.
- a. Lot lines shall run parallel to roads and easements, where possible.
  - b. All side lot lines shall be at substantially right angles or radial to rights-of-way, where possible.
  - c. Lot lines should avoid bisecting natural hazards, flowlines or drainage courses, or other natural features, to the extent possible.
  - d. Double frontage lots are prohibited, except where required to provide separation from major arterials, incompatible land uses, or topographic constraints.
  - e. Curvilinear lot lines and gerrymandered lot lines shall be discouraged, unless specifically necessary for preservation of natural features, open space or conservation easement requirements.
  - f. Lots that front on a cul-de-sac or are wedge-shaped shall not be less than 30 feet in width, as measured at the front property line.
  - g. "No Build zones" may be required for development, as determined by the applicable review authority based on the goal of preserving natural features or avoiding natural hazard areas.
  - h. Routt County encourages new development to maximize access to solar exposure. Lots should be laid out to allow future structures to be designed in a manner that maximizes solar technologies.
4. Alleys.
- a. Alleys in residential subdivisions shall be encouraged where appropriate to continue an existing pattern, provide essential access or property service entrances, and/or promote sound neighborhood design principles.
  - b. Commercial and industrial uses must provide for adequate service access. An example of adequate service access may be an alley.
5. Connectivity.
- a. All subdivided lots intended to be a buildable lot shall have a perpetual, unobstructed, legal vehicular and pedestrian access to a public way. A proposed subdivision shall not eliminate or obstruct legal access from a public way to an adjacent property.
  - b. All roads and trails shall provide connectivity to surrounding lands.
  - c. Where appropriate, all subdivisions shall provide right-of-way stub outs to facilitate connections to future subdivisions.
  - d. The proposed subdivision shall not create traffic hazards.
  - e. The proposed subdivision shall include plans for adequate screening from major access roads, including landscaping and other means to preserve privacy and mitigate visual impacts to surrounding areas.

D. School and Park Lands Dedication.

1. The applicant shall comply with these standards for dedications of land for schools and parks required by C.R.S. § 30-28-133.
2. The dedication of land or a fee in lieu of land shall be completed prior to the recording of the Final Subdivision Plat.
3. Land that is proposed for use as a school or park shall be dedicated to the appropriate entity that operates schools or parks in the area in which the subdivision is located. The applicant shall consult with the appropriate entities on site selection.
4. School Land. The applicant shall be required to dedicate lands for school sites of a character, extent, and location that is suitable for a use that is essential to the public.
  - a. On-Site Schools. The proposed subdivision shall contain lands dedicated for the purpose of school sites. Such dedication shall be 0.017 acres multiplied by the estimated residential population of the proposed subdivision.
  - b. The estimated residential population shall be calculated by multiplying the proposed number of additional dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs.
5. Park Land. The applicant shall be required to dedicate lands for park lands of a character, extent, and location that is suitable for a use that is essential to the public.
  - a. On-Site Parks. The proposed subdivision shall contain lands dedicated for the purpose of active recreation to accommodate some of the recreational needs of the proposed project's residents. Such dedication shall be 0.013 acres multiplied by the estimated residential population of the proposed subdivision.
  - b. The estimated residential population shall be calculated by multiplying the proposed number of additional dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs.
6. Dedication Amount. The amount of dedication, or fee-in-lieu, as calculated by the above calculation, is the maximum amount required pursuant to this section. The Board of County Commissioners may determine that a lower amount is acceptable based on the following considerations:
  - a. The size of the proposed subdivision;
  - b. The anticipated population associated with the subdivision;
  - c. The projected need for schools and parks in the subdivision; and
  - d. A recommendation by the applicable school district as to any required school lands.
7. If the applicant disagrees with the County's determination of required dedication, they may prepare a study evaluating the impacts of the proposed subdivision on schools and parks. This study shall be at the applicant's sole expense and shall be completed by a professional approved in advance by the County. The study shall evaluate and quantify the current supply/capacity and anticipated future demand for school lands

given the proposed development. The Board shall consider the study as part of their review but is not required to accept the recommendation contained therein.

8. Fee-In-Lieu.

- a. When dedication of all or portions of land for schools and parks is not deemed feasible or in the public interest, the County may allow the applicant to pay a fee-in-lieu, as an alternative to the dedication of land. Such payment shall be based on the fair market value, per acre, of the entire project. Such value shall be based on completion of proposed platting, of the entire property as it may exist without the development of infrastructure that may be required with the subdivision.
- b. All fees-in-lieu required to be paid to satisfy the school and park lands requirement shall be paid to the school district or parks department that the subdivision is closest to, or as agreed upon by the applicant and Board of County Commissioners.
- c. In determining the fair market value of the land for purposes of calculating a fee-in-lieu payment, the applicant and Planning Director shall determine a mutually agreed upon value. If such value cannot be agreed upon, the applicant shall obtain an appraisal of the land. The appraisal shall be undertaken at the applicant's cost by an appraiser, approved in advance by the County. The appraiser shall be a Certified General Appraiser with at least three years of experience in commercial or for-development land appraisals and shall demonstrate appropriate geographical competence.
- d. The per acre appraisal value shall be used in determining the amount of the fee-in-lieu of land dedication.
- e. The County has determined that the above calculations are not a fair representation of the impact of Minor Subdivisions, and often overstates the impact of such subdivisions on schools and parks. In addition, the amount of actual land that would be required to be dedicated is not in an amount that could be reasonably usable to schools and parks. Therefore, Minor Subdivisions shall be subject to a flat fee-in-lieu as determined in the Fee Schedule.

E. Open Space. The applicant shall be required to designate lands for open spaces of a character, extent, and location that is suitable for a use that is essential to the public.

1. On-Site Open Space. The following open space requirements shall apply to all Major Subdivisions.
  - a. A minimum of 10% of the gross area of the subdivision shall be designated as parks, trails, or open space.
  - b. All required open space and trails shall comply with section 3.25.

F. Public Infrastructure.

1. For purposes of this section, public services include but are not limited to water, wastewater disposal, storm drainage transmission and treatment, electricity, and communications.
  - a. Routt County and other governmental or quasi-governmental entities with responsibilities to provide public services have confirmed their ability provide

such services, or the applicant has taken responsibility in writing to provide those services.

- b. If provision of those services by the applicant will require the creation of a new taxing district, assessment district, or special district authorized by Colorado law, that district(s) has already been created or the applicant's commitment to create the required district(s) has been included in the development agreement.
- G. Survey Monuments. Permanent survey monuments shall be set within all subdivisions pursuant to C.R.S. Title 38, Article 53.
- H. Mitigation Required.
1. Any increases to fire hazards from the subdivision shall incorporate wildland fire mitigation measures.
    - a. An implementable wildfire hazard plan, developed in consultation with a wildfire specialist, may be required for subdivisions. Such plan shall be reviewed by the local fire district. The cost of developing and implementing such plan shall be included in the required SIA.
    - b. Mitigation for impacts to wildlife will compensate for the permanent loss of wildlife habitat and the associated direct and indirect impacts on wildlife resources within and adjacent to the footprint of proposed developments. Effective mitigation would result in habitat uplift for the impacted wildlife populations at spatial and temporal scales equal to or exceeding the proposed anthropogenic disturbances.
- I. Commercial Mining.
1. No subdivision of land shall occur on an area of land with commercial mining potential when such subdivision would preclude the extraction of a mineral resource of a commercial value greater than that of the proposed subdivision. This shall not apply in a case where the surface rights and the mineral rights are owned by the same individual.
- J. Road Review Required.
1. Purpose. This section is intended to ensure that the streets and roads serving all subdivisions provide adequate access to and from the public road system. This section is enacted pursuant to the authority granted under C.R.S. § 30-28-110(3)(a).
  2. Applicability.
    - a. The following standards shall apply to all 35-acre platted divisions or land, and Minor LPS that creates three or more buildable lots.
    - b. Plans, plats, and replats of land laid out on building lots and roads, streets, highways, or alleys intended to be dedicated to a public use shall be reviewed pursuant to this section.
  3. Standards.
    - a. The applicant shall obtain a Grading and Excavating Permit for any common roads providing access to buildable lots.

- b. The applicant shall obtain approval from the applicable fire district for any common roads.
- c. Common roads shall be constructed or guaranteed to be constructed by SIA or Development Agreement.
- d. The road alignment shall further the intent of the Routt County Master Plan and any applicable Sub-Area Plans.
- e. All common roads shall comply with the common road standards found in **Chapter 3 Section 3.11**.

#### **4.52. Administrative Subdivision**

- A. **Applicability.** Administrative Subdivisions shall be reviewed by the Planning Director pursuant to **Chapter 4 Section 1**. Administrative Subdivisions include Minor Subdivisions, Plat Corrections, Building Envelope Removals, Lot Line Adjustments, Lot Consolidations, and Divisions of Land for Public Purpose.
- B. **Minor Subdivision.**
  - 1. **Standards.** A Minor Subdivision shall meet all of the following standards:
    - a. Comply with all the applicable requirements of Chapters 3 and 4 of this UDC.
    - b. Result in no more than two additional Buildable Lots.
    - c. All required infrastructure, except that required for an individual lot, already exists.
    - d. Shall not include a request for any variances.
    - e. Shall be located within a TO or TTO Targeted Growth Overlay Zone District.
  - 2. **Exemptions.** A Minor Subdivision is exempt from the following standards:
    - a. Open space dedication requirement in **Section 4.51**.
    - b. Public benefit requirement in **Section 3.3**.
- C. **Plat Corrections.** Corrections of technical errors in approved and recorded Final Plats that do not increase the number of subdivided lots or parcels previously approved or recorded. Technical errors include errors to dates, seals, legal descriptions, typographical and spelling errors or transpositions, and the like.
- D. **Building Envelope Removal.** A Building Envelope Removal allows the removal of a building envelope previously placed on a plat.
  - 1. **Standards.** Building Envelope Removals shall comply with the following standards:
    - a. Only the subject lot containing the building envelope is affected by the change, unless the removal is incorporated into a concurrent application under another section of this UDC.
    - b. No new lots are being created.
    - c. The existing lot has been deemed a buildable lot by the Planning Director.
    - d. The resultant plat shall include no-build zones where applicable.
    - e. In some cases, such as in a previously approved LPS, a new building envelope is required according to the requirements of the Land Preservation Subdivision process.

- E. Lot Line Adjustment. A Lot Line Adjustment allows the transfer of a part of one lot/parcel to an adjacent lot/parcel for the purposes of enlarging a lot, altering a lot line, or correcting a legal description.
1. Standards. A Lot Line Adjustment shall comply with the following standards:
    - a. Only lot/parcel lines that are common to the subject lots/parcels may be adjusted.
    - b. The adjustment results in the same number of lots or parcels. No new lots or parcels may be created through the Lot Line Adjustment.
    - c. The existing subject lots/parcels have been deemed buildable lots by the Planning Director.
    - d. In the case of an LPS, Minor Development Subdivision Exemption, a lot/parcel not serviced by a Combined Sewer Collection System, or non-conforming lot/parcel, the Lot Line Adjustment shall not reduce the size of any existing non-conforming lot/parcel to less than five acres or reduce the size of any existing lot/parcel which is less than five acres.
    - e. The adjustment does not result in a parcel lying in more than one zone district.
    - f. If a subject lot has a legal non-conforming structure that does not conform to a zone district setback, the Lot Line Adjustment shall not increase the non-conformity.
- F. Consolidation Plats. A Consolidation Plat allows the merger of adjacent, contiguous lots into one or more lots.
1. Standards. A Consolidation Plat shall comply with the following standards:
    - a. All subject lots shall be contiguous.
    - b. All subject lots were previously platted. A Consolidation Plat may not be used for property that has not been previously platted.
    - c. When there are environmental hazards present on the subject lots, the planning department may require no-build zones to be indicated on the plat.
    - d. All easements along interior lot lines shall be vacated as part of the consolidation process.
- G. Division of Land for Public Purpose. A Division of Land for Public Purpose allows the division of land for conveyance to a governmental entity or special district for a specifically allowed purpose.
- a. Standards. A Division of Land for Public Purpose shall comply with the following standards:
    - b. This section shall only apply to the following activities:
      - i. The creation or expansion of public rights-of-way;
      - ii. The creation of public parking sites;
      - iii. The creation of public access; or
      - iv. The division of land for parks or open spaces.
    - c. No new buildable lots shall be created.
    - d. The Planning Director may waive applicable requirements of the UDC if the strict application of said requirements is not in the public interest.



- H. Merger of Title. A recordable document entitled "Acknowledgement of Merger of Title" executed by the owner may be filed in lieu of a Lot Line Adjustment or Consolidation Plat for the purpose of treating the subject parcels as one.
1. Standards. An Acknowledgement of Merger of Title shall comply with the following standards:
    - a. All subject parcels are either unplatted, were platted prior to September 8, 1970, or are being incorporated into a resulting parcel that is at least 35 acres.
    - b. All subject parcels are contiguous.
    - c. The merger will not result in a lot or lots violating any provisions of this UDC.
    - d. The merger will not result in the creation of additional lots.
    - e. The Acknowledgement of Merger of Title clearly identifies, by legal description, the parcels to be merged and the resulting lot.

#### 4.53. Major Subdivision

- A. Applicability.
  1. This section applies to all divisions of land that do not qualify for an Administrative Subdivision or a Land Preservation Subdivision.
  2. All Major Subdivisions shall be processed according to the Sketch, Preliminary, and Final Subdivision procedures in **Section 4.50.C, Subdivision Review Process.**
- B. Standards. A Major Subdivision shall comply with the following standards:
  1. The application shall comply with the requirements of **Section 4.51.**
  2. The application shall comply with the requirements of **UDC Chapter 3, Development Standards.**
  3. The applicant may request a variance from Subsections 1 and 2, above. The review body shall consider if:
    - a. The alternative proposed will further the intent of the Master Plan.
    - b. The alternative shall not negatively impact the health, safety, and welfare of the community.
  3. Essential Housing is required for Major Subdivisions. The application shall comply with **Chapter 3, Section 3.21, Employee Housing.**
    - a. Development Incentives. If an applicant provides more than the minimum amount of Essential Housing (based on the calculation methodology of **Chapter 3, Section 3.21**), the applicable decision-making body can grant one or more of the following development incentives.
      1. Decreased setbacks up to a zero foot setback.
      2. Increased height allowance up to 50 feet.
      3. Parking reduction up to a 20% reduction in parking.
      4. Expedited Review Process for conforming and complete applications that provides priority over other applications that are being reviewed by staff, the Planning Commission or the BCC. At each phase of its review, each application shall be placed on the

first scheduled PC or BCC agenda for which it can be properly noticed.

5. Increase in allowable Dwelling Unit size up to 15%.
6. Reduction in required amount of open space.
7. Fee waivers.

4. The application shall comply with **Chapter 3, Section 3.22, Public Benefit.**

- C. Amendments. Any amendment which does not qualify as an Administrative Subdivision under **Section 4.52**, will be reviewed as a Major Subdivision.

#### **4.54. Minor Land Preservation Subdivision**

A. Applicability. The following are considered Minor Land Preservation Subdivisions:

1. The LPS shall result in no bonus lots.
2. The subject land is located entirely within the AF Zone District, is contiguous, and is at least 70 acres in size.
3. The applicant voluntarily enters into a Development Agreement that limits the maximum number of dwelling units on the property to the number approved through the Minor Land Preservation Subdivision process.

B. Review Authority.

1. A Plat and Development Agreement shall be required, pursuant to Chapter 4, **Section 4.7.D-E.**

C. Standards.

1. Shall comply with Road Review in section **4.51.J**, if applicable, to ensure adequate access for all lots.
2. To the extent practicable, buildable lots shall be clustered. All buildable lots shall be between five and seven acres.

D. Allowances. The following development allowances shall apply:

1. The number of buildable lots shall equal the total acreage divided by 35.
2. Example: If a parcel is 100 acres, it is allowed two buildable lots
  - a. Buildable Lot Calculations:  $100 \div 35 = 2.8$ , where the fraction is not considered a lot
  - b. Resulting Number of Buildable Lots: two (two 5-acre lots are allowed = 10 acres)
  - c. Remainder Parcel: 100 acres minus 10 acres = 90 acres
  - d. Total Buildable Lots: two 5-acre lots with 90 acres in a remainder parcel

E. Amendments to a Minor LPS.

1. An administrative amendment to a Minor LPS may be granted by the Planning Director pursuant to the requirements of **Section 4.52, Administrative Subdivisions.**
2. An amendment not qualifying for Administrative Review or as a Minor Change pursuant to **Section 4.10.C**, including those that increase the proposed number of

buildable lots, shall be processed pursuant to **Section 4.55, Major Land Preservation Subdivision.**

#### **4.55. Major Land Preservation Subdivision**

- A. Applicability. The following Land Preservation Subdivisions (LPS) are considered Major Subdivisions.
1. Subdivisions that do not qualify for a Minor LPS as outlined in **Section 4.54.**
  2. All lands are located in the AF Zone District, and total at least 140 acres.
  3. The applicant voluntarily enters into a Development Agreement that limits the maximum number of dwelling units on the property to the number approved through the Major Land Preservation Subdivision process.
  4. A remainder parcel of at least 100 acres is included.
- B. Allowances. The following development allowances shall apply:
1. The number of buildable lots shall equal the total acreage divided by 35, plus any bonus buildable lots allowed pursuant to Subsection 2, below.
  2. The applicant shall be entitled to one additional bonus buildable lot, for each 100 acres of land placed in a Remainder Parcel. There shall be no limit on the number of bonus buildable lots that are approved.
  3. For example, if a parcel is 250 acres, it is allowed up to nine lots.
    - a. Lot Calculations:  $250 \text{ divided by } 35 = 7.14$ , where the fraction is not considered a lot.
    - b. Resulting Number of Lots: seven ( seven 5-acre lots are allowed = 35 acres)
    - c. Remainder Parcel:  $250 \text{ acres minus } 35 \text{ acres} = 215 \text{ acres}$
    - d. Bonus Lots: two additional bonus lots ( $215 \text{ acres divided by } 100 \text{ acres} = 2.15$ , where the fraction is not considered a lot.
    - e. Total Lots: nine 5-acre lots, with 205 acres in the remainder.
- C. Standards. The following standards shall apply to all Major Land Preservation Subdivisions:
1. The application shall conform to the standards found in this **section 4.55 and Chapter 3 Sections 1, 2, and 3.**
  2. A Plat and Development Agreement shall be required, pursuant to **Section 4.50.C.**
  3. Buildable Lots and Building Envelopes.
    - a. To the extent practicable, buildable lots shall be clustered. All buildable lots shall be between five and seven acres.
    - b. Disturbance outside of building envelopes shall be minimized.
    - c. The plat shall identify no-build zones, which includes land subject to natural or environmental hazards identified in **Division 3 Section 3.**
    - d. At the time of applying for a building permit, the landowner shall identify a building envelope of approximately one acre.
  4. Agricultural Lands. All development within one mile of an agricultural operation shall minimize impacts on the operation to the greatest extent practicable.

5. Roads. In addition to road standards required in Chapter 3 and in Section 4.51.J, the following standards shall apply:
  - a. Incorporate existing road infrastructure into the LPS road network.
  - b. No LPSs shall be approved on Minimal Maintenance Roads as defined in the Routt County Road Maintenance Plan.
  - c. Set roads back from adjacent landowner fences by at least 20 feet to prevent damage from road maintenance activities.
6. Remainder Parcel.
  - a. A Remainder Parcel shall be a minimum of 100 acres to qualify for the density bonus. There shall be no maximum limit to the size of the Remainder Parcel.
  - b. Building envelopes. One building envelope is allowed on one single Remainder Parcel.
    - i. Any dwelling unit on the Remainder Parcel shall be located within a residential building envelope of between five and seven acres as shown on the plat. The acreage contained in the residential building envelope shall not be counted towards the density bonus.
  - c. Remainder Parcels shall be located to protect the maximum amount of riparian and wetland areas.
  - d. To the extent practicable, infrastructure shall be positioned so that it does not traverse or significantly damage the qualities of the Remainder Parcel.
  - e. Remainder Parcels must have physically feasible, legal access to public roads that is sufficient for the likely uses of the parcel.
  - f. A Remainder Parcel shall be contiguous lands. An exemption may be allowed for this requirement if:
    - i. The Remainder Parcel includes a significant natural feature that warrants breaking the parcel into smaller areas, or
    - ii. The Remainder Parcel meets the requirements of subsection 7, Density Bonus Calculations, below.
  - g. The Remainder Parcel shall not be gerrymandered.
  - h. All Remainder Parcels shall be held under a single owner, except as provided for Non-contiguous Remainder Parcels identified in subsection 7 below.
7. Density Bonus Calculations.
  - a. Areas that are not counted towards the density bonus:
    - i. Road easements or rights-of-way;
    - ii. Land subject to a pre-existing agreement such as conservation easement that prohibits development;
    - iii. Land used for paid commercial recreational activities; and
    - iv. Any residential building envelopes within Remainder Parcels
  - b. Areas that are counted towards the density bonus:

- i. Trail corridors, and
    - iii. Land subject to a conservation easement to be granted concurrently with the Land Preservation Subdivision.
- c. A Remainder Parcel may be non-Contiguous only if it meets the following requirements:
  - i. Non-contiguous Remainder Parcels are permitted in certain circumstances to protect the portion of the Yampa River valley floor south of the City of Steamboat Springs.
  - i. Only applications with respect to land, all of which lies within one or more of the following sections are eligible to use the Non-contiguous Parcel Process: Sections 34 and 35 T6N, R84W; Sections 1, 2, 3, 6, 7, 10, 11, 12, 18, 19 and 22, T5N, R84W; and Sections 1, 12, 13 and 24, T5N, R85W.
  - ii. Only land, all of which lies within the following sections may be used to create Non-contiguous Remainder Parcels: Sections 4, 5, 7, 8, 9, 15, 16, 17, 20 and 21, T5N, R84W; Sections 26, 27, 28, 33, 34 and 35, T5N, R85W; Sections 9, 10, 11 and 15, T4N, R85W; and Sections 8, 9, 16 and 17, T4N, R84W.

D. Amendments to a Major LPS.

- 1. Administrative Amendments. An administrative amendment to a Major LPS may be granted by the Planning Director pursuant to the requirements of this section.
  - a. Applicability. An administrative amendment may be granted for the following:
    - i. Vertical and horizontal alignment of roads that is not substantially similar to what was approved, with concurrence by the Routt County Public Works Department;
    - ii. Removal of building envelopes.
  - b. Standards. An administrative amendment to a Land Preservation Subdivision approval must meet all the following standards to be approved:
    - i. The requested adjustment will have no negative impact on the health, safety, or general welfare of the surrounding property owners or the general public; and
    - ii. The requested adjustment is equivalent to or enhances the original approval, with regard to conformance to the design standards; and
    - iii. The requested adjustment is of a technical nature and is required to compensate for some unusual physical aspect of the site or of the proposed development; or
    - iv. The requested adjustment is of a technical nature and is due to an oversight of the developer and/or County during the planning review and approval process.

2. Amendments to Permitted Number of Dwelling Units and/or Buildable Lots.

- a. The provisions of a Development Agreement establishing or limiting the number of dwelling units permitted may be modified by the Board of County Commissioners, following review by the Planning Commission, only after the expiration of 40 years from the date on which the Development Agreement is recorded in the Office of the Routt County Clerk and Recorder.
  - b. In reviewing the request, the Board of County Commissioners shall consider the following:
    - i. The area in which the land subject to the Development Agreement and the surrounding lands have changed or are changing to such a degree that it is in the public interest to permit an increased residential density in the area.
    - ii. The existing restrictions or residential density imposed by the Development Agreement are no longer consistent with the policies and goals of the Master Plan and any applicable sub area plan.
    - iii. Applicant has demonstrated that the proposed amendment will not result in injury to the property of the surrounding landowners.
  - c. The review shall be in a public hearing, pursuant to the **procedures listed in Section 4.6.**
3. Other Amendment. Any other amendment which does not qualify as an Administrative Subdivision under **Section 4.52**, or as a Minor Change pursuant to **Section 4.10.C**, will be reviewed as a Major LPS.

#### **4.56. Vacating Plats or Public Ways**

- A. When a plat or public way is to be vacated, the following standards shall be met.
1. The plat to be vacated is a legal plat of record.
  2. The vacation of the plat or right-of-way shall not deny access to public land, adjoining properties, utility services, or other public improvements.
  3. The vacation shall not interfere with the orderly development of adjoining properties, utility services, or other public improvements.
  4. The vacation is consistent with the UDC and furthers the intent of the Master Plan and any applicable Sub-Area Plans.

## CHAPTER 4: PROCEDURES

### SECTION 6: SITE PLAN REVIEW

#### 4.60 Site Plan Review

#### 4.61 Building Permits and Certificates of Occupancy or Completion

#### 4.60. Site Plan Review

- A. Purpose. Site Plan Review is required for development activities in Routt County to ensure development complies with the requirements of the UDC.
- B. Applicability. Site plan review is required for all of the following:
  1. All new uses and structures in the Commercial and Industrial zone districts;
  2. Manufactured Home Community;
  3. Multi-Family development; and
  4. PUDs, as determined by the Planning Director.
- C. Exemptions. The following activities are exempt from the requirement to obtain a site plan review:
  1. Building Permits
  2. Grading and Excavating Permits
  3. Agricultural Operations, including cultivation of crops; raising, breeding and grazing livestock; construction of accessory structures outside of a waterbody setback as determined by **Chapter 3 Section 3.11, Development Adjacent to Water Bodies**; and internal roads, ditches, ponds, and the like that do not involve stream crossings nor are located within the waterbody setback as determined by **Chapter 3 Section 3.11, Development Adjacent to Water Bodies.**
  4. Temporary Use Approvals
  5. Uses that are reviewed as an Administrative, Conditional, or Special Use Permit
  6. Subdivision Proposals
  7. Accessory Structures
- D. Procedures. Any development listed in Section 4.60.B shall require a review by the Planning Commission pursuant to **Chapter 4 Section 1.**
- E. Review Criteria. All Site Plan Review applications shall comply with the use standards identified in **Chapter 2 Section 2** and with the **Development Standards in Chapter 3.**
- F. Site Plan Review shall occur before issuance of a building permit, site grading, or construction of site improvements.

#### 4.61. Building Permits and Certificates of Occupancy or Completion

- A. A Building Permit and Certificates of Occupancy or Completion shall be required for all development, pursuant to the Routt County Building Code and other requirements adopted by the Routt County Building Department.

## CHAPTER 4. PROCEDURES

### SECTION 7: RELIEF

#### 4.70 Modifications

#### 4.71 Variances

#### 4.72 Adjustments

#### 4.73 Appeal

#### 4.70. Modifications

- A. Purpose. The Modifications procedure is intended to allow minor modifications or deviations from the dimensional or numeric standards of this Code with approval by the Planning Director. Modifications are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The Modifications procedure is not a waiver of current standards of this UDC and shall not be used to circumvent the variance procedure.
- B. Applicability. There are three types of Modifications permitted by this section. Requests for types of accommodation that are not listed may only be approved through a variance or rezoning process.
1. Dimensional Standards. The following Modifications are permitted, subject to review and approval by the Planning Director.

<b>Table 4.71.A: Allowed Modifications</b>	
<b>Code Standard</b>	<b>Allowable Modification (maximum percentage)</b>
<b>Site Standards</b>	
Separation Requirements for Secondary Dwelling Units	10%
<b>Lot Dimensional Standards</b>	
Front setback, minimum	10%
Side setback, minimum	10%
Rear setback, minimum	10%
<b>Building Standards</b>	
Building height, maximum (excludes wireless communication facilities)	10%
<b>Development Standards</b>	
Number of required parking spaces, maximum or minimum	15%

2. Exceptions for Energy Efficiency. The Planning Director may approve exceptions to the dimensional restrictions of this UDC to accommodate the addition of energy production systems or energy efficiency systems or equipment in or on existing buildings when no other practical solution exists due to unique site circumstances.
3. Exceptions for Building Code Compliance. The Planning Director may approve exceptions to the dimensional restrictions of this UDC to accommodate



improvements required to achieve compliance with building, fire, or accessibility codes in or on existing buildings when no other practical solution exists due to unique site circumstances.

C. Limitations. The Modifications procedure shall not apply to any proposed modification or deviation that results in:

1. An increase in the overall project density;
2. A change in permitted uses or mix of uses;
3. A deviation from building or fire codes;
4. A deviation from the County Public Works Standards or standards of any other County department;
5. A deviation from state and federal statute or regulation;
6. A change in requirements for public roadways, utilities, or other public infrastructure or facilities; or
7. A change to a development standard where that same standard was already modified through a separate Adjustment or Variance.

D. Procedure.

1. Application Submittal and Handling.

- a. An application for a Modification shall only be submitted to address a project under construction or existing conditions.
- b. Each code standard in **Table 4.71.A** shall be considered a separate Modification request as it relates to the approval criteria in **Subsection E**, but multiple modifications may be considered in one application.

2. Review and Decision.

- a. The Director may require notice be provided to adjacent landowners.
  - b. The Director shall review the application and shall approve, approve with conditions, or deny the adjustment based on the criteria in **Subsection E**.
  - c. Approval shall be in the form of a written administrative decision, with findings of fact, added to the building permit and noted as a property flag in the County's land management software.
3. The Planning Director may approve a modification different from that requested by the applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the energy efficiency system or building code with fewer impacts on adjacent areas.
4. Effect of Approval. Approval of a Modification authorizes only the particular adjustment of standards approved, and only to the subject property of the application.
5. Expiration of Modifications. A Modification shall automatically expire if the associated development is later adjusted, modified, or redeveloped as part of a land use application or building permit that brings the property or building into compliance with the applicable code requirement.

E. Modification Approval Criteria. In reviewing a proposed Modification, the Director shall consider the following:

1. Whether and to what extent the modification will result in incompatible development;
2. Whether and to what extent the modification will result in adverse impacts unless adequately mitigated;
3. The adjustment is of a technical nature required to:
  - a. Compensate for an unusual site condition;
  - b. Eliminate a minor inadvertent failure to comply with a Code standard; or
  - c. Protect a sensitive resource, natural feature, or community asset.
4. The visual impact of the exemption is minimal; and
5. No other reasonable way to achieve the energy production, efficiency, or code compliance exists.

#### **4.71. Variance**

- A. Purpose. Variances are deviations from the terms of this UDC, other than dimensional divisions that are subject to the Adjustment requirements of **Section 4.72, Adjustment**, which would not be contrary to the public interest when, owing to the special circumstances or conditions, the literal enforcement of the provisions of this UDC would result in an undue or unnecessary hardship. Variances shall only be granted in accordance with the terms of this section.
- B. Authority. The Board of County Commissioners, in accordance with the procedures and standards of this Section, shall have the authority to approve, approve with conditions, or deny an application for a Variance to any development standard or design standard incorporated within any use permit or subdivision, or for any multifamily, commercial, or industrial development, which is not regulated by **Section 4.72, Adjustment**. Review shall be concurrent with the primary application. Variances may not allow a use which is not permissible within the zone district of the subject property.
- C. Standards. The Board of County Commissioners may grant a Variation if all of the following conditions are found to exist:
  1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to adequately mitigate those impacts.
  2. The Variance furthers the intent of the Master Plan and applicable Sub-Area Plans.
  3. The Variance application meets the criteria of either special circumstance, or practical difficulty, or the application presents an acceptable alternative, as further defined below.
    - a. Special Circumstances. The special circumstances of the property make the strict application of the standard an unnecessary hardship to the applicant, and the special circumstances are not the result of actions of the property owner or applicant.
    - b. Practical Difficulty. The proposed Variance is of a technical nature and is required to compensate for some practical difficulty or unusual feature of the site or the proposed development that is not shared by landowners in general.
    - c. Acceptable Alternative. The proposal provides at least one of the following acceptable alternatives to the standard:

- i. The alternative achieves a result that is equal to or better than the Code standard to which a variance is being sought; or
- ii. The purpose and intent of the Code standard will not be achieved by strict application of the standard in the particular circumstance; or
- iii. The application of other Code standards, purposes, or intents will be improved by varying the standard.

#### **4.72. Adjustments**

- A. Purpose. The purpose of this section is to provide the requirements, allowances, and limitations for an adjustment to the requirements of this UDC. An Adjustment is a deviation from a dimensional requirement in this UDC which would not be contrary to the public interest when, owing to special circumstances or conditions, the strict enforcement of the provisions of this UDC would result in an undue or unnecessary hardship. Adjustments shall only be granted in accordance with the terms of this section.
- B. Authority.
  1. The Board of Adjustment, in accordance with the procedures and standards of this section, shall have the authority to approve, approve with conditions, or deny an application for an Adjustment for deviations of dimensional standards, limited to the following:
    - a. Minimum setbacks;
    - b. Maximum allowable building height;
    - c. Maximum separation permitted between a secondary dwelling unit and a primary dwelling unit;
    - d. Historic secondary dwelling units; and
    - e. Signs.
  2. The Board of County Commissioners shall have the authority to approve, approve with conditions, or deny an application for an Adjustment to any other dimensional standard not under the authority of the BOA.
  3. In order to ensure the protection of the public welfare and fulfill the intent and purpose of this UDC, the BOA or BCC may impose any other condition found to be necessary upon the granting of an Adjustment.
  4. Adjustments shall only be granted with respect to specific plans, or within defined parameters, including but not limited to a specific height, setback, or building envelope. Unless otherwise specified by the BOA or BCC, an Adjustment may be transferred to successive owners prior to construction if no changes are made to the approved plan. Adjustments shall run with the land after the construction of any authorized structures and only for the life of such structures.
- C. Standards. The review body may grant an Adjustment if all of the following conditions are found to exist:
  1. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this UDC are strictly enforced.

2. The requested Adjustment is the minimum deviation necessary to enable reasonable use of the property.
  3. The Adjustment is necessary to provide the property with comparable use rights and privileges permitted to other properties in the vicinity and in the applicable zone district.
  4. The Adjustment , if granted, will not confer a personal convenience or special privilege to the applicant.
  5. Circumstances creating the hardship were in existence on the effective date of the regulations from which an adjustment is requested, or were created subsequently through no fault of the applicant.
  6. The property for which a Adjustment is requested possesses a site-specific constraint, such as exceptional narrowness, shallowness, shape or topography or other extraordinary and exceptional situation or condition which does not occur generally in other property in the same zone district.
  7. The Adjustment , if granted, will not diminish the value, use, or enjoyment of the adjacent properties, nor curtail desirable light, air, and open space in the neighborhood, nor change the character of the neighborhood.
  8. The Adjustment , if granted, will not be directly contrary to the intent and purpose of this UDC or the Master Plan.
- D. Standards for Signs. The Board of Adjustment may grant an Adjustment to dimensional requirements of signs if all of the following conditions are found to exist:
1. The Adjustment is the least modification possible to accomplish the purpose of the applicable sign standard.
  2. The Adjustment will not constitute an unfair advantage inconsistent with limitations upon other properties in the vicinity and applicable context area.
  3. The Adjustment is necessary due to special circumstances relating to the size, shape, topography, location, surroundings, or other features of the subject property, building, or project area and to provide it with rights and privileges permitted to other properties in the vicinity.
  4. The Adjustment will not injure or adversely impact legal conforming uses or signage of adjacent property, or the applicant has accurately assessed the impacts of the proposed adjustment and has agreed to mitigate those impacts.
  5. Any existing non-conformity will be considered part of the overall Adjustment request. For example, if an existing non-conforming sign is five square feet larger than the total sign area allowed and the applicant is requesting a Adjustment for an additional five square feet of sign area, then the Adjustment request shall be considered a request for ten additional square feet of sign area.
- E. Standards for Historic Secondary Dwelling Units. The Board of Adjustment may grant an Adjustment to dimensional requirements applicable to the use of a historic structure as a secondary dwelling unit if all of the following conditions are found to exist:
1. The historic nature of the building would be damaged if strict compliance were required.

2. Strict compliance is not necessary to protect the health, safety, or welfare of the public.
3. The requested Adjustment is the minimum deviation necessary to protect against standards 1 and 2 above.

#### **4.73. Appeals**

- A. Purpose. This section establishes the procedures for appealing a decision made by the Planning Director, Planning Commission, or Board of Adjustment.
- B. Authority.
  1. Board of County Commissioners. The Board of County Commissioners shall have the authority to hear and decide all appeals of decisions made by the Planning Commission. The Board of County Commissioners shall have the authority to hear and decide all appeals of decisions made by the Planning Director, after review by Planning Commission.
- C. Applicability.
  1. The Board of County Commissioners, or any individual member of the Board of County Commissioners, Planning Commission, or any individual member of the Planning Commission, applicant, or any adjacent property owner who would have been entitled to receive notice of the original application under the terms of this UDC may appeal the decision.
- D. Any appeal requested by an individual member of the PC or BCC will be scheduled by the Planning Director for the next regularly scheduled public hearing for the respective commission or board. At this meeting, the PC or BCC shall determine whether the appeal should be heard. If the PC or BCC approve the furtherance of the appeal, the appeal shall then be scheduled for a public hearing pursuant to the appeal procedure.
- E. Any appeal requested by the applicant or an adjacent property owner will be scheduled for a public hearing pursuant to the appeal procedure.
- F. Appeal Procedure.
  1. Appeal Application Submittal. Appeals must be filed electronically with the Planning Department within five days of the decision that is being appealed. The appeal shall state the specific grounds upon which the appeal is based and shall have attached to it any documentary evidence upon which the party making the appeal (appellant) relies.
  2. Burden of Proof on Appellant. The appellant shall have the burden of proving the necessary facts to warrant reversal or amendment of the decision being appealed. Such proof shall include applicable specific section references within this Code, which shall be provided with the appeal. The appeal shall be based on the record established in the decision-making process.
  3. Staff Review and Action. The Planning Director shall review the appeal application and determine whether the application is complete based on the record that has been established.
  4. Scheduling and Notice of Public Hearings. The appeal shall be scheduled for a public hearing before the appropriate appellate body within 30 days of the date of the filing of a complete appeal application.

G. Review and Decision.

1. The BCC shall consider the following in determining whether to affirm, reverse, or amend a decision:
  - a. The requirements and intent of the applicable standards from this UDC compared to the decision that is being appealed; and
  - b. Consistency with the intent of the Master Plan and applicable Sub-Area Plans.
2. The appellate body may add, delete, or modify conditions of approval to ensure the health, safety, and welfare of the County.

H. Post-Decision Actions and Limitations. Any appeals of decisions made by the Board of County Commissioners or the Board of Adjustment shall be made to a court with competent jurisdiction in accordance with state law.

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## CHAPTER 4. PROCEDURES

### SECTION 8: VESTED RIGHTS

<b>4.80</b>	<b>Purpose</b>
<b>4.81</b>	<b>Establishment of Vested Property Rights</b>
<b>4.82</b>	<b>Term of Vested Property Rights</b>
<b>4.83</b>	<b>Amendments to Vested Property Rights</b>
<b>4.84</b>	<b>Notice</b>
<b>4.85</b>	<b>Forfeiture of Vested Property Rights</b>

#### **4.80. Purpose.**

- A. The purpose of this section is to establish a system of vested property rights for this UDC as authorized by C.R.S Title 24, Article 68.

#### **4.81. Establishment of Vested Property Rights**

- A. A vested property right shall be deemed to have been created only upon the approval of a Site-Specific Development Plan, in accordance with all provisions of this UDC, and upon completion of any conditions of approval. A Site-Specific Development Plan includes only the following and if an approval is not listed it is not a Site-Specific Development Plan.
  1. Final Plat for a major or minor subdivision;
  2. Final Plat for a Major LPS
  3. Final PUD Guide or Plan
- B. An applicant must request a vested property right at the time of submitting the application for an approval that would qualify for a vested property right. Failure to request at the time of application precludes any approval from being considered a vested property right.
- C. The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and which are applicable to all properties or a similarly situated class of properties subject to land use regulation including, but not limited to, building, fire, plumbing, electrical and mechanical codes. Such ordinances and regulations shall not be deemed to alter, impair, prevent, diminish, impose a moratorium, or otherwise delay the development or use of a property with vested property rights regardless of the financial impact of such ordinance or regulation.
- D. The establishment of a vested property right shall not preclude the application of any legislatively adopted fees which are general in nature, uniform in character and applicable to all properties or a similarly situated class of properties.
- E. The establishment of a vested property right related to a Site-Specific Development Plan shall not exempt the applicant from the requirements to obtain all other permits or approvals applicable to the proposed activity or development pursuant to this UDC subsequent to the approval of the Site-Specific Development Plan.

#### 4.82 Term of Vested Rights

- A. If an applicant has requested and obtained a vested property right under this section, that vested right shall expire three years from the date of approval.

#### 4.83 Amendments

- A. Administrative Modifications/Minor Amendments of a Site-Specific Development Plan pursuant to Section 4.42.G.1-3, PUD Amendments, Technical Corrections, Administrative Modification and Minor Amendments, Section 4.52, Administrative Subdivision, and Section 4.55.D.1 Major Land Preservation Subdivision, Administrative Amendment, are permitted, but shall not result in any extension of the vesting period.
- B. Major amendments of a Site-Specific Development Plan shall require a new application pursuant to Section 4.42.G.4, PUD Major Amendments, Section 4.53.C, Major Subdivision, Amendments, Section 4.55.D.2, Major Land Preservation Subdivision, Amendments to Number of Dwelling Units and/or Buildable Lots, or Section 4.55.D.3, Major Land Preservation Subdivision, Other Amendments and shall only result in a vested property right if the application is approved.

#### 4.84. Notice

- A. Any approval of a Site-Specific Development Plan or amendment is approved as of the date of signing of the Final Plat or PUD Guide or Plan by the Board of County Commissioners.
- B. Notice and Hearing. No Site-Specific Development Plan or amendment shall be approved until after notice has been provided and public hearings have been conducted in compliance with Chapter 4, Section 4.13. If an approval would otherwise be an Administrative Approval, a request for vested rights under this section shall cause the approval to require a hearing with the BCC.
- C. Notice of Approval.
  1. Each approval constituting a Site-Specific Development Plan shall contain the following language:
    - a. Approval of this plan constitutes a vested property right pursuant to C.R.S. § 24-68-101 *et seq* and Chapter 4, Section 8 of the Routt County Unified Development Code.
  2. The County shall publish a notice stating that a vested property right has been created once in a newspaper of general circulation in the County not more than 14 days after final adoption of the action approving the Site-Specific Development Plan. The notice shall include the following information:
    - a. A statement advising the public of the Site-Specific Development Plan approval, including the name of the project, the type and intensity of the use approved and the specific property or development parcels affected;



- b. A statement that a vested property right has been created in accordance with C.R.S. § 24-68-101 *et seq* and Chapter 4, Section 8 of the Routt County Unified Development Code, including the duration of the vested property right.

**4.85. Forfeiture of Vested Property Rights.**

- A. Failure to abide by the terms and conditions attached to the Site-Specific Development Plan shall result in immediate forfeiture of the vested property right.

## CHAPTER 5. NON-CONFORMITIES

- 5.1 Generally**
- 5.2 Non-conforming Uses**
- 5.3 Non-conforming Structures**
- 5.4 Non-conforming Lots**
- 5.5 Non-conforming Site Improvements**
- 5.6 Applications and Projects in Progress**

### 5.1. Generally

- A. There exist uses of land, structures and lots that were lawfully established before this UDC was adopted or amended, that now do not conform to the standards of this UDC. The purpose of this chapter is to accommodate, regulate, and limit the continued existence of those uses, structures, and lots/parcels that do not conform to the provisions of this UDC or any amendments thereto.
- B. It is the intent of this UDC to allow these non-conformities to continue until they are eliminated, but not to encourage their continuation except as provided for by this chapter. It is further the intent of this UDC that changes in non-conformities shall not be permitted unless said changes bring the specific non-conformity toward compliance with the terms of this UDC.
- C. In an effort to facilitate the continuance of non-conforming uses and structures, a registration program has been created. The Planning Department will keep records on all known non-conformities that affect a property.
- D. Non-conforming uses and structures may continue in accordance with the provisions of this chapter.

### 5.2. Non-conforming Uses

- A. Enlargement or Expansion. A non-conforming use, lawfully established, shall not be enlarged or expanded, except into any area of the same structure in which it is located, provided that no structural alterations are proposed or made for the purpose of expanding the use.
  - 1. A non-conforming use of open land may not be expanded to cover more land than was occupied by that use when it became non-conforming.
  - 2. The addition of a solar energy system to a non-conforming use shall not be precluded by this section.
- B. Relocation. A structure housing a non-conforming use shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless the structure and use shall thereafter conform to the provisions of the zone district into which it is moved.
- C. Change in Use. A non-conforming use shall not be changed to another use unless any new use or additional use conforms to the requirements for the zone district in which the use is located.

- D. One-Family and Two-Family Residential Uses. Any structure used for a non-conforming one-family or two-family residential use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new non-conformities or increase the extent of existing non-conformities.
- E. Discontinuance. Whenever a non-conforming use has been discontinued for a period of twelve months, it shall not thereafter be re-established, and any future use shall be in conformance with the provisions of this UDC.
- F. Ability to Restore.
  - 1. A non-conforming use located in a structure that is wholly or partially destroyed by an act of nature or through any manner not purposefully completed by the owner, may be restored as-of-right if a building permit for reconstruction is submitted within twenty-four months of the date of destruction.
  - 2. Any non-conforming use that is in a structure that is purposefully destroyed may be replaced only if the replacement structure is in conformance with this UDC.

### **5.3. Nonconforming Structures**

- A. Enlargement or Expansion. A non-conforming structure, lawfully erected, shall not be enlarged or expanded in any way that increases its non-conformity, but may be enlarged or altered in any manner that does not increase its non-conformity.
- B. Relocation. A non-conforming structure shall not be moved, in whole or in part, to another parcel of land unless it shall thereafter conform to the provisions of the zone district into which it is moved. A non-conforming structure may be moved, in whole or in part, to another location on the same parcel, provided that the subject of the non-conformity is reduced or eliminated.
- C. Repairs, Alterations, and Restoration of Single-Family, Duplex, Agricultural, and Associated Accessory Structures:
  - 1. The following changes or alterations may be made to any single-family, duplex, agricultural, or accessory structure associated with the same:
    - a. Any structural alteration that does not increase the degree of non-conformity.
    - b. Maintenance repairs that are needed to maintain the good condition of a building.
  - 2. Any single-family, duplex, agricultural, or accessory structure associated with the same may be restored as-of-right in its original location if all of the following criteria are met:
    - a. A building permit for reconstruction is issued within one year of intentional destruction or within two years of unintentional destruction of the non-conforming structure.

- b. If non-conforming to setbacks, the non-conforming portion of the replacement structure maintains the same volume, height, and location as the original structure, or lessens the non-conformity.
      - c. If non-conforming with respect to any floodplain standard, the replacement structure complies with the elevation standard in **Section 3.12, Development within Floodplains** and is in the same location as the original structure.
- D. Repairs, Alterations, and Restoration of all other structures. The following changes or alterations may be made to any non-conforming structure not listed in Section 5.3.C:
  1. Any structural alteration that does not increase the degree of non-conformity.
  2. Maintenance repairs that are needed to maintain the good condition of a building.
  3. Any structure that is destroyed may be replaced only if the replacement structure is in conformance with this UDC.
  4. Any portion of a structure which becomes physically unsafe or unlawful, and which is declared unsafe or unlawful by the Chief Building Official, but which an owner wishes to restore, repair, or rebuild shall only be restored, repaired, or rebuilt in conformity with the provisions of this UDC.
- E. Repairs, Alterations, and Restoration of a Secondary Dwelling. The following changes or alterations may be made to any non-conforming secondary dwelling unit that was registered with the County or was constructed prior to July 15, 1995.
  1. No change in location is permitted, except as approved by the Planning Director to bring the reconstructed secondary dwelling unit into greater conformance with the required setbacks of the applicable zone district.
  2. The habitable space within the structure shall not increase if it exceeds the amount allowed by **Section 2.33**.
- F. Historic Structures. The proposed repair or rehabilitation shall not preclude the structure's continued designation as a historic structure and the change shall be, to the greatest extent practicable, the minimum necessary to preserve the historic character and design of the structure.
- G. Use By Right. Where a non-conforming lot or parcel, established legally at the time of its creation, does not conform to the lot area or dimensions applicable to the zone district, the lot may nonetheless be used for any use permitted in that zone district, provided all other requirements of this UDC are met.
- H. Allowed Development.
  1. The Planning Director may approve a non-conforming lot if it meets one or more of the following categories:
    - a. Any pre-existing parcel or tract of land divided prior to the effective date of the Routt County Subdivision Regulations (September 8, 1970).
    - b. Any lot or parcel subdivided between September 8, 1970 and June 20, 1978 that is 15 acres or larger.

- c. Any lot or parcel created by a plat accepted by the County, a County resolution, or other County-approved method is considered conforming to the regulations in effect at the time of its creation.

I. Lot Merger.

1. The County encourages owners to consolidate legal non-conforming, undersized lots or parcels of record to reduce or eliminate a lot size non-conformity via an Acknowledgement of Merger-of-Title or Lot Consolidation process, as applicable.

**5.4. Non-conforming Site Improvements**

- A. Applicability. This section applies to a non-conforming site improvement, lawfully created, such as landscaping, parking areas, storm drain facilities, and the like, which no longer complies with one or more of the requirements of this UDC.
- B. Additions and Alterations. Non-conforming site improvements may not be altered, enlarged, or expanded in any way unless:
  1. The non-conforming site improvements are brought into compliance with the applicable regulations; or
  2. The repairs or alterations do not result in the site improvement utilizing a greater site area or building floor area.

**5.5. Applications and Projects in Progress**

- A. Applicability. This section applies to any structure, development, or subdivision plat that is incomplete as of **XXX, 2024**, and that because of the amendments adopted on that date, will be inconsistent with one or more of the requirements of the zone district in which it is located.
- B. Pending Applications. Any application deemed complete prior to **XXX, 2024** shall be permitted to continue the applicable review process under the terms and requirements of the Zoning and Subdivision Regulations in effect at the time the application was deemed complete. An applicant may elect in writing to be reviewed under and comply with the provisions of this UDC in its entirety.
- C. Project Completion Allowed. All projects for which a permit has been issued and/or a building permit has been issued prior to **XXX, 2024**, may be completed in accordance with the terms of their permit. Any changes to their permit shall be reviewed under this UDC in its entirety.
- D. All PUDs or Final Subdivision Plats that were approved prior to **XXX, 2024**, remain valid and may continue to develop in accordance with the requirements of the approval. Any changes to their approval shall be reviewed under this UDC in its entirety.

## CHAPTER 6. ENFORCEMENT

### 6.1 Violations

### 6.2 Enforcement Procedures

#### 6.1. Violations

- A. The provisions of this UDC shall be enforced by the Board of County Commissioners, Planning Director, Code Compliance Officer, County Attorney, and any other County official so designated by the Board of County Commissioners.
- B. Except as hereinafter provided, no building, structure or land shall hereafter be used or occupied and no building or structure, or part thereof, shall be erected, moved or altered unless in conformity with this UDC.
- C. It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use, or to propose to erect, construct, reconstruct, alter, maintain, or propose to use any building or structure or to use or propose to use any land in violation of any provision of this UDC, as amended. Proposing to use includes, but is not limited to, advertising a use that may occur in the future.
- D. It shall be unlawful to violate or otherwise fail to comply with or maintain any condition or term of any approval granted under this UDC.
- E. Violations of this UDC may be prosecuted and punished as provided by law, including without limitation, C.R.S. § 30-28-124 and 30-28-124.5, as amended. The County, in addition to other remedies provided by law, may institute an action for injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful action, structure or use, including the revocation of any permit or approval issued under this UDC.
- F. Unauthorized Division of Land. It is a violation of this UDC to divide or reconfigure land ownership, or to sell or transfer land with reference to a metes and bounds or other type of boundary description, without first obtaining County approval of the division, and recording such plat with the Routt County Clerk and Recorder when required by this UDC, unless such division is exempt from the definition of subdivision pursuant to C.R.S. § 30-28-101 and Chapter 4 **Section 5**.
- G. Inaccurate or Misleading Application and Representations. It is a violation of this UDC to submit application materials or otherwise make representations to the County that contain inaccurate or misleading information, including, without limitation, inaccurate or misleading information regarding the condition of the project site, improvements, or adjacent properties, the location, size, or nature of a proposed building or improvement, the intended use of any portion of the land included in the application, or to otherwise obtain a permit or approval under this Code through the submission of inaccurate or misleading materials or representations.
- H. Each day a violation occurs or remains uncorrected shall constitute a separate offense.

## 6.2. Enforcement Procedures

- A. Authority to Inspect. The Planning Director is empowered to inspect and examine any building, structure, or parcel or other area of land where there is reasonable cause to believe that a violation of this UDC has occurred.
1. In addition to other situations authorized by applicable law, the Planning Director shall be authorized to enter property without prior application to or approval by a court in the following circumstances:
    - a. To conduct inspections within the scope of another official document.
    - b. To make observations of the premises in plain view from public property or from portions of the premises that are open or accessible to the public, or in which the owner or occupant otherwise lacks a reasonable expectation of privacy.
    - c. In emergency situations in which the Planning Director has reason to believe that the public health or safety is in imminent danger and could be jeopardized by delay.
  2. If entry without prior application to or approval by a court is not allowed by subsection A.1, above, or otherwise by Colorado law, the Planning Director may obtain authorization to enter property from a court of competent jurisdiction pursuant to Colorado law.
- B. Notice of Violation. If the Planning Director determines that a violation exists, a written Notice of Violation shall be sent to the property owner of record. Depending on the violation, the Notice of Violation may also be sent to the occupant of the property and/or permit or approval holder; however, failure to provide such notice shall not be deemed a requirement to proceed with enforcement.
1. Notice shall be sent by certified mail with a return receipt requested, to the address of record identified in the Routt County Assessor's records and the property address, if different.
  2. Notice shall contain a list and description of violations and an order requiring compliance.
- C. Response to Violation.
1. Within ten days of the date of the Notice of Violation, the property owner, occupant, or permit or approval holder, shall bring the property into compliance. The alleged violator shall allow the County to inspect the property to confirm compliance.
- D. Acceleration of Enforcement.
1. The enforcement process set forth in this section may be accelerated if the County makes a written finding that the public health, safety, welfare, or the environment could be endangered by a continuing violation. After such finding is made, the County Attorney may take immediate action to end the threat to the public health, safety, welfare, or the environment through, but not limited to, ex-parte restraining

orders as authorized under the Colorado rules of civil procedure and/or action by local law enforcement or public safety agencies as deemed necessary.

- E. Enforcement Methods Available to Remedy a Violation. If a property is the subject of a Notice of Violation, the County may take any of the following actions to enforce the provisions of this UDC, to the fullest extent permitted by Colorado law:
1. Withhold or Suspend Permits and Approvals. The County may withhold, withdraw, suspend, revoke, or deny any permits or approvals granted under this UDC and may require correction of a violation as a condition of any future permits or approvals. Revocation of any County-issued permit shall be by the same approval body that issued the original approval. This provision includes but is not limited to building permits.
  2. Cease and Desist. The County may issue a Cease and Desist Order to immediately halt activities that are in violation of this UDC. A Cease and Desist Order may be issued before, after, or simultaneously with a Notice of Violation.
  3. Compel Enforcement of Plats and Agreements. The County may compel compliance with approved Subdivision Plats or Agreements. This includes all means available to ensure agreements are met, and the sale, transfer, or conveyance of real property is completed in compliance with this UDC, an applicable agreement, or any applicable approval.
    - a. The County shall have the power to bring an action in any court of competent jurisdiction to enjoin any subdivider from selling proposed subdivided land before such proposed subdivided land has received the required approvals under this UDC.
    - b. The County may bring an action for injunctive relief to enforce any plat note, plat map, plat restriction, agreement, or other document executed and recorded in conjunction with a plat approval, and for damages arising out of failure to adhere to any such terms, pursuant to C.R.S. § 30-28-137.
  4. Judicial Action. As authorized by the Board of County Commissioners, the County Attorney may bring an action against the owner or occupant of any property on which a violation is alleged, or permit or approval holder in violation of such approval, and for which the owner, occupant, or permit or approval holder has not achieved compliance through the administrative processes described in this section.
  5. Any other Action. Nothing in this section shall limit the County's ability to enforce the provisions of this UDC, agreement, or approval, as allowed by law.
- F. Preservation and Cumulative Remedies.
1. All remedies provided for in this section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law.
  2. All remedies may be pursued by the County singularly or in combination to achieve the most expeditious abatement of violations.



## CHAPTER 7: AREAS OF STATE INTEREST – 1041 REGULATIONS

7.1	General
7.2	Areas and Activities of State Interest
7.3	Permit Procedure
7.4	Application Submission Requirements
7.5	1041 Permit Review criteria
7.6	Designation of Areas and Activities of State Interest
7.7	Modifications of Previous Approvals
7.8	Financial Guarantee
7.9	1041 Permit Administration and Enforcement

### 7.1. General

#### A. Purpose.

1. The purpose of this chapter is to identify and designate certain Areas and Activities of State Interest pursuant to C.R.S. § 24-65.1-101 et seq., commonly referred to as “1041 Regulations,” in a manner that is consistent with the statutory requirements and criteria.
2. This chapter seeks to:
  - a. ensure that growth and development in Routt County occur in a safe, efficient, planned and coordinated manner and consistent with the vision and policies of the master plan.
  - b. promote the health, safety, and general welfare of the people and environment of Routt County.
  - c. protect the beauty of the landscape and natural scenic characteristics, conserve natural and cultural resources including the preservation of historical assets and resources, protect and enhance wildlife habitat and air and water quality, and implement the vision and policies of the county’s climate action plan.
  - d. to promote safe, efficient, and economic use of public resources in developing and providing needed community and area-wide infrastructure, facilities, and services;
  - e. to protect property owners and current and future residents by reviewing and regulating development in potentially hazardous areas;
  - f. to ensure that new development will pay for itself to the maximum extent practicable, and to ensure that present residents of Routt County will not have to subsidize new development through increased cost of public services, and/or degradation of the quality of life;
  - g. to plan for and regulate the construction, expansion, and operation of matters of state interest to facilitate the planned and orderly use of land in accordance with their character and adaptability and consistent with the master plan;
  - h. to regulate the use of land on the basis of the financial and environmental impact thereof on the community or surrounding areas within the development area and source development area;

- i. to regulate the use of land on the basis of the financial and environmental impact thereof on the community or surrounding areas within the development area and source development area;
  - j. to ensure Routt County participation in the regulation of development projects that pass through and impact county residents, neighborhoods, and resources; and
  - k. to review and regulate development in a manner consistent with legitimate environmental concerns.
- B. Findings. The Board of County Commissioners finds that these 1041 Regulations are necessary due to the intensity of current and foreseeable development pressures within Routt County, and to enable coordination of matters of state interest.
- C. Applicability
  - 1. This chapter applies to the designation and regulation of any area or activity of state interest that is located in whole or in part in Routt County and that has been or may be hereafter designated by the Board. .
  - 2. This chapter applies to all matters of state interest designated by the Board of County Commissioners, whether located on public or private lands within the unincorporated portions of Routt County.
- D. Exemptions. The following activities are exempt from the provisions of this chapter.
  - 1. Statutory Exemptions. This Chapter shall not apply to any development in an Area of State Interest or any Activity of State Interest if, as of May 17, 1974:
    - a. The specific development or activity was covered by a current building permit issued by the County;
    - b. The specific development or activity was directly approved by the electorate of the State or the County, provided that approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity;
    - c. The specific development or activity is to be on land which has been finally approved by the County for planned unit development
    - d. The specific development or activity is to be on land zoned for the use contemplated by such specific development or activity; or
    - e. The specific development or activity is on land with respect to which a development plan has been conditionally or finally approved by the County.
  - 2. Specific Exemptions. This Chapter shall not apply to any of the following:
    - a. Replacement of an existing water diversion structure without change in the point of diversion or point of use of the water or yield from the diversion.
    - b. Irrigation facilities used for agricultural purposes.
    - c. Upgrade of an existing water or wastewater project where the primary purpose is to serve existing development.

- d. Improvements and upgrades to existing water and wastewater project facilities that do not expand the level of service beyond the design capacity and do not change the facility's location, and are considered maintenance or other upgrades required by federal, state, or local regulations.

### 3. Relationship to Other Regulations

- a. Inconsistencies or Conflicts with Other Regulations and Plans. If there is a conflict between any provision of this Chapter and the provisions of any other County or state regulation or the statutory criteria for administration of matters of state interest, the more stringent standards or requirements shall apply. When other provisions of this UDC apply to a particular activity or project those provisions apply in addition to the provision of this Chapter. If there is conflict between any provision, the more stringent standards or requirements shall apply.
  - b. Compliance with Other Governmental Standards. Compliance with the Regulations in this Chapter does not waive any requirements to comply with any other applicable state, local or federal law or regulation. No federal, state, or local approval to carry out a development or activity shall preempt or otherwise obviate the need to comply with this Chapter.
  - c. Coordinated Review. Any applicant for a permit under the Regulations in this Chapter that is also subject to the regulations of other state or federal agencies may request that the County application and review process be coordinated with that of the other agency.
  - d. Overlap Between Matters of State Interest. When an Applicant engages in development or activity that implicates 1041 Permit requirements for more than one matter of State Interest, the Applicant shall complete and submit a single 1041 Permit application that includes all affected areas and activities.
  - e. Definitions of all terms defined in C.R.S. 24-65.1-101 et seq, shall apply to all such terms used in this Chapter unless specifically defined herein.
4. Severability. If any section, clause, provision, or portion of this Chapter should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of these Regulations shall not be affected thereby and is hereby declared to be necessary for the public health, safety and welfare.

## 7.2. Areas and Activities of State Interest

A. Areas of State Interest. Unless otherwise exempted in the UDC, the following areas are designated to be of state interest and subject to the provisions of this Chapter.

- 1. Mineral resource areas

2. Natural hazard areas
  3. Areas containing or having a significant impact upon historical or archaeological resources of statewide importance
  4. Areas containing or having a significant impact on natural resources of statewide importance. This includes shorelands of major, publicly owned reservoirs and significant wildlife habitats in which the wildlife species, as identified by CPW, in a proposed area could be endangered.
  5. Areas around a key facility, including:
    - a. Airport.
    - b. Major Facilities of a Public Utility.
    - c. Interchanges involving arterial highways.
    - d. Rapid or mass transit terminals, stations and fixed guideways.
- B. Activities of State Interest. Unless otherwise exempted in the UDC, the following activities are designated to be of state interest and are required to obtain a 1041 permit:
1. Site selection and construction of major new domestic water and sewage treatment systems.
  2. Major extensions of existing domestic water and sewage treatment systems.
  3. Site selection and construction of major facilities of a public utility.
  4. Site selection of airports.
  5. Efficient Utilization of Municipal and Industrial Water Projects.
  6. Site selection of rapid or mass transit terminals, stations, and fixed guideways.
  7. Site selection and development of solid waste disposal sites.
  8. Site selection or arterial highways and interchanges and collector highways.
  9. Site selection and development of new communities.
  10. Use of geothermal resources for the commercial production of electricity

### 7.3. Permit Procedure

- A. Applicability. This section applies to all applications to approve any of the following in a designated Area of State Interest or related to a designated Activity of State Interest:

1. a change in land use;
2. building permit for development or redevelopment of a building or structure;
3. a subdivision; or
4. other activity regulated by this UDC.

- B. Specific Procedures.

1. The review procedures of Chapter 4 Section 1, General Review Procedures, shall apply to all 1041 applications, unless modified by this section.
2. No person or entity may engage in development within a designated area of state interest, whether in whole or in part, nor conduct a designated activity of state interest without first submitting an application and either obtaining a

1041 Permit or being issued a Finding of No Significant Impact (FONSI) determination.

3. When approval is sought for more than one activity of state interest, and/or engage in development in more than one area of state interest, the application may be combined for all such activities or developments and may be reviewed simultaneously.
4. No later than 30) days after receiving an application for a permit, the County shall publish notice of a hearing on said application. Such notice shall be published once in a newspaper of general circulation in the county, not less than thirty days nor more than sixty days before the date set for hearing.
5. As determined by the Planning Director, and at their sole discretion, an application under this Chapter may be reviewed and processed simultaneously with other land use reviews under this UDC.
6. The Planning Director shall determine the level of Permit Review that is required.
  - a. Finding of No Significant Impact (FONSI). The Planning Director may determine the area or activity qualifies for a FONSI determination if the following conditions are met:
    - i. The construction or operation of the Proposed Project, without additional mitigation, in its proposed location is unlikely to have any significant adverse impact to the County in consideration of all of the **Approval criteria in Chapter 3 of these Regulations**, or
    - ii. The Proposed Project was reviewed and approved by the County in conjunction with a development application for a rezoning, PUD modification, subdivision or special use permit, prior to October 15, 2007 (the original date of adoption of 1041 Regulations), and the following requirements have been satisfied:
      - (1) The Project is located entirely within the boundaries of such development application.
      - (2) The applicable Review criteria in **subsection 7.3** have been satisfied in the course of the development application approval process; and
      - (3) No additional mitigation is necessary.
  - b. Level 1 and 2 Permit Review. If the Planning Director determines that the area or activity does not qualify as a FONSI, then the Director shall determine whether the Proposed Project should be subject to the Level 1 Permit Review or Level 2 Permit Review provisions of these Regulations.
    - i. Level 2 Permit Review: The Planning Director shall determine that Level 2 Permit Review is required if:
      - (1) The Proposed Project is likely to have a significant adverse impact in two (2) or more categories of criteria as described in the applicable Review criteria in **subsection 7.3**; or

- (2) The Proposed Project is likely to have severe adverse impact in any one (1) category of criteria for Major Water and Sewer Projects in **subsection 7.3**.
  - ii. Level 1 Permit Review: The Planning Director shall determine that Level 1 Permit Review is required unless the Proposed Project is determined to warrant Level 2 Permit Review.
7. Notice of Permit Review Level. Within five (5) business days of the determination of a FONSI or the Permit Review Level, the Planning Director shall notify the Board of County Commissioners and the applicant.
  8. Reconsideration of the Permit Review Level.
    - a. The Board of County Commissioners may, at its sole discretion, review and amend the Planning Director's determination of the FONSI or permit review level at the next regularly scheduled meeting of the Board for which proper notice can be accomplished following receipt of the notice of the Determination.
    - b.
    - c. The Board shall review the Determination based on the provisions of this Chapter.
  9. The Planning Director shall determine applicable referral agencies that may be affected by the proposed development and may refer the application for comment pursuant to **Chapter 4, Procedures**. Potential referral agencies may include, but not be limited to, homeowners' associations, local, regional, state and federal governmental entities, and service providers.

#### **7.4. Application Submission Requirements**

- A. In addition to the application requirements in **Chapter 4, Procedures**, the applicant shall provide all materials as may be identified in the application checklist. The applicant must supply any additional information and documentation, as deemed necessary by the Planning Director or Board, as identified at their sole discretion. Application submission requirements include but are not limited to the following:
  1. Detailed plans and specification of the Project, including schedules for designing, permitting, constructing and operating the Project, including the estimated life of the Project.
  2. A description of **at least three alternatives** to the Project that were considered by the applicant.
  3. The need for the Project, including existing/proposed facilities that perform the same or related function; and population projections or growth trends that form the basis of demand projections justifying the Project.
  4. Description of all conservation techniques to be used in the construction and operation of the Project.
  5. Description of the existing land uses, and the impacts the Project is likely to have on land use patterns.

6. Description of the existing capacity and demand for local government services including roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, housing, law enforcement, and other services necessary to accommodate development, and the impacts the Project is likely to have on said services.
7. Federal, State, and Local Permits and Correspondence.
  - a. A list and copies of all other federal, state and local permits and approvals that have been or will be required for the Project, together with any proposal for coordinating these approvals with the County permitting process.
  - b. Copies of all official federal and state consultation correspondence prepared for the Project.
  - c. Description of all mitigation required by federal, state and local authorities.
  - d. Copies of any draft or final environmental assessments or impact statement required for the Project.
8. Local Government Services.
  - a. Description of existing capacity of and demand for local government services including but not limited to roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, and other services necessary to accommodate development within the County.
  - b. Description of the impacts and net effect of the Project to the capability of local governments that are affected by the Project to provide services.
9. Water.
  - a. Description of the water to be used by the Project and alternatives, including the source, amount, the quality of such water, the applicant's right to use the water, including adjudicated decrees, applications for decrees, proposed points of diversion, and the existing uses of water. If an augmentation plan has been filed in court, the applicant must submit a copy of that plan.
  - b. Regional Water Quality Management Plan. Identification of the provisions of the applicable regional water quality management plan prepared and adopted pursuant to Section 208 of the federal Clean Water Act that apply to the Project and assessment of whether the Project would comply with those provisions.
10. Environmental Impact Analysis.
  - a. Description of the existing natural environment and an analysis of the impacts of the Project to the natural environment. Descriptions in this section shall not be limited to the impact area but shall include cumulative impacts for any potentially impacted areas, and shall

include an analysis of existing conditions, supported with data, and a projection of the impacts of the Project in comparison to existing conditions. The analysis shall include a description of how the applicant will comply with the applicable approval criteria in this Chapter and the remaining portions of this UDC.

- b. Description of how the Project will impact surface water quality and groundwater quality. Description shall include the immediate and long-term impacts and net effects the Project will have on the quantity and quality of water in both average and worst case scenarios.

#### 11. Terrestrial and Aquatic Plants, Animals and Habitat.

- a. Map and description of the terrestrial and aquatic animals including the status and relative importance of game and non-game wildlife, livestock and other animals; a description of stream flows and lake levels needed to protect the aquatic environment; description of threatened or endangered animal species and their habitat.
- b. Map and description of terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.
- c. Map and description of critical wildlife habitat and livestock range to be affected by the Project including migration routes, calving areas, summer and winter range, and spawning beds.
- d. Description of the impacts (including seasonal impacts) and net effect that the Project would have on terrestrial and aquatic animals, habitat and food chain.
- e. Describe the potential adverse effects of the diversions of water, if any, upon plant and animal life dependent upon the water resources in question.

#### 12. Hazardous Materials Description.

- a. Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the Project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure, and any foreseeable impacts to the environment of such substances.
- b. Location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill containment measures.

#### 13. Nuisances.

- a. Descriptions and maps showing the range of noise, glare, dust, fumes, vibration, and odor levels caused by the Project, along with an indication of their significance.



14. Areas of Historic or Archaeological Importance.

- a. Map and description of all sites of historic or archaeological interest.
- b. Description of the impacts and net effect of the Project on sites of paleontological, historic or archaeological interest.

15. Engineering Studies.

- a. Submittal of Phase III Drainage Study, GESC – Grading, Erosion, and Sediment Control Report/Plan and Traffic Study.
- b. If public improvements are required, the following items are also required: Collateral Letter of Intent, Cost Estimate for Public Improvements and Preliminary Construction Plans.
- c. If roadway improvements are required, evidence establishing that they will comply with the applicable Routt County road standards.

16. Transportation Impacts.

- a. Describe what impacts the proposal will have upon transportation patterns in the area intended to be served or affected by the Proposed Project through the submittal of a traffic impact analysis. The traffic impact analysis should include but not be limited to the following:
- b. i. Identify the transportation facilities required to support the existing and future land uses.
- c. ii. Furnish the traffic model data verifying consistency with the regional transportation plan, the Colorado Department of Transportation (CDOT) Statewide Transportation Improvement Program (STIP) and the regional Transportation Improvement Program (TIP).
- d. iii. Provide the existing and proposed traffic volume impacts to the adjacent road system, including local roads. iv. Provide the existing and future Level of Service (LOS) and capacity before and after the Proposed Project is completed.
- e. iv. All transportation access information as required by the most current edition of the CDOT State Highway Access Code.

17. Monitoring and Mitigation Plan.

- a. Description of all mitigation for the Project, including how and when mitigation will be implemented and financed. Identify any impacts that are unavoidable that cannot be mitigated.
- b. Description of methodology used to measure impacts of the Project and effectiveness of proposed mitigation measures.
- c. Description, location and intervals of proposed monitoring to ensure that mitigation will be effective.
- d. Description of how the applicant will complete revegetation of areas of vegetation that will be impacted. This shall include a description of all lands subject to revegetation, the plans and seed material that is proposed, and ability to complete irrigation to reestablish vegetation.

Proof of an adequate source of water to ensure revegetation is required.

B. Additional Application Submission Requirements for Level 2 Projects. In addition to the application requirements above, the following additional requirements apply.

1. Financial Burden on County Residents. A description of the existing tax burden and fee structure for government services including but not limited to assessed valuation, mill levy, rates for water and wastewater treatment, and costs of water supply.
2. Benefit/Cost Analysis. a =benefit/cost analysis of the Proposed Project and identification of the distribution of the burden of the cost for the proposed improvements, including cost to adjacent local or state jurisdictions.
3. Financial Feasibility of the Project.
  - a. The estimated construction costs and period of construction for each development component.
  - b. Revenues and operating expenses for the Project.
  - c. The amount of any proposed debt and the method and estimated cost of debt service.
  - d. Details of any contract or agreement for revenues or services in connection with the Project.
  - e. Description of the persons or entities who will pay for or use the Project and/or services produced by the development and those who will benefit from any and all revenues generated by it.
  - f. Cost of all mitigation measures proposed for the Project.
  - g. Detailed description as to how the Project will be financed to show that the applicant has the ability to finance the Project.
4. Housing.
  - a. Description of existing and proposed seasonal and permanent housing the Project will need and create.
  - b. Description of the impact and net effect of the Project on housing during construction and operation of the Project.
5. Local Economy.
  - a. Description of impacts and net effect of the Project on the local economy and opportunities for economic diversification, including the number and types of jobs created.
6. Recreational Opportunities.
  - a. Description of present and potential recreational uses, including the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.
  - b. Map depicting the location of recreational uses such as fishery stream segments, access points to recreational resources, and hiking and biking trails.

- c. Description of the impacts and net effect of the Project on present and potential recreational opportunities and revenues to the local economy derived from those uses.
- 7. Balance Between Benefits and Losses.
  - a. Description of foreseeable benefits of natural, agricultural, recreational, range or industrial resources within the County and opportunities to develop those resources in the future.
  - b. Description of foreseeable losses of natural, agricultural, recreational, range or industrial resources within the County and loss of opportunities to develop those resources in the future.
- 8. Additional Application Submission Requirements for Major Water and Sewer Projects. In addition to the application requirements above, the following additional requirements apply.
  - a. Description of existing domestic water and wastewater treatment facilities in the vicinity of the Project, including their capacity and existing service levels, location of intake and discharge points, discharge permit requirements, service fees and rates, debt structure and service plan boundaries and reasons for and against hooking on to those facilities.
  - b. Description of other water and wastewater management agencies in the Project area and reasons for and against consolidation with those agencies.
  - c. Description of how Project may affect adjacent communities and users on wells.
  - d. Description of demands that this Project expects to meet and basis for projections of that demand.
  - e. Description of efficient water use, recycling and reuse technology the Project intends to use, and a copy of any water conservation plan adopted by or applicable to the applicant.
  - f. Description of how the Project will affect development, densities, and site layout and design of stormwater and sanitation systems.
  - g. Description of the net effect of the Project on downstream present and potential future recreational opportunities and revenues to the local economy derived from those uses.
  - h. Map and description of other municipal and industrial water projects in the vicinity and a discussion of how the Project will compete with or duplicate those services in the County.
- 9. Additional Application Submission Requirements for Mineral Resource Areas. In addition to the application requirements above, the following additional requirements apply.
  - a. List all mineral rights owners of the subject property or who will be otherwise affected.
  - b. Type and location of mineral resources on and/or under property.

- c. Analysis of the commercial feasibility of extracting the mineral resource.
  - d. Map portraying the geologic conditions of the area with specific attention to the designated mineral resource deposit. If applicable, subsurface geologic cross sections shall also be utilized to portray the geologic conditions at depth.
10. Additional Application Submission Requirements for Major Facilities of a Public Utility. In addition to the application requirements above, the following additional requirements apply.
- a. Map and description of areas around the proposed major facilities of a public utility.
  - b. Potential likelihood of nearby activities that may disrupt utility services.
  - c. Description of how facilities will affect existing community patterns.
  - d. Description of applicable adopted master plans and whether facilities comply with those provisions.
  - e. Projections/forecasts of need for electricity or natural gas and the basis for the projections and forecasts.
  - f. Expected effect and impact on nearby property owners and on current land uses, compared with alternate locations.
  - g. Provide a Water Supply Plan acceptable to the County.
11. Additional Application Submission Requirements for Airports. In addition to the application requirements above, the following additional requirements apply.
- a. Map and description of nearby land uses. Expected impact of new or expanded airport on those land uses and nearby property owners from noise and traffic.
  - b. Map and description of flight patterns as related to other land uses. Description of potential public safety and property issues related to the airport and plane crashes.
  - c. Description of how the airport will affect existing communities, the environment, and existing community services.
  - d. Description of how the airport will affect economic and transportation needs of the state and the area.
  - e. Description of applicable adopted master plans and whether facilities comply with these provisions.
  - f. Description of applicable FAA permits and regulations. Provide applicable FAA permits.
  - g. Description of how proposed or expanded airport relates to existing airports.
12. Additional Application Submission Requirements for **Municipal and Industrial Water Projects**. In addition to the application requirements above, the following additional requirements apply.
- a. Description of efficient water use, recycling and reuse technology the Project intends to use.

- b. Map and description of other municipal and industrial water projects in the vicinity of the Project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries and reasons for and against hooking on to those facilities.
- c. Description of demands that this Project expects to meet and basis for projections of that demand.

**7.5. 1041 Permit Review criteria**

- A. Applicability. This section identifies the criteria for individual 1041 permits.
- B. General criteria. All 1041 permits shall comply with the following:
  - 1. Prior to site disturbance associated with the Project, the applicant shall obtain all necessary permits and approvals from local, state and federal departments and agencies necessary to engage in the proposed activity. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.
  - 2. If the application involves activities regulated elsewhere in the UDC, the Project shall comply with those applicable criteria in addition to complying with the provisions of this Chapter.
  - 3. The Project shall be consistent with the Routt County Master Plan and any applicable Sub-Area Plans.
  - 4. The Project does not create a material risk to public health or safety.
  - 5. The project is technically and financially feasible.
  - 6. The Project is not subject to significant risk of damage or disruption from natural hazards.
  - 7. The Project will not significantly degrade the environment, including air quality; visual quality; surface water quality, capacity and function; groundwater quality, capacity and function; wetlands, flood plains, streambed meander limits, recharge areas, and riparian areas; terrestrial and aquatic animal life; terrestrial and aquatic plant life; soils and geologic conditions.
  - 8. The Project will not cause a nuisance.
  - 9. The Project design, construction, and operation shall minimize the likelihood that any hazardous material will be released into the environment, as evidenced by its plans for compliance with federal and state handling, storage, disposal and transportation requirements, its use of waste minimization techniques, and the adequacy of spill prevention and response plans.
  - 10. The Project will not have a significant adverse effect on the capability of Routt County or other government or quasi-governmental entities to provide services to its residents and businesses, and the Project will not exceed the capacity of service delivery systems and facilities.
  - 11. The Project will not have a significant adverse effect on housing availability or cost.
  - 12. The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.
  - 13. The Project will not have a significant adverse effect on the quality or quantity of agricultural activities.

14. The Project will not significantly degrade areas of paleontological, historic, or archaeological importance.
15. The Project will not significantly interfere with the preservation of cultural resources, including historical structures and sites, agricultural resources, the rural lifestyle and the opportunity for solitude in the natural environment.
16. The Project will not cause significant degradation of land use patterns in the area surrounding the Project.
17. The Project will be consistent with applicable water rights.
18. The planning, design, and operation of the Project will conserve natural resources, conserve energy, promote the use of renewable energy sources, conserve water, use recycled or repurposed goods and materials, and recycle or repurpose any byproducts or waste from the Project to the maximum extent practicable.
19. The Project is the best alternative available considering the need, existing technology, cost, impact, and these regulations.
20. The benefits accruing to the County and its citizens from the Project outweigh any losses of any resources within the County, or the losses of opportunities to develop such resources.

C. Additional criteria for Level 2 Permits. In addition to the criteria in Subsection B, above, the following additional criteria shall apply to Level 2 Permits:

1. The applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.
2. The Project will not create an undue financial burden on existing or future residents of the County.
3. The Project will not significantly degrade any substantial sector of the local economy.

D. Additional criteria for Mineral Resource Areas. In addition to the criteria in Subsection B, above, the following additional criteria shall apply in any Mineral Resource Area:

1. Extraction and exploration of minerals shall be accomplished in a manner which causes the least practicable environmental disturbance. Surface area disturbance associated with the Project shall be reclaimed in accordance with all applicable state and federal laws and regulations.
2. Areas containing only sand, gravel, quarry aggregate or limestone used for construction purposes shall be administered as provided by all applicable state and federal laws and regulations.
3. The proposed extraction and exploration of minerals would not cause significant danger to public health and safety.
4. If the economic value of the minerals present is less than the value of another existing or requested use, the other use should be given preference.

E. Additional criteria for Natural Hazard Areas. In addition to the criteria in subsection B, above, any Project in a Natural Hazard Area shall comply with the applicable criteria in **Chapter 3**.

- F. Additional criteria for Areas Containing or Having Significant Impact on Historical or Archaeological Resources. In addition to the criteria in subsection B, above, the following additional criteria shall apply:
1. Development shall be designed to preserve the integrity of the resource.
  2. Development shall be conducted in a manner which will be compatible with the preservation of the resource and minimize damage to the resource.
- G. Additional criteria for Major Water and Sewer Projects. In addition to the criteria in Subsection B, above, the following additional criteria shall apply:
1. To the extent practicable, Domestic Water and Wastewater Treatment Systems shall be consolidated with existing facilities within the area. The determination of whether consolidation is practicable shall include but not be limited to the following considerations:
    - a. Distance to and capacity of nearest Domestic Water or Wastewater Treatment System.
    - b. Technical, legal, managerial, and financial feasibility of connecting to existing Domestic Water or Wastewater Treatment System.
    - c. Scope of the Service Area for existing Domestic Water or Wastewater Treatment System.
    - d. Projected growth and development in the Service Area of existing Domestic Water or Wastewater Treatment System.
  2. The Project will not result in duplicative services within the County.
  3. The Project will be constructed in areas that will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.
  4. If the Project is designed to serve areas within the County, it meets community development and population demands in those areas.
  5. The Project emphasizes the most efficient use of water, including, to the extent permissible under existing law, the recycling, reuse and conservation of water and will be consistent with any applicable Water Conservation Plan.
  6. Adequate water supplies, as determined by the Colorado Department of Public Health and Environment, are available for efficient operational needs.
  7. The Project or its associated collector or distribution system will not significantly deteriorate aquatic habitats, marshlands and wetlands, groundwater recharge areas, steeply sloping or unstable terrain, forests and woodlands, critical wildlife habitat or other wildlife protection areas, big game migratory routes, calving grounds, migratory ponds, nesting areas and the habitats of rare and endangered species, public outdoor recreation areas, and unique areas of geologic, historic, or archaeological importance.
  8. The Project or its associated collector or distribution system will not significantly degrade existing natural scenic characteristics, create blight, nor cause other nuisance factors such as excessive noise or noxious odors.
  9. Major extensions of domestic water and sewage treatment systems shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the

financial and environmental capacity of the area to sustain such growth and development.

10. The Project or its associated collector or distribution system will not create an undue financial burden on existing or future residents within the development area and source area. The cost of securing an adequate supply of water for existing and future needs of the residents of this County shall be considered in determining whether an "undue financial burden" will result.

H. Additional criteria for Major Facilities of a Public Utility. In addition to the criteria in Subsection B, above, the following additional criteria shall apply:

1. Applications for major electrical or natural gas facilities subject to C.R.S. 29-28-108 shall be approved as required by those regulations and by related provisions of this UDC.
2. Areas around major facilities of a public utility shall be administered so as to minimize disruption of the service provided by the public utility.
3. Areas around major facilities of a public utility shall be administered so as to preserve desirable existing community and rural patterns.
4. The application will not result in, promote, or enable levels of growth or development in excess of those identified in the Routt County Master Plan for the area to be served by the extension.
5. The application will not result in the construction of any facility that generates electricity through the burning of fossil fuels, and shall not extend the life or support an expansion of the service area of any existing facility that generates electricity through the burning of fossil fuels, in a manner inconsistent with state or federal policies encouraging the generation of electricity from renewable energy sources.
6. The application does not present a material risk of exposure to or release of toxic or hazardous substances within the impact area. The determination of effects of the Project shall include the following considerations:
  - a. Whether outdoor storage facilities for fuel, raw materials, equipment, and related items are enclosed by a protective fence or wall.
  - b. What measures for containment of flammable or explosive liquids, solids, or gasses have been included in the Project.
  - c. The likelihood of hazardous materials or wastes being moved off the site by natural causes and forces.
7. The Project shall be located so as to avoid direct conflict with adopted local, state and regional master plans.
8. The Project shall be located so as to minimize dedication of new right-of-way and construction of additional infrastructure (e.g., gas pipelines, roads, and distribution lines.)
9. If the application is for a Community Solar Energy System, the provisions of Chapter 3 shall apply.
10. If the application is for an electricity generation facility:
  - a. The application indicates the general locations and capacities of the transmission lines necessary to link the facility to the electric grid.



- b. The location and siting of any above-ground electrical transmission lines has been designed to avoid areas of existing residential development and areas proposed for future residential development shown in the Master Plan.
  - c. The siting and design of the Project, including necessary transmission lines, addresses potential levels of electrical and magnetic fields (EMFs) by exercising "prudent avoidance" to limit exposure.
- I. Additional criteria for Airports. In addition to the criteria in Subsection B, above, the following additional criteria shall apply:
  - 1. Areas around existing airports are subject to the Airport Overlay in Chapter 2.
  - 2. Areas around airports shall be administered to encourage land use patterns that will separate uncontrollable noise sources from residential and other noise-sensitive areas.
  - 3. Areas around airports shall be administered to avoid danger to public safety and health or to property due to aircraft crashes.
  - 4. Airports shall be located or expanded in a manner that will minimize disruption to the environment, minimize the impact on existing community service, and complement the economic and transportation needs of the State and the area.
  - 5. The location and design of the airport or expansion shall avoid interference with any existing easements for power or telephone lines, irrigation, mineral claims, or roads.
  - 6. The location and design of the airport site or expansion meets the existing and reasonably foreseeable economic and transportation needs of the County, the region, and the state.
- J. Additional criteria for Municipal and Industrial Water Projects. In addition to the criteria in Subsection B, above, the following additional criteria shall apply:
  - 1. Adequate water supplies, as determined by the Colorado Department of Public Health and Environment, and other applicable agency, are available for efficient operational needs.
  - 2. The Project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water.
  - 3. The Project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services.
  - 4. The Project will not adversely affect either surface or subsurface water rights of upstream or downstream users.
  - 5. The Project will not require removal of water from irrigated agriculture or open space lands.
  - 6. The Project will not involve an increase in the use of native flows of water in existing water bodies.
  - 7. The Project or its associated collector or distribution system will not significantly deteriorate aquatic habitats, marshlands and wetlands, groundwater recharge areas, steeply sloping or unstable terrain, forests and woodlands, critical wildlife habitat or other wildlife protection areas, big game

migratory routes, calving grounds, migratory ponds, nesting areas and the habitats of rare and endangered species, public outdoor recreation areas, and unique areas of geologic, historic, or archaeological importance.

8. The Project or its associated collector or distribution system will not create an undue financial burden on existing or future residents within the development area and source area. The cost of securing an adequate supply of water for existing and future needs of the residents of this County shall be considered in determining whether an "undue financial burden" will result.
9. The Project shall be necessary to meet community development and population demands in the areas to be served by the Project.
10. Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will not degrade groundwater quality.

K. Additional criteria for Arterial Highway, Interchanges, and Collector Highways. In addition to the criteria in Subsection B, above, the following additional criteria shall apply:

1. Arterial Highways are typically considered inappropriate with the rural nature of Routt County. Any highway proposed pursuant to this section shall comply with the intent of the Routt County Master Plan and any local or regional transportation plans.
2. The volume of traffic to be generated by the Project shall not cause the interchange or any access roads or other roads leading to the interchange to function at Level of Service D or lower, as determined by a traffic impact study acceptable to the County.
3. The project has been designed so that significant adverse impacts on prime farmland and loss of fertile agricultural soil has been minimized to the maximum extent practicable.
4. The project will be designed and located to avoid division of existing neighborhoods to the maximum extent practicable.
5. The project will not isolate neighborhoods from public facilities, and where practicable, will enhance access from community neighborhoods to public facilities including those located within incorporated municipalities, hospitals, mass transit, and pedestrian walkways, bikeways, recreational areas, and open spaces.
6. The project is designed to minimize the alteration of significant natural landforms and to preserve, wherever practical, distinctive natural features. Placement of interchanges and alignments of arterial and collector highways shall also minimize impacts to the land and the natural environment.
7. The project is designed to avoid or minimize visual impacts, including views of the highway or interchange from residential areas, and to blend into the surroundings. Interchanges will be attractively landscaped with natural species suitable for the elevation and climate of the immediate area.

L. Additional criteria for Rapid or Mass Transit Terminals, Stations, or Fixed Guideways. In addition to the criteria in Subsection B, above, the following additional criteria shall apply:

1. The location of facilities shall comply with the Routt County Master Plan and local, regional or state transportation plans.
2. The location of facilities shall be located in a manner that encourages the most appropriate use of land through the affected corridor, as articulated in the Routt County Master Plan.
3. Any activities involving facilities shall be conducted in a manner that reasonably considers the character of the immediate neighborhood or area.
4. Facilities shall be located so as to preserve the value of existing or legally entitled buildings to the greatest extent practicable. Proposals that do not require the demolition of existing residences or businesses shall be given preference over other potential alternatives.
5. The Project shall avoid routes and sites that require the demolition of existing residential, mixed-use, or nonresidential buildings to the maximum extent practicable.
6. The Project promotes the efficient utilization of the rapid or mass transit facility.
7. The Project facilitates traffic circulation patterns of the roadways serving the mass transit facility.
8. Routes and sites shall incorporate adjacent pedestrian and bicycle trails to the maximum extent practicable.
9. Stations, shelters and terminals shall be appropriately located to meet transit needs and to attract maximum ridership.
10. Parking areas provided in association with a Rapid or Mass Transit Terminal or Station shall be based on studies acceptable to the County. The required capacity for parking areas may be modified based upon sufficient evidence of passenger loading from other forms of intermodal transfer (such as regional surface buses, trains, tour buses, and the like.)
11. Access roads to a Rapid or Mass Transit Station or Terminal shall be designed, constructed or improved to accommodate, during a 15-minute period, the maximum number of automobiles anticipated to arrive before the scheduled departure of the mass transit conveyance without causing cars to back up onto the public road serving the facility.
12. Proposed location of a Project that imposes a burden or deprivation on a local government shall not be justified on the basis of local benefit alone, nor shall a permit for such a location be denied solely because the location places a burden or deprivation on one local government.

M. Additional criteria for Major Solid Waste Facilities.

In addition to the criteria in Subsection B, above, the Major Solid Waste Facilities are subject to the criteria in Chapter 2, Section 2, Land Uses and Standards.

**7.6. Designation of Areas and Activities of State Interest**

- A. The Board of County Commissioners may designate additional Matters of State Interest subsequent to the adoption of these Regulations, based on the requirements of this subsection. Any proposed development in any subsequently designated Area of State Activity and the conduct of any subsequently designated Activity of State

Interest, shall also be subject to these Regulations and shall require a permit unless specifically exempted.

B. General Requirements and Processes

1. All applicable provisions of Chapter 4 Section 1, General Review Procedures, for a decision made by the Board of County Commissioners shall apply, unless specifically modified by this Section.

C. An application to designate an area or activity of state interest may only be submitted by the Planning Commission or the Board of County Commissioners.

D. Mailing List

1. The Planning Director shall maintain a mailing list of persons requesting to receive notice of all hearings held pursuant to this Chapter. In order to receive notices for the calendar year, the person shall resubmit their name and address before January 31 of each calendar year.

E. Public Notice

2. Notice of the hearings before both the Planning Commission and the Board of County Commissioners shall be posted on the property and published in the newspaper of record at least 30 days prior and not more than 60 days prior to each hearing.
3. Notice by regular mail notice of the hearings before both the Planning Commission and the Board of County Commissioners is required to be sent to each person on the mailing list identified above at least 30 days and not more than 60 days prior to each hearing.
4. The BCC may also direct that mailed notice be provided to other property owners or governmental entities likely to be affected by the proposed designation, or to other individuals or organizations with an interest in the matter.
5. Public Notice Content. The following information shall be included on all notices:
  - a. The time and place of the hearing.
  - b. The place where materials relating to the proposed designation and regulations for the administration thereof may be examined.
  - c. A description of the area or activity proposed to be designated as an area or activity of state interest, in sufficient detail to provide reasonable notice for property or land use that would be included.

F. Planning Commission Review

1. The Planning Commission shall review and make a recommendation on the proposed designation of a Matter of State Interest at a public hearing.

G. Board of County Commissioners Review

1. The Board shall adopt or reject any proposed Designation and requirements for a Matter of State Interest.

2. Within thirty (30) days after completion of the public hearing, the Board shall take action by resolution to adopt, adopt with modifications or reject the particular proposed Designation and guidelines for a Matter of State Interest. Each resolution designating an area or activity of state interest shall include the following:
  - a. The boundaries of the designated area of state interest or boundaries of the area in which an activity of state interest has been designated.
  - b. The reasons why the board finds that the particular area or activity is of state interest, based on the criteria in subsection J below.
  - c. If the Board of County Commissioners approves the designation, or approves it with conditions, it shall also adopt standards and criteria to regulate the area or activity of state interest. Such standards and criteria shall be approved simultaneously with the designation or designation with conditions.
3. The resolution designating an area or activity of state interest shall be recorded with the Routt County Clerk within 30 days following the decision of the Board of County Commissioners.
4. If the proposed designation is rejected, the board of county commissioners may regulate the matter under any other available land use control authority, including without limitation those regulations included in this UDC, or it may decline to regulate the proposed area or activity that was the subject of the application.

#### H. Moratorium.

1. Whenever the Board of County Commissioners designates a matter of state interest pursuant to C.R.S § 24-65.1-404, no person shall engage in any development in such area, and no activity shall be conducted, until the designation and guidelines or regulations for such an area or activity are finally determined and a permit has been issued thereunder.
  2. After a recommendation from the Planning Commission for the designation or amendment of a designation of a Matter of State Interest, or after the Board initiates the process for designation or amendment of a designation of a Matter of State Interest, no person shall engage in development in the area or conduct the activity described in the proposal until the Board has held its public hearing with respect to the designation and issued its order relating thereto.
- I. If an applicant proposes to engage in development in an area of state interest or to conduct an activity of state interest not previously designated and for which regulations have not been adopted, the Board of County Commissioners may hold a combined hearing to determine and designate the area or activity of state interest and adopt the regulations and to approve or deny the permit.
- J. criteria for Approval of Designation

1. In making their recommendation or decision, the Planning Commission and Board of County Commissioners, respectively, shall approve the designation or approve it with conditions, based on the following:

- a. The reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity and the advantages of development of such area or conduct of such activity in a coordinated manner.
- b. The intensity of current and foreseeable development pressures.
- c. Applicable policies of the Routt County Master Plan and any adopted Sub-Area Plans.
- d. The boundaries of any area proposed for designation.
- e. Any applicable standards and criteria for regulation of the proposed area or activity as set forth in this UDC and C.R.S. 24-65.1-201, *et seq.*
- f. All testimony, evidence, and documents taken and admitted at the public hearing.

K. criteria for Approval of Standards and Regulations

- 1. In making their recommendation or decision, the Planning Commission and Board of County Commissioners, respectively, shall approve the criteria and standards to regulate a designated area or activity of state interest, or approve them with conditions, if they find that the standards and regulations meet the criteria in **Chapter 4.22, UDC Text Amendment.**

**7.7. Modifications of Previous Approvals**

- A. Modification of Designation or Related Standards and Regulations Any modification of a designation of an area or activity of state interest and/or the related standards and criteria to be applied to any designated area or activity of state interest shall require review and approval through the same process used for the original designation and/or the adoption of the original regulations, as described in this Chapter.
- B. Modifications of 1041 Permit

- 1. Administrative Modifications. The Planning Director may approve administrative modifications to a 1041 Permit pursuant to the procedures in **Chapter 4.70, Administrative Modifications.**
- 2. Major Modifications. All other modifications shall be considered Major and require review and approval of a new 1041 permit pursuant to **Section 7.5, Permit Procedure.**

**7.8. Financial Guarantee**

- A. The County may exercise all powers to require financial guarantees for any application for a 1041 permit, pursuant to **Chapter 3.26, Financial Guarantees for Improvements.**

**7.9. 1041 Permit Administration and Enforcement**

- A. Enforcement and Penalties

1. Any person engaging in a development in the designated Area of State Interest or conducting a designated Activity of State Interest who does not obtain a permit pursuant to these Regulations, who does not comply with permit requirements, or who acts outside the jurisdiction of the permit may be enjoined by the County from engaging in such development, and may be subject to such other criminal or civil liability as may be prescribed by law.
2. If the County determines at any time that there are material changes in the construction or operation of the Project from that approved by the County, the permit may be immediately suspended and a hearing held to determine whether new conditions are necessary to ensure compliance with the Approval criteria or if the permit should be revoked.

#### B. Inspection

1. The Board, its employees and authorized agents may enter and inspect any property subject to this Chapter at reasonable hours for the purpose of determining whether the activity is in violation of the provisions of these Regulations.

#### C. Permit Suspension or Revocation

1. The Board may temporarily suspend the permit for a period of thirty (30) days for any violation of the permit or the applicable Regulations. The permit holder shall be given written notice of the violation and will have a minimum of fifteen (15) days to correct the violation. If the violation is not corrected, the permit shall be temporarily suspended for thirty (30) days.
2. The County may revoke a permit granted pursuant to these Regulations if any of the activities conducted by the permittee violates the conditions of the permit or these Regulations, or the County determines that the Project as constructed or operated has impacts not disclosed in the application. Prior to revocation, the permittee shall receive written notice and be given an opportunity for a hearing before the Board. The Board may revoke the permit or may specify a time by which action shall be taken to correct any violations for the permit to be retained.

#### D. Transfer of Permits.

1. An approved 1041 permit shall only be transferred from one property owner(s) or operator(s) to another property owner(s) or operator(s) with the written consent of the Board of County Commissioners. In making a determination as to whether to approve the transfer of the 1041 permit, the Commissioners shall ensure that:
  - a. The proposed transferee can and will comply with all the requirements, terms, and conditions contained in the 1041 permit, and this Section.
  - b. The requirements, terms, and conditions of the approved 1041 permit remain sufficient to protect the health, welfare, and safety of the public; and

- c. The transferee has provided any financial security guarantee that the Commissioners determines is necessary to ensure performance or continued performance related to the requirements of the 1041 permit.



## CHAPTER 8. ADMINISTRATION

### 8.1 Generally

### 8.2 Planning Director

### 8.3 Board of County Commissioners

### 8.4 Planning Commission

### 8.5 Board of Adjustment

### 8.6 Flood Plain Administrator

### 8.7 Governmental Immunity and Non-Liability of County

#### 8.1. Generally

A. This Chapter governs the administration of the UDC.

#### 8.2. Planning Director

A. Powers and Duties.

1. The Planning Director shall be responsible for the administration, interpretation, implementation, and enforcement of this UDC.
2. The Planning Department shall perform all land use planning for the County, shall provide technical support and guidance for action on development applications and land use changes, and shall review and perform such other actions, as may be requested by the Board of County Commissioners or other decision-making body as set forth in the UDC.
3. The Planning Director shall be responsible for oversight of the Department and may delegate authority to other staff members of the Planning Department, subject to the requirement that the staff exercise such authority in conformance with the standards and criteria contained in the UDC. Decisions made by staff under authority so delegated shall be treated as having been made by the Planning Director.
4. Specific review authorities are identified in **Chapter 4, Procedures.**
5. To grant, upon an appeal relating to appellant's property, Administrative Modifications from the strict application of any regulations, **as identified in Chapter 4 Section 7, Relief.**
6. The Planning Director may issue stop work and/or Cease and Desist Orders for any development or land uses that have not been permitted by these regulations or are completed in a way that is inconsistent with a site-specific approval or these regulations.
7. The Planning Director shall determine whether an application submitted for review is complete prior to application processing.
8. The Planning Director may refer applications to the Planning Commission or the Board of County Commissioners for final decisions of any land use permit.
9. The Planning Director may authorize or require a concurrent review under any application processes provided all minimum notification requirements are met.
10. The Planning Director may reduce or waive a fee for special projects that comply with the criteria outlined in the fee schedule.

11. Special fees may be charged at the discretion of the Planning Director for professional consultants or special research/analysis that is required to ensure adequate review of a development application.
  12. The Planning Director has the authority to sign agreements as provided in Resolution 2022-075, as may be amended.
  13. The Planning Director has the authority to approve the release of surety as provided in Resolution 2022-055, as may be amended.
  14. In the occurrence that there is no Code Compliance Officer, the Planning Director shall possess the powers held by the Officer (**Section 8.2.B.2**).
- B. Code Compliance Officer. There shall be a Code Compliance Officer, who shall provide for fair, efficient, and equitable enforcement of this UDC.
1. The Code Compliance Officer shall be an employee of the County, or may be a contractor or agency contracted by Routt County to perform such duties as enumerated herein.
  2. Powers and Duties.
    - a. Enforce all provisions of the UDC.
    - b. Issue County Court summonses and complaints for violations of the UDC, provided that the Code Compliance Officer shall have no authority to detain or arrest individuals or impound property.

### **8.3. Board of County Commissioners**

- A. Conduct of Business.
1. The Board of County Commissioners may also be referred to as the “County Commissioners”, “Board”, or BCC” in these Regulations or in other official and unofficial documents and actions.
  2. The Board of County Commissioners conducts business in accordance with state law and adopted County policies.
- B. Powers and Duties.
1. The BCC has all authorities granted by state law and this UDC. The powers and duties outlined in the UDC pertain to land use, subdivision, and zoning issues and is a non-exclusive list.
  2. The BCC has the authority to sign any permit, subdivision plat, resolution, or other document directly related to an application submitted for review under this UDC, and approval of an application by the BCC under this UDC shall confer signature authorization by the BCC to sign such documents.
  3. The BCC is responsible for review and decision-making for certain land use and development applications, as outlined in **Chapter 4, Procedures**.
  4. The BCC is responsible for hearing certain appeals from decisions made by Planning Commission **as outlined in Chapter 4, Section 7**.
  5. To grant, upon an appeal relating to appellant's property, a Variance from the strict application of any regulations, **as identified in Chapter 4 Section 7, Relief**.

6. The BCC is responsible for any action not otherwise delegated to the Planning Commission, Board of Adjustment, or Planning Director, as the BCC may deem desirable and necessary to implement the UDC.
7. In the occurrence of extenuating circumstances, such as a natural disaster or acts of god, the BCC shall have the authority to override a process and/or approval outlined in the UDC with evidence indicating the extenuating circumstances that necessitate the action.

#### **8.4. Planning Commission**

##### **A. Membership.**

1. The Planning Commission, established by Resolution 2001-P-035, A Resolution of the Board of County Commissioners of Routt County, Colorado Adopting Amended and Restated Articles of Association of the Routt County Planning Commission, adopted on April 24, 2001, and recorded at Reception Number 548525. The Planning Commission, shall consist of nine members, and two alternate members as appointed by the Board of County Commissioners.
2. Members of Planning Commission must be residents of Routt County, and preference shall be given to ensuring a mixture of residents from four different districts and four municipalities in Routt County (North Routt – District 1, Land around Steamboat Springs – District 2, West Routt - District 3, and South Routt – District 4, the Towns of Yampa, Hayden, Oak Creek, and the City of Steamboat Springs), and as required by Resolution 2001-P-035.
3. Not more than one of the members and one of the alternate members may also be members of the Board of Adjustment. This shall not preclude Planning Commission members from serving on the Board of Adjustment as needed to ensure a quorum is achieved according to **subsection 8.5.A.3.**
4. Each member and alternate shall serve a three-year term unless such member resigns or is removed for cause by the Board of County Commissioners.
5. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments.
6. Alternate members of the Planning Commission shall take the place of any regular Commission member in the event that the regular member is temporarily unable to act due to the absence from the County, illness, interest in the case before the Commission, or any other reasonable cause.
7. Each member must comply with the Routt County Code of Ethics and Gift Ban Policy, the Colorado Constitution, Article XXIX, and C.R.S. Title 24, Article 18 and Title 18, Article 8.

##### **B. Officers.**

1. The Planning Commission shall, at its first meeting following appointments made each year by the Board of County Commissioners, select a chairperson and vice-chairperson to serve one-year terms.
2. The Planning Director or their designee shall serve as secretary to the Planning Commission.

C. Conduct of Business.

1. The Planning Commission may also be referred to as the “PC” or as the “Commission” in this UDC or in other official and unofficial documents and actions.
2. The Planning Commission shall adopt and amend procedural rules to govern its procedures as it deems necessary or advisable.

D. Powers and Duties.

1. The Planning Commission shall have such authority to act as provided by State statute, including C.R.S §§ 30-28-103 and 30-28-106, and as delegated by the Board of County Commissioners.
2. The Planning Commission shall prepare and adopt a County-wide Master Plan according to C.R.S § 30-28-106. The Commission shall also be responsible for reviewing and updating the Master Plan and any Sub-Area Plans as needed to reflect the goals of the County.
3. The Planning Commission shall review land use applications in accordance with the UDC, the Routt County Master Plan, and any Sub-Area Plans.

## **8.5. Board of Adjustment**

A. Membership.

1. The Board of Adjustment shall consist of five members and two alternate members as appointed by the Board of County Commissioners.
2. All members shall be residents of Routt County.
3. Not more than one of the members and one of the alternate members may also be members of the Planning Commission. Up to two members of the Planning Commission may substitute for Board of Adjustment members when a quorum of regular Board of Adjustment members is not reached.
4. Each member and alternate shall serve a three-year term unless such member resigns or is removed for cause by the Board of County Commissioners.
5. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments.
6. Alternate members of the Board of Adjustment shall take the place of any regular Board member in the event that the regular member is temporarily unable to act due to the absence from the County, illness, interest in the case before the Board, or any other reasonable cause.

B. Officers.

1. The Board of Adjustment shall, at its first meeting following appointments made each year by the Board of County Commissioners, select a chairperson and vice-chairperson.
2. The Planning Director or their designee shall serve as secretary to the Board of Adjustment.

C. Conduct of Business.

1. The Board of Adjustment may also be referred to as the “BOA” in this UDC or in other official and unofficial documents and actions.

2. The Board of Adjustment shall adopt and amend procedural rules to govern its procedures as it deems necessary or advisable.

D. Powers and Duties.

1. Pursuant to C.R.S §§ 30-28-117 and 118, the BOA shall have the following powers and duties.
  - a. To grant, upon an appeal relating to appellant's property, an Adjustment from the strict application of any regulations, as identified in Chapter 4 Section 7, Relief.
2. No appeal to the BOA shall be allowed for building use violations that may be prosecuted pursuant to Colorado Revised Statutes, § 30-28-124(1)(b).

### 8.6. Flood Plain Administrator

A. The Routt County Planning Director, or their designee, is hereby appointed the Floodplain Administrator to administer, implement, and enforce the provisions of these regulations and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) concerning floodplain management by granting, granting with conditions, or denying applications for floodplain development permits.

B. Powers and Duties.

1. The Flood Plain Administrator shall be responsible for reviewing, approving, and denying applications for Floodplain Development Permits. In addition, the Flood Plain Administrator shall have the following powers and duties:
  - a. Issue stop work orders for any development or land uses that has not been permitted under this UDC or is completed in a way that is inconsistent with a site-specific approval or this UDC.
  - b. Maintain and hold open for public inspection all records pertaining to the provisions of Chapter 3 Section 3.XX.
  - c. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
  - d. Maintain a record of all actions involving an appeal and report Variances to the Federal Emergency Management Agency upon request.
2. The Floodplain Administrator shall be responsible for any other powers and duties outlined in Chapter 3 Section 3.XX.

### 8.7. Governmental Immunity and Non-Liability of County.

A. This UDC shall not be construed to hold the County or any of its employees or officials, acting within the scope of their employment in any manner, responsible or liable for any damages to persons or property resulting from any inspection, enforcement, or review as required by these standards and regulations or resulting from any failure to enforce or inspect, or resulting from the issuance or denial of any permit, or the institution or failure

to institute any court action as authorized or required by these standards and regulations. The issuance of a permit does not mean the County condones the use or activity. In enacting these standards and regulations, the Board of County Commissioners intends to preserve all rights of the County, its agencies and departments, its elected and appointed officials and employees to immunity from liability as set forth in the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*

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## CHAPTER 9. DEFINITIONS

- 9.1 General rules of interpretation
- 9.2 Calculations and Measurements
- 9.3 Definitions

### 9.1 General rules of interpretation

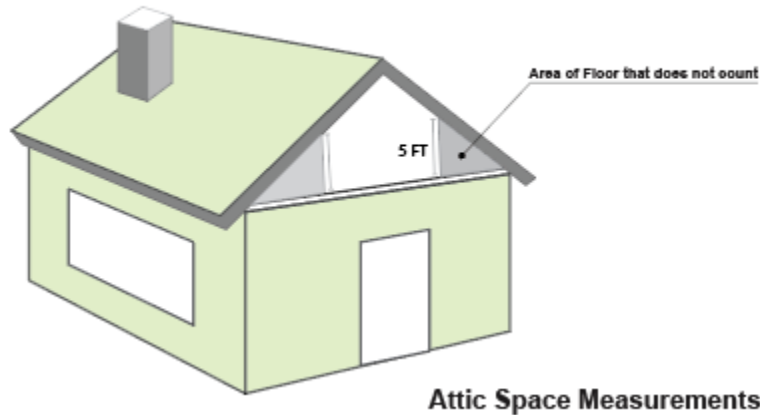
- A. The words "shall" or "must" are mandatory.
- B. The words "may" or "should" are permissive.
- C. The word "person" includes individuals, firms, corporations, associations, and any other similar entities.
- D. The word "county" means Routt County, Colorado.
- E. The word "state" means the State of Colorado.
- F. In case of any difference of meaning or implication between the text of this UDC and any caption or illustration, the text shall control.
- G. Computation of Time. A reference to days is to calendar days unless otherwise specified in this Code or state statute. If a deadline falls on a weekend or county holiday, the deadline extends to the next working day. When computing a period of days, the first day is excluded and the last day is included. If the last day falls on a weekend or county holiday, the last day is the next working day.

### 9.2 Calculations and Measurements

- A. General. This section identifies the means and methods used to calculate various dimensions applicable to development in unincorporated Routt County.
- B. Limitations. Each allowance and limitation, such as setbacks, height, etc., are applicable to all individual building components and shall not be combined. For example, if a porch is permitted to be developed within five feet of a property boundary and a primary building must be a minimum of ten feet from the same property boundary, only the porch may be developed to five of the property line and the remainder of the building may not be developed any closer than ten feet from the property boundary.
- C. Floor Area
  - 1. Gross Floor Area measures the exterior footprint of a building's floors; more specifically, it is the combined gross horizontal area of all stories of a building measured from the exterior side of exterior walls. For individual units in a multi-unit building, gross floor area shall be measured from the center of common walls and from the exterior side of exterior walls. Gross floor area shall also include carports, mezzanines, and interior balconies.
  - 2. Net Floor Area measures the interior living space of a building's floors; more specifically, it is the combined horizontal area of all stories of a building measured from the interior side of exterior walls. For individual units in a multi-unit building, net floor area shall be measured from the center of common walls and the interior

side of exterior walls. Net floor area shall also include mezzanines and interior balconies. Net floor area shall exclude the following:

- a. Crawlspace.
- b. Portions of a building where the floor to ceiling distance is less than five feet.



- c. Carports and garages.
- d. In the case of multiple family residential, nonresidential, or mixed used buildings the following exemptions also apply:
  - i. Common hallways, stairwells, lobbies, and atriums that provide access to more than one residential unit or nonresidential tenant space as measured from exterior of wall to exterior of wall.
  - ii. Common vent shafts as measured from exterior of shaft to exterior of shaft.
  - iii. Common areas primarily used for maintenance and maintenance access, such as mechanical rooms, as measured from exterior of wall to exterior of wall.
  - iv. Common elevators as measured from exterior wall of shaft to exterior wall of shaft.
  - v. Common use areas and amenity areas, such as lobbies, conference rooms, copy rooms, swimming pools, hot tubs, reading rooms, lounges, restrooms, recreational equipment storage areas, supply storage areas, and the like, as measured from exterior of wall to exterior of wall.
3. Habitable Space Floor Area is the Net Floor Area attributed to a single dwelling unit on all levels. Living space accessed through any wall opening or door shall be included. The following are excluded from this calculation:
  - a. Stairways located entirely within the dwelling unit.
  - b. Storage areas accessed only from outside the dwelling unit.
4. House Size Floor Area. The size of a residential unit measured as the Net Floor Area, and pursuant to the requirements of the UDC.

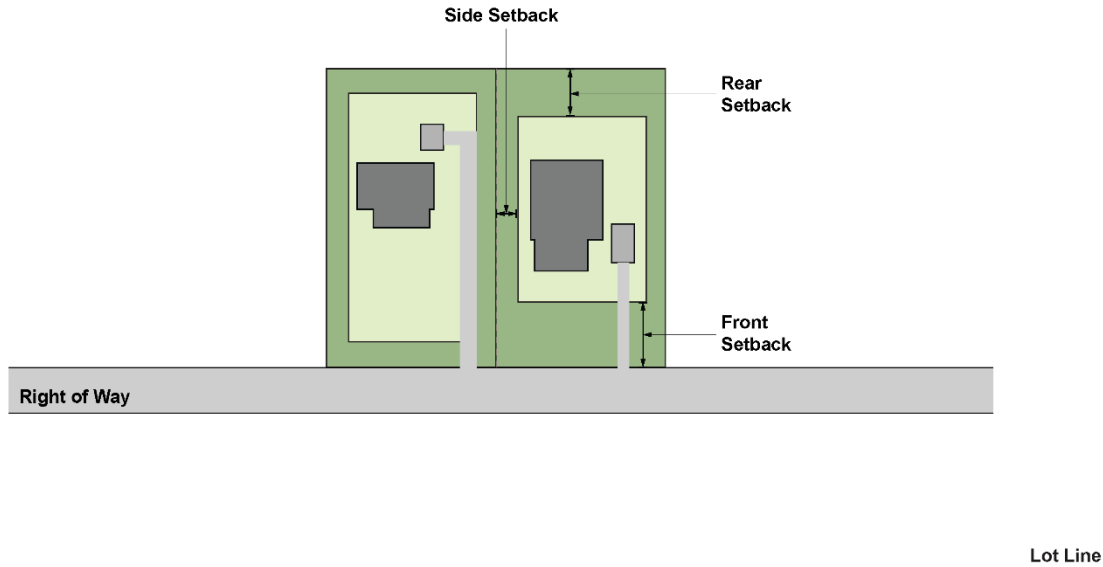


#### D. Integers

1. Measurement calculations, including, but not limited to, those for building height, parking spaces, or number of lots in an LPS, resulting in a fraction of a whole number (integer) should be rounded to a whole number using the following methodology.
  - a. General: The following standards apply to integers, unless specified in subsection b, below.
    - i. Integers equal to, or greater than one-half (0.5) of a whole number, must be rounded up to the next whole number.
    - ii. Integers less than one-half (0.5) of a whole number, must be rounded down to the preceding whole number.
  - b. Specific: The following specific standards apply for different units of measurement.
    - i. Building Height: Building height measurements are not rounded.
    - ii. Setbacks: Setback measurements are not rounded.
    - iii. Parking Spaces. All parking space requirements are rounded up to the next whole number.
    - iv. Residential or Hotel Units. All residential unit integers are rounded down to the preceding whole number.
    - v. LPS lots. All residential unit integers are rounded down to the preceding whole number.

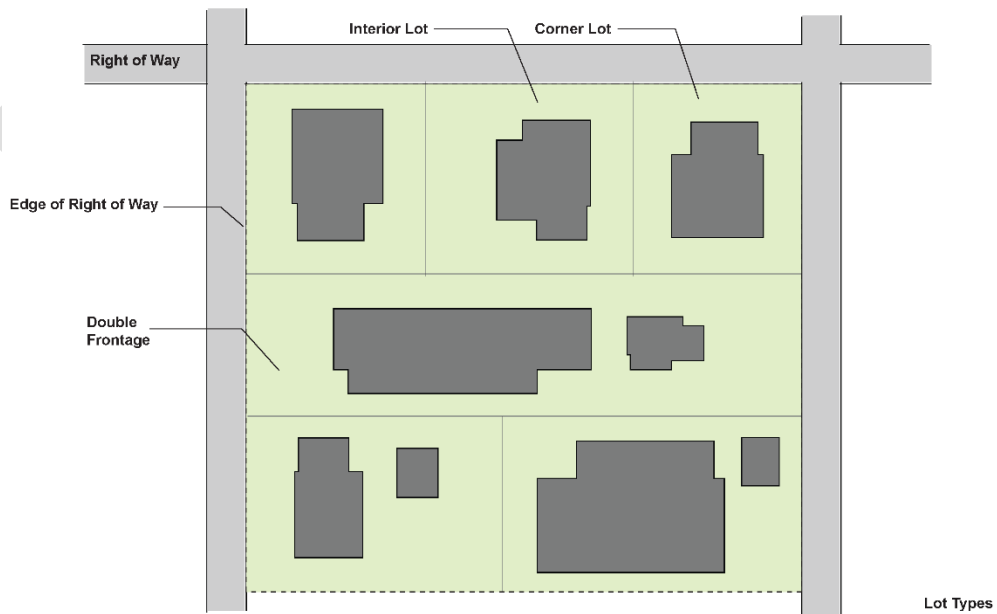
#### E. Lot Lines shall be designated according to the following:

1. Front Lot Line.
  - a. A front lot line shall be any property line that separates a lot from an abutting public or private road.
  - b. Double frontage and corner lots: Where a lot abuts more than one road, each property line that abuts a right-of-way or road easement shall be considered a front. In such cases, all other lot lines shall be considered side lot lines.
2. Rear Lot Line. The property line that is opposite the front lot line, if not already considered a side lot line. Not all lots will have a rear lot line.
3. Side Lot Line. Any property line that is not a front lot line or rear lot line. A lot may have more than one side lot line.



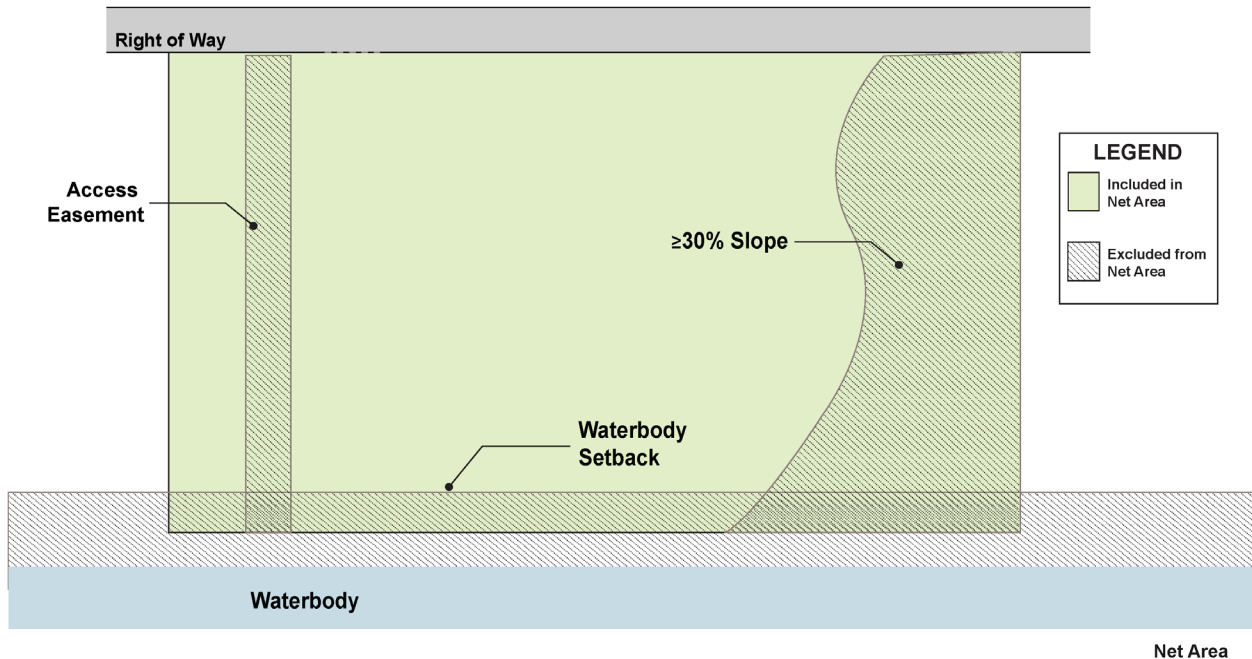
F. Lot Types shall be designated according to the following rules:

1. Corner Lot. Any lot that is located at the intersection of two or more public or private roads.
2. Interior Lot. Any lot that is not a corner lot.
3. Double Frontage. Any interior lot that has two or more front lot lines and is not a Corner Lot.

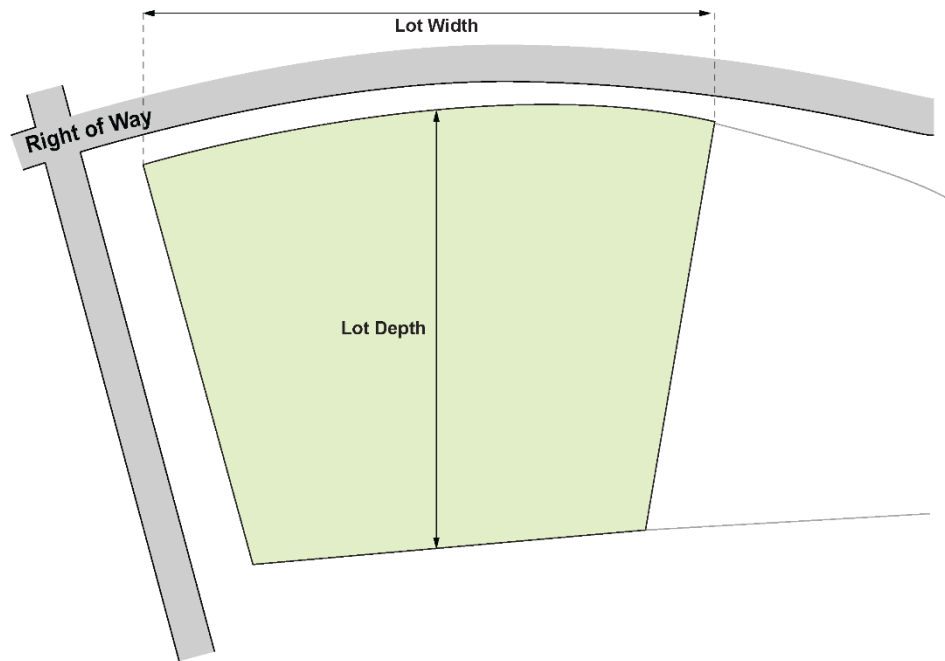


G. Lot Size.

1. Gross Lot Area. The total area of land within the lot lines.
2. Net Lot Area is the Gross Lot Area excluding the following:
  - a. Any area of public right-of-way or private road easement.
  - b. Any area of land within a required waterbody setback.
  - c. Any area of land below the ordinary high water mark of a natural watercourse or body of water or within a floodway or wetland.
  - d. Any area of land where the existing slope exceeds thirty percent (30%).
  - e. Any area of land encumbered by an easement or other building restriction that imposes restrictions on the land's use or development, unless the landowner demonstrates to the Planning Director's satisfaction that the easement or restriction does not materially affect the utility of the land for the proposed use or development.



- H. Lot Width. The horizontal distance between the side lot lines, or whichever two lot lines intersect the front lot line, measured along a straight line connecting the points where the required front setback line intersects with the side lot lines.
- I. Lot Depth. The horizontal maximum distance between the front and rear lot lines, measures along a straight line.

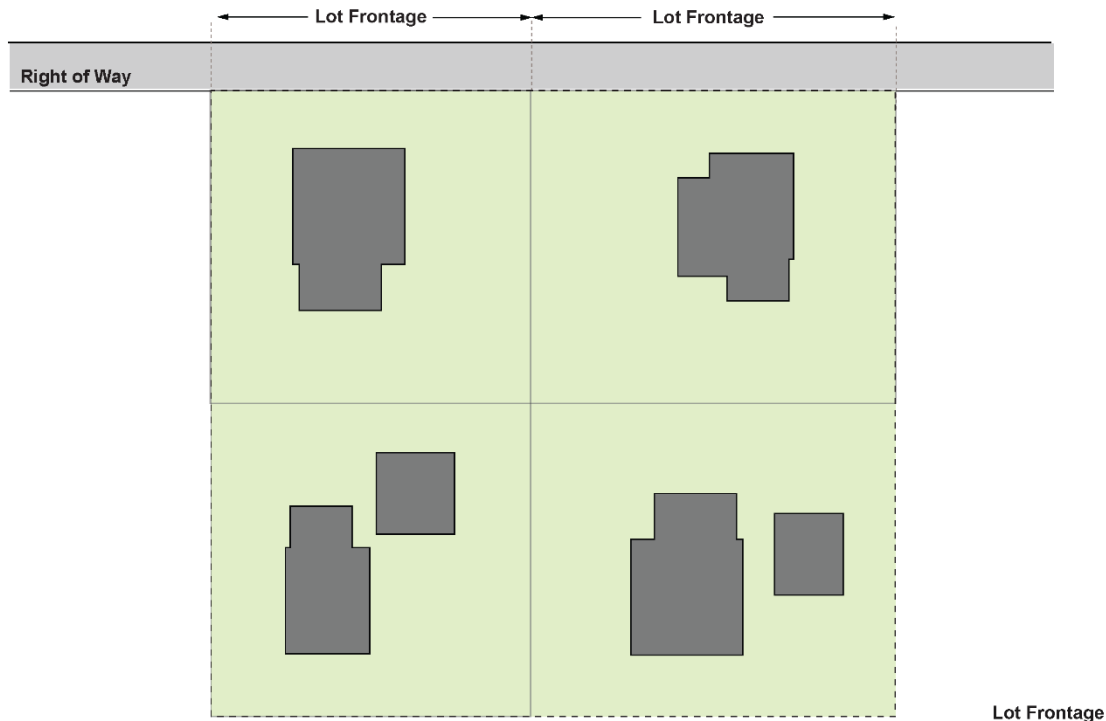


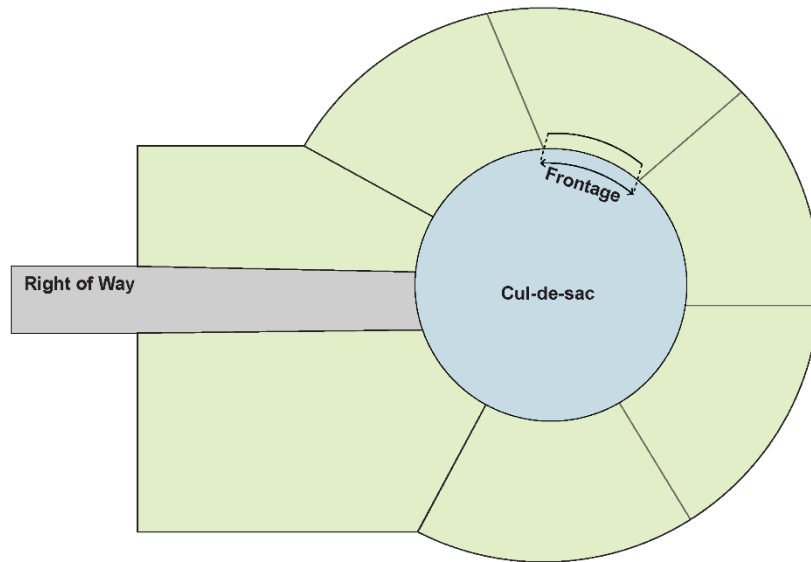
Lot Width and Depth

## J. Setbacks

1. Lot Line Setbacks. The required minimum or maximum horizontal distance between a lot line and a structure or building, as applicable.
  - a. Front Setback. The front setback extends across the full length of the front lot line measured perpendicular to the front lot line.
  - b. Rear Setback. The rear setback extends across the full length of the rear lot line measured perpendicular to the rear lot line.
  - c. Side Setback. A side setback extends the full length of a side lot line measured perpendicular to the side lot line. The side setback overlaps with the front and rear setbacks.
2. For dwelling units that are townhome or condo-platted, building setbacks do not apply to internal property lines which split ownership within the master lot.
3. Allowed Projections into Setbacks. The following structure projections are permitted to encroach into setbacks:
  - a. Window wells as required by building code.
  - b. Foundation footers, soil nails, or below-grade tiebacks and similar components necessary for the structural integrity of a building or other structure.
  - c. Roof overhangs and gutters, provided that they do not encroach more than three feet, measured horizontally, into the setback area.
  - d. Decks and patios that are no greater than 30 inches from finished grade as measures at the perimeter of the deck or patio.

- e. Within the rear or side lot line setbacks, one-story detached accessory structures that do not exceed 120 square feet in floor area, provided that they are non-fixed and movable, exempt from Building Permit, and do not shed snow or water onto an adjacent property. Only one of these structures is allowed per parcel.
4. Allowed Common Area Encroachment. Within platted townhome and condominium developments, decks, porches, carports, and other similar removable, non-enclosed appurtenances may encroach onto adjacent common elements, as defined in C.R.S. § 38-33.3-101 *et seq.*, upon consent of either:
    - a. The owners' association that governs the subdivision, if authorized under the subdivision's governing documents; or
    - b. The owners of the common elements.
- K. Lot Coverage. The percentage of the gross lot area that is covered by the footprint of the gross floor area of all buildings onsite.
- L. Lot Frontage. The lot frontage extends the right-of-way line between opposite-side boundaries of the lot.
1. Wedge shaped lots or lots fronting on cul-de-sacs shall not be less than 25 feet in length along the front property line.
  2. On lots accessed via an easement or which are legal non-conforming as to frontage, documentation shall be provided which confirms that said lot can be provisioned with legal and feasible access and upon its construction can meet the Routt County access regulations.

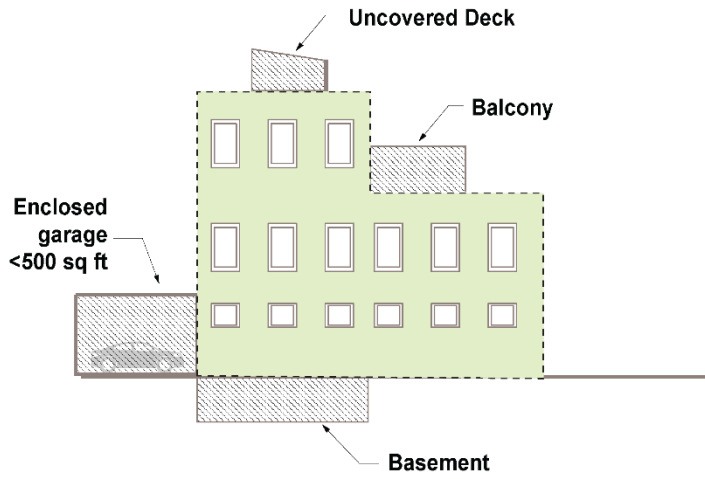
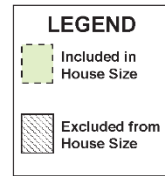




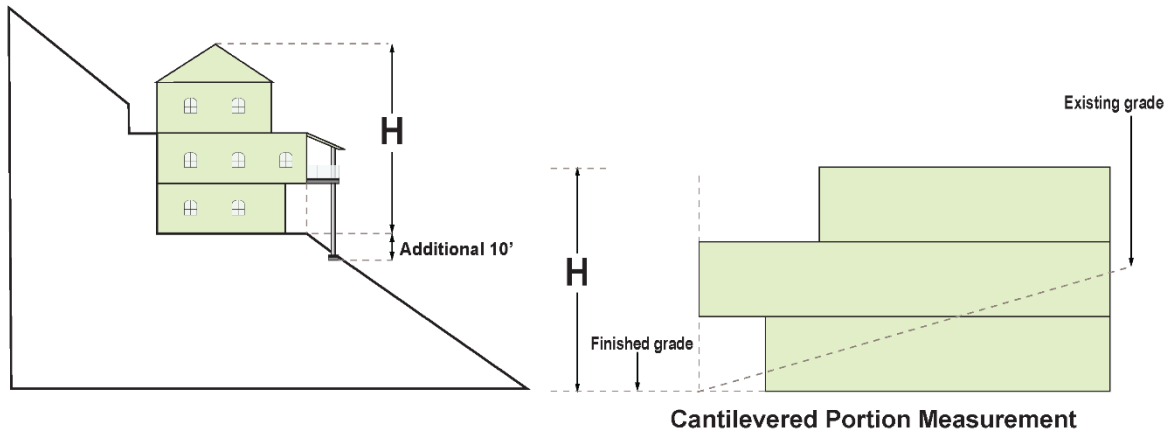
M. Site Density. The number of dwelling units within a specified measurement of land.

N. Height. Building height is measured as the vertical distance from the lowest grade on the perimeter of the building to the highest point of the building.

1. Grade shall be from the existing, or finished grade, whichever is more restrictive.
2. The measurement shall be to the highest point of the building.
3. The perimeter of the building shall include any and all habitable space. An additional 10 feet over and above the maximum height will be allowed for deck piers (see illustration).
4. Exceptions
  - a. Antennae (except those exempted from federal regulations), chimneys, flues, vents and similar unoccupied appurtenances shall not extend over five feet above the maximum height limit. Such unoccupied appurtenances on the roof shall not exceed 5% of building footprint area.



House Size



Building Height

### 9.3 Definitions

- A. In the interpretation of this Unified Development Code, the rules and definitions of this Section shall be observed and applied, except when the context clearly indicates otherwise.
1. **Addition:** Any activity that expands the enclosed footprint or increases the square footage of an existing structure.
  2. **Agreement Defining Permitted Uses:** A written agreement as authorized or required in the Routt County Zoning Regulations, signed by all owners of a fee simple interest in the property and agreed to by the County, which runs with the land and which defines permitted uses.
  3. **Agricultural Operation:** An operation that is used to grow a crop or graze livestock, with the primary purpose of producing a profit.
  4. **Agrivoltaics:** Any solar energy system that is co-located on the same parcel of land as agriculture production and/or ranching.
  5. **Alley:** A right-of-way, not intended for through-travel, used primarily as a service or secondary means of access and egress to the service side of abutting property.
  6. **Avalanche:** A mass of snow or ice and other material that may become incorporated therein as such mass moves down a mountain slope.
  7. **Avigation Easement:** A non-possessing property interest in airspace over a land parcel or portion of land. It is a legally developed document obtained by an airport to cover items such as the right of flight, right to remove obstructions, etc., but not necessarily to the extent of prohibiting the use of the land within the limits of the rights obtained.
  8. **Battery Energy Storage System:** Stores energy from different sources and discharges energy at a later time when needed to provide electricity or other grid services.
  9. **Basement:** Any story of a building that projects three feet or less above existing grade for a minimum of 60% of the perimeter of the story.
  10. **Berm:** A mound or wall of raised earth material used or intended for blocking visual.
  11. **Best Management Practices:** Strategies established as effective measures for managing specific activities, resources, or processes in a manner that minimizes environmental impacts, maximizes efficiency, and promotes sustainability.
  12. **Board:** The Board of County Commissioners of Routt County, Colorado.
  13. **Bonus Lots:** Additional parcels of land granted beyond the standard allotment, typically as an incentive for developers to meet certain thresholds.
  14. **Buffer Zone:** Any area with no, or limited, human-related disturbances created either on a seasonal or permanent basis to protect an area of ecological or cultural significance.
  15. **Buildable Lot:** (see Lot, Buildable)
  16. **Building:** Any structure having a roof, supported by columns or walls, used or intended for supporting or sheltering any use or occupancy.
  17. **Building Envelope:** An area identified on a plat or Site Plan approved through the Subdivision process, the Minor Development Subdivision Exemption Process, the Land Preservation Subdivision Exemption process, a PUD plan, Site Plan Review, or in a Development Agreement entered into as a condition to an approval through any of those processes in which a Dwelling Unit or other structure may be constructed. Multiple Building Envelopes may be identified on a single Buildable Lot as



- alternative sites for Dwelling Units and/or structures. Separate Building Envelopes may be identified for structures depending on the nature of the Buildable Lot and the development proposed in the application.
18. **Building Height:** The maximum vertical rise from the lowest grade on the perimeter of the building to the highest point of the building. (See Section 9.10 for measurement methodology.)
  19. **Business Day:** A day, other than a Saturday, Sunday or declared legal holiday of Routt County government, on which the offices of the Routt County Planning Department are open to the public for official business.
  20. **C.R.S:** Colorado Revised Statutes
  21. **Carpport:** An attached or detached structure that is open on at least one, and is used for the storage of personal property, including vehicles (e.g., automobiles, motorcycles, boats, and recreational vehicles).
  22. **Cluster (Subdivision):** An intentional assembly of Buildable Lots brought together for the purpose of conserving viable agricultural lands, protecting wildlife habitat, and preserving environmentally sensitive areas.
  23. **Commission:** The Routt County Planning Commission.
  24. **Common Road:** Any road that provides, will provide, or is proposed to provide access to three or more Buildable Lots, whether such road is public or private, and whether it was created by plat, deed, dedication, prescription, or easement.
  25. **Conditional Use:** A use allowed in the indicated zoning district only pursuant to conditions and requirements imposed by the County as a part of the Conditional Use Permit process.
  26. **Consent Agenda:** Items that have been recommended for approval by the Planning Director can be placed on the Consent Agenda. These items are voted on without a formal presentation of the project unless a Planning Commissioner or a County Commissioner requests the item be removed from the Consent Agenda and placed on the regular agenda.
  27. **Conservation Area:** The portion of a property subject to a Conservation Easement.
  28. **Conservation Easement:** A written agreement, signed by the owners of land, in favor of a "qualified organization," as defined in Internal Revenue Code Section 170 (h) (3) or any successor thereto, which creates a "qualified real property interest," as defined in Internal Revenue Code Section 170 (h) (2) or any successor thereto and which otherwise meets the requirements for a "qualified conservation contribution" as defined in Internal Revenue Code Section 170 (h) (1) or any successor thereto and which also complies with the requirements of C.R.S. Section 38-30.5-101.
  29. **Consolidation:** The process of creating a lot by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres, only one interest in said land shall be allowed; if larger than thirty-five (35) acres, such land area divided by the number of interests in the resulting parcel must result in thirty-five (35) or more acres per interest.
  30. **Contiguous:** Land is contiguous only when under single ownership and is all or part of a lot or parcel identified as a single parcel for the purposes of ad valorem real property taxation or, if it is more than a single parcel for the purposes of ad valorem real property taxation, the tax parcels have common boundaries so that all of the property can be described by a single, continuous metes and bounds description. Any

- discontinuity in such a description caused by a dedicated public road right-of-way, railroad, utility corridor, or a private road under separate ownership, shall be disregarded for the purposes of determining if the land is Contiguous.
31. **County:** Shall mean Routt County, Colorado.
  32. **County Commissioners:** Shall mean the Board of County Commissioners of Routt County, Colorado.
  33. **Crawlspace:** Basements where the floor to ceiling distance is at or less than six feet six inches.
  34. **Critical Facilities:** Services or facilities that are considered essential to the health, safety and welfare of a community. These may include those that offer essential services, store hazardous materials, provide shelter for at-risk populations, and are considered vital to governmental operations.
    - a. Essential Services, including but not limited to Public safety buildings or centers, emergency services, communications, public utility facilities for the generation and distribution of utilities, and air transportation services.
    - b. Hazardous Material Facilities, including but not limited to those that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits.
    - c. At-risk population facilities, including but not limited to elder care, assisted living facilities, day care facilities, and schools, when the facilities serve twelve (12) or more individuals.
    - d. Facilities considered vital to normal governmental operations, including but not limited to public records, jails, building permitting and inspection services, and essential structures for colleges such as dormitories.
  35. **Critical Wildlife Areas:** Land with which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association, including, but not limited to feeding, breeding, and migrating.
  36. **Cumulative Impacts:** The combined negative effect or consequence to an area resulting from multiple land use decisions that, when added together, change or alter the environmental, community, or historical character within an area.
  37. **Dedication:** The intentional commitment of land by the owner to some public use.
  38. **Development:** Any construction or activity that changes the basic character or use of the land on which the construction or activity occurs.
  39. **Development Agreement:** A written agreement, in a form as prescribed by Routt County, signed by the owners of the land and anyone holding a lien on the property, which restricts the development or use of said land in accordance with the terms and conditions of a Land Use Approval.
  40. **Domestic Predator:** Domesticated dogs, cats and other predatory animals that have been kept in captivity and rely upon humans for food but which may also hunt wildlife.
  41. **Domestic Water and Sewage Treatment System:** Facilities for treatment of wastewater, and a collector network, including any extensions thereto, which system or extension is capable of collecting and treating the wastewater generated by at least twenty persons through domestic uses or the equivalent thereof in commercial or industrial needs, or that discharges in excess of 2,000 gallons daily. Such terms

- include any collection, treatment, storage, and distribution facilities under control of the operator of such system and any collection, pretreatment or storage facilities not under such control that are used primarily in connection with such system.
42. **Driveway:** Any road that provides, will provide, or is proposed to provide direct access to no more than two Buildable Lots from any other road that provides access to more than two Buildable Lots.
  43. **Dwelling or Dwelling Unit:** A building or portion of a building used or intended to be occupied by one family. An individual dwelling unit has independent access and living, sleeping, kitchen, and sanitary facilities for the exclusive use of the occupants of the dwelling unit. Dwelling unit does not include temporary or transient accommodations, such as rooms within hotels or other lodging uses, tents, recreational vehicles, or similar structures.
  44. **Dwelling Unit, Nonconforming:** A building or portion of a building used or intended to be occupied by one family, which does not meet the requirements to be considered a dwelling unit.
  45. **Easement:** An acquired right of use, interest or privilege in land owned by another.
  46. **Excavation:** Removal or recovery by any means of buildings, earth, stone, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.
  47. **Exploration:** The act of searching for or investigating a mineral deposit. Exploration includes but is not limited to sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work. The term does not include those activities that cause no or very little surface disturbance.
  48. **Family:**
    - a. A single individual or a group of persons, whether related or not, that habitually reside in a single dwelling unit and form a single residential unit, who share common living areas (e.g. laundry, kitchen, living room, garage, etc.) and expenses, and are at least partially dependent upon each other for care of the residential unit.
    - b. A family shall not include more than one registered sex offender over the age of 18, unless related by blood, marriage, or legal adoption to all other occupants.
    - c. in a domestic relationship based upon blood,
  49. **Final Subdivision Plat:** The final plan of the subdivision prepared for filing or recording in conformance with the Routt County Subdivision Regulations.
  50. **Floodplain Definitions:** Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give these regulations their most reasonable application.
    - a. **Floodplain:** An area adjacent to a river or stream, which is subject to inundation by water, as the result of the occurrence of a One Hundred Year Flood.
    - b. **Alluvial Fan Flooding:** A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the

- junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels.
- c. **Base Flood** – The flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.
  - d. **Base Flood Elevation (BFE):** The elevation shown of a FEMA FIRM for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a 100-year flood.
  - e. **Channel** means the physical confine of a stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.
  - f. **Channelization:** The artificial creation, enlargement or realignment of a stream channel.
  - g. **Conditional Letter of Map Revision (CLOMR):** A letter from FEMA commenting on if a proposed project meets minimum National Flood Insurance Program (NFIP) standards. The letter does not officially revise any mapping.
  - h. **Community:** Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning.
  - i. **Construction, New:** The construction of a new structure (including the placement of a mobile home) or facility or the replacement of a structure or facility which has been totally destroyed..
  - j. **Construction, Start of:** The date the building permit was issued, provided the actual start of construction, including substantial improvements, was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site. Permanent construction does not include land preparation, installation of streets and/or walkways, the erection of forms, or the installation of accessory buildings not occupied as a dwelling unit or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether that alteration affects the external dimensions of the building or not.
  - k. **Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings, agricultural buildings, accessory structures and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
  - l. **FEMA:** Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.
  - m. **Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both

the Special Flood Hazard Areas and the risk premium zones applicable to the community.

- n. **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of water from channels or spillways, the unusual and rapid accumulation or runoff of surface waters from any source, or mudslides or mudflows 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).
- o. **Flood Insurance Study (FIS):** The official report provided by FEMA which contains the FIRM, as well as, flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.
- p. **Floodplain or Flood-Prone Area:** An area adjacent to a river or stream which is susceptible to inundation by water as the result of a flood.
- q. **Floodplain Development Permit:** A permit issued by the Routt County Floodplain Administrator which is required before beginning development or construction in any area of special flood hazard.
- r. **Flood Control Structure:** A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway and are constructed in conformance with sound engineering standards.
- s. **Floodproofing:** A combination of provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures, and contents of buildings in flood hazard areas.
- t. **Floodway or Regulatory Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge a 100-year flood without cumulatively increasing the water surface elevation more than one-half foot.
- u. **Flood Insurance Rate Map (FIRM)** – An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.
- v. **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.
- w. **Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
  - x. **Historic Structure:** Any structure that is listed individually in the National Register of Historic Places 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; 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; individually listed in the Colorado State Register of Historic Properties; or individually listed on a local inventory of historic places in communities with historic preservation programs.

- y. **Letter of Map Revision (LOMR):** A letter from FEMA officially amending the Flood Insurance Rate Map (FIRM), Flood Boundary and Floodway Map (FBFM), or both.
- z. **Levee:** A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- aa. **Levee System:** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- bb. **Lowest Floor:** The lowest floor of the lowest enclosed area, including the basement which is used for living purposes including working, storage, sleeping, cooking and eating, or recreation or any combination thereof. 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 the 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 these regulations.
- cc. **Mean Sea Level:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1988 or other datum to which base flood elevations shown on a community's FIRM are referenced.
- dd. **National Flood Insurance Program (NFIP):** FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations.
- ee. **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 and is 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 FIRM or Flood Boundary and Floodway Map (FBFM).
- ff. **Special Flood Hazard Area (SFHA):** Areas identified by the Federal Emergency Management Agency (FEMA) in the report entitled, "The Flood Insurance Study of Routt County, Colorado and Incorporated Areas," dated February 4, 2005, with accompanying Flood Insurance Rate Map (FIRM) and any revisions thereto. The Special Flood Hazard Areas identified by the Flood Insurance Study (FIS) and attendant mapping, as

well as the areas inundated by water in photos of the Yampa and Elk Rivers taken in 1997 are the minimum area of applicability of these regulations.

- gg. **Structure:** For floodplain management purposes, a walled or roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means a building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site or a manufactured home (also known as a mobile home) affixed to a permanent foundation.
  - hh. **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
    - ii. **Substantial Improvement:** Any improvement, repair, or reconstruction of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or repair is started; or, if the structure has been damaged and is being restored, before the damage occurred. This term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications identified by a local code enforcement officer and which are the minimum standards necessary, nor does the term include any alteration of a historic structure.
  - jj. **Water Surface Elevation:** The height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
51. **Frontage:** The linear boundary of any lot or tract adjacent to the single street from which access is provided, not including alleys.
  52. **Garage:** An attached or detached building that is enclosed on all sides, and is used for the storage of personal property, including vehicles (e.g., automobiles, motorcycles, boats, and recreational vehicles).
  53. **Geologic Hazard:** A geologic phenomenon that is so adverse to construction or development as to constitute a significant hazard to public health and safety or to property. This term includes but is not limited to: avalanches, landslides, rock falls, mudflows, unstable or potentially unstable slopes, seismic effects, radioactivity and ground subsidence.
  54. **Grade, Existing:** The elevation of the ground surface prior to disturbance for development, or at the time of application for development, whichever is earlier.
  55. **Grade, Finished:** The elevation of the ground surface after completion of development or redevelopment.
  56. **Grading and Excavating Permit:** A permit issued by the Routt County Road & Bridge Department which is required for all land disturbances for any excavation of 300 cubic yards or more of material; any fill of 300 cubic yards or more of material; any soil disturbance of one acre or more; or any activity that occurs within the waterbody setback of any waterbody, as defined in the Routt County Zoning Regulations.

57. **Ground-mounted:** Any solar energy system that is mounted on a rack or pole that is attached to the ground.
58. **Ground Subsidence:** A process characterized by the downward displacement of surface materials.
59. **Groundwater:** The supply of fresh water under the surface of the earth in an aquifer or soil that forms the natural reservoir for water.
60. **Hardship:** Unusual physical circumstances peculiar to the subject property and not to the neighborhood in general which would result in a deprivation of all beneficial use of or return from the property if the Zoning Regulations are strictly enforced. A hardship must be unique and peculiar to the property, as distinguished from the general impact of the Zoning Regulations.
61. **Hazard Areas:** Areas that are lands or areas identified by the County's adopted Hazard Map based on a combination of geologic, topographic, and hydrogeologic factors, as at risk of landslides, rockfall areas, unstable slopes, mudflows, and steep drainages.
62. **Height:** (See Building Height)
63. **High Priority Habitat:** Habitat areas identified by Colorado Parks and Wildlife where measures to avoid, minimize, and mitigate adverse impacts to wildlife have been identified to protect breeding, nesting, foraging, migrating, or other uses by wildlife.
64. **Holiday Decorations:** Items such as lights, ribbons, and garlands that are hung temporarily for holiday celebration.
65. **Home Ignition Zone:** The area within 100' a structure.
66. **Hotel/Motel/Lodge:** A building or group of detached buildings containing individual sleeping and/or living units designed or used for temporary occupation.
67. **Improved Area:** Geographic areas within the County that will be developed or altered directly by construction or operation of the project.
68. **Incidental:** Naturally, customarily, and commonly associated with the operation of the use by right or permitted use.
69. **Individual Sewage Disposal System (ISDS) Regulations:** Regulations adopted by the State of Colorado and by the County, governing installation and maintenance of individual sewage disposal systems.
70. **International Residential Code (IRC):** A document created to serve as a complete, comprehensive code regulating the construction of single-family houses, two-family houses (duplexes) of three stories or less.
71. **Kitchen:** A room or area used, intended to be used, or designed to be used for preparation and cooking of food. A kitchen contains or is designed to accommodate all of the following elements:
  - a. Areas for food preparation; and
  - b. Refrigerator; and
  - c. Cooking device, which shall be a rangetop or oven; and
  - d. Sink with running hot and cold water
72. **Kitchen, Nonconforming:** A room or area used, intended to be used, or designed to be used for preparation and cooking of food, which does not meet the full requirements to be considered a kitchen. See also, Wetbar.
73. **Landslide:** The rapid, downward movement of soils and rock as a unit.



74. **Land Use Change:** Rezoning of property, subdivision of land, substantial clearing, grading, filling or excavation, construction, alteration or moving of buildings or roads, or any action listed as an "approval requested" in the Zoning Review Process Chart, Section 3.2.1 of the Routt County Zoning Regulations, or the Subdivision Review Process Chart, Section 2.1.1 of the Routt County Subdivision Regulations.
75. **Large Scale Development:** Developments that have a substantial impact on the character of Routt County owing to their size, nature, or location. Developments are considered to be Large Scale if they meet one (1) or more of the following characteristics:
- a. Development involving **Industrial or Extractive Land Uses, except for mines that are under 10 acres in size.**
  - b. Development involving **70 acres or more** of land area that does not support an existing primary onsite agricultural use.
  - c. Community and Utility Scale Solar Developments.
76. **Local Public Road:** A public road that is not on the Routt County Road System and is not maintained by Routt County, and may include roads dedicated or deeded to special districts or metropolitan districts the service plans of which may provide for road maintenance powers.
77. **Lodge:** (See Hotel/Motel/Lodge)
78. **Lot, Buildable:** A lot or parcel that meets all applicable requirements for building including but not limited to: wastewater disposal, well and septic spacing, setbacks, access, zoning and building requirements and any site specific restrictions imposed as part of a County Land Use Approval or Subdivision approval. Provided that it meets one or more of the following criteria:
- a. Was created by deed or plat recorded in the Office of the Routt County Clerk and was not created in violation of Colorado state law or the Routt County Zoning and Subdivision Regulations and met the minimum lot area required for the Zone District in which it was located when it was created.
  - b. Has received Non-conforming lot approval per Section 3.5.5 of these Regulations.
79. **Lot, Non-Conforming:** A lot or parcel that does not conform to the Regulations of the Zone District in which it is located.
80. **Lot, Double Frontage:** lot which fronts on one public street and backs on another.
81. **Manufactured Home:** A single-family dwelling manufactured in a factory in one or more pieces, designed for long-term residential use, not licensed as a recreational vehicle, and designed to be placed or assembled on a lot with or without a permanent foundation. Manufactured homes constructed since June 15, 1976 are built according to the federal Manufactured Home Construction and Safety Standards. Manufactured home includes homes constructed prior to June 15, 1976 that are often referred to as mobile homes.
82. **Manufactured Home Park or Subdivision:** A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.
83. **Manufactured Home Park or Subdivision, Existing:** 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 these regulations.
84. **Manufactured Home Park or Subdivision, Expansion To:** The preparation of additional sites by 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).
85. **Manufactured Home Park or Subdivision, New:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these regulations.
86. **Master Plan:** A plan developed by the Planning Commission in accordance with C.R.S. Section 30 28 106, including, without limitation, any sub area plan and all portions of and amendments to such plans.
87. **Mineral:** An inanimate constituent of the earth, in either a solid, liquid or gaseous state. When extracted from the earth, a mineral is usable in its natural form or is capable of conversion into usable form as a metal, metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material. This definition includes but is not limited to sand, gravel, coal, quarry materials, oil and gas, coal bed methane, oil shale, uranium, ore, topsoil, rock and geothermal resources but does not include surface or ground water subject to appropriation for domestic, agricultural or industrial purposes. This definition is limited to the purposes of these Regulations and may not be construed to affect the definition of "mineral" for other purposes, such as for establishing title to minerals.
88. **Minor Use:** A use allowed in the indicated zoning district only pursuant to conditions and requirements imposed by the County as a part of the Minor Use Permit process.
89. **Mitigation:** May include one or more of the following:
- a. Minimizing impacts by limiting the degree or magnitude of the action and its implications;
  - b. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - c. Reducing or eliminating the impact over time by preservation and maintenance during the life of the action;
  - d. Compensating for the impact by replacing or providing substitute resources or environments.
90. **Mobile Home:** See Manufactured Home
91. **Mudflow:** The downward movement of mud in a mountain watershed because of the peculiar characteristics of extremely high sediment yield and occasional high runoff.
92. **Natural Hazard:** An atmospheric or geologic condition that poses a danger and/or risk to humans and/or human activities.
93. **Net Land Area:** The land area devoted to residential uses, excluding streets, roads, driveways, and open parking areas.
94. **Non conforming Building:** A building or portion thereof, legally built prior to the effective date of these Regulations or any amendment thereto, which does not conform to the Regulations of the Zone District in which it is located.

95. **Non conforming Lot:** (See Lot, Non-conforming)
96. **Non conforming Structure:** A Structure or portion thereof, legally built prior to the effective date of the Routt County Zoning Regulations or any amendment thereto, that does not conform to the Regulations of the Zone District in which it is located.
97. **Non conforming Use:** A use lawfully commenced prior to the effective date of these Regulations or any amendment thereto, that does not conform to the Regulations of the Zone District in which it is located.
98. **Official Zoning Map:** The Official Zoning Map of Routt County, Colorado, any detail maps supplementary thereto, any amendments made pursuant to these Regulations, and any maps subsequently adopted pursuant to law. Said maps and amendments shall be adopted by the Board of County Commissioners and shall be available for public review at the Routt County Planning Department.
99. **Opaque:** Not transmitting light; not transparent or translucent. **Open Space, Usable:** Open area designed and developed for public or quasi-public uses including, but not limited to, recreation, courts, gardens, parks, and walkways. The term shall not include space devoted to streets, roads and parking and loading areas.
100. **Ordinary High-Water Mark (OHWM):** The line on the shore or streambank established by the fluctuations of water on a regular or frequent basis and is indicated by physical characteristics. The following list of physical characteristics is not exhaustive, but should be considered when making an OHWM determination, to the extent that they can be identified and are deemed reasonably reliable:
- |   |                                      |
|---|--------------------------------------|
| Natural line impressed on the bank      | Leaf litter disturbed or washed away |
| Shelving                                | Scour                                |
| Changes in the character of the soil    | Deposition                           |
| Destruction of terrestrial vegetation   | Multiple observed flow events        |
| Presence of litter and debris           | Bed and banks                        |
| Wracking                                | Water staining                       |
| Vegetation matted down, bent, or absent | Change in plant community            |
| Sediment sorting                        |                                      |
101. **Outdoor Retail:** The display of goods for immediate sale or lease outside of a completely enclosed building. Outdoor retail may be an accessory component to an indoor retail use, or an approved primary component to a commercial use, but does not include outdoor storage.
102. **Overburden:** All of the earth and other materials which lie above a natural mineral deposit and also such earth and other material disturbed from their natural state in the process of mining.
103. **Overlot Grading:** Modifying the landscape of a development site through excavation, fill, or combination thereof.
104. **Permanent Monument:** Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.
105. **Permit:** A document issued by Routt County, Colorado, granting permission to perform an act or service that is regulated by the County.
106. **Planned Unit Development Guide:** A document that specifies the approved dimensional standards for a PUD development.

107. **Planning Commission:** The Routt County Planning Commission.
108. **Plat:** A map and supporting materials of certain described land, prepared in accordance with the Routt County Subdivision Regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.
109. **Porch:** A covered, unenclosed structure that projects from the exterior wall of a building and has no floor space above and that is intended to provide shelter to the entry of the building and/or supplemental outdoor living area. A porch may have multiple levels.
110. **Preliminary Subdivision Plan:** The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of the Routt County Subdivision Regulations.
111. **Property Line:** The boundaries of a parcel of real property; includes "lot line".
112. **Protected Structure:** For the purposes of Section 9.7.3, Protected Structure shall mean anything constructed or erected requiring a fixed location on the ground or attached to something having a fixed location on the ground, an edifice or building of any kind, or any man-made object that serves a specific purpose. The term Protected Structure includes, but is not limited to, pipelines, telephone lines, electrical power lines, walks, driveways, roads, dams, bridges, water tanks, railroads, and towers. The term Protected Structure does not include fences.
113. **Public Hearing:** A meeting noticed pursuant to law and these Regulations held by the Planning Commission, Board of Adjustment, or County Commissioners at which citizens' opinions may be voiced concerning the subject of the hearing.
114. **Public Improvements:** Street grading and surfacing, with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, other utilities, culverts, bridges, street trees or other such installations as may be designated by the Planning Commission or the Board of County Commissioners.
115. **Public Meeting:** A meeting noticed pursuant to law and these Regulations held by the Planning Commission, or County Commissioners at which citizens' opinions may be voiced concerning the subject of the meeting. Under these Regulations the outcome of a Public Meeting is advisory.
116. **Public Road:** All roads over private lands dedicated to the public use by deed to that effect, filed with the County Clerk and recorder of the county in which such roads are situate, when such dedication has been accepted by the board of county commissioners. A certificate of the County Clerk and recorder with whom such deed is filed, showing the date of the dedication and the lands so dedicated, shall be filed with the county assessor of the county in which such roads are situate.
- a. All roads over private or other lands dedicated to public uses by due process of law and not heretofore vacated by an order of the board of county commissioners duly entered of record in the proceedings of said board;
  - b. All roads over private lands that have been used adversely without interruption or objection on the part of the owners of such lands for twenty consecutive years;
  - c. All toll roads or portions thereof which may be purchased by the board of county commissioners of any county from the incorporators or charter holders thereof and thrown open to the public;

- d. All roads over the public domain, whether agricultural or mineral.
117. **Qualifying Sealed Vault System:** To be a qualifying sealed vault system, the system must comply with all regulations of the Colorado State Board of Health and Routt County concerning Individual Sewage Disposal Systems. It must also be a system for which the Routt County Department of Environmental Health has issued a permit. The system must also serve a lot or parcel within a metropolitan district or special district having authority to provide sewage treatment and collection services, which district and Routt County are parties to an intergovernmental agreement existing as of December 3, 1998, in which such district has agreed to accept sewage from the sealed vault system.
118. **Recreational Vehicle:** A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
119. **Reclamation:** The procedures designed to minimize the disruption of land and to provide for the establishment of plant cover, stabilization of soil, protection of water resources, or other measures appropriate to the subsequent beneficial use of such land.
120. **Remainder Parcel:** The portion of a property which has been reviewed under either the Minor Development Subdivision Exemption process or the Land Preservation Subdivision Exemption process whose acreage has been used to permit the creation of other smaller Buildable Lots and whose further development and subdivision has been limited pursuant to the Development Agreement entered into as a part of such process.
121. **Replat / Resubdivision:** The reconfiguration of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.
122. **Retail Sales:** Sales of goods or services to the general public.
123. **Right-of-Way:** The entire dedicated or otherwise designated tract or strip of land that is reserved for, or otherwise used by the public for circulation and service.
124. **Road:** (See Street)
125. **Road Engineering Study:** A study that evaluates the effects a particular project's or use's traffic will have on the road system structure and provides recommendations to mitigate the impacts.
126. **Roof-mounted:** Any solar energy system that is fastened or ballasted to a building roof.
127. **Secondary Sewage Treatment:** A method of sewage treatment in which a minimum of 85 percent of the biochemical oxygen consuming material is removed.
128. **Setback, Front, Side and Rear Yard:** The area within a parcel of land determined by the requirements of Chapter 2, Section 1, Zone Districts in which no building can be located. (See Section 9.10 for measurement methodology.)
129. **Sign Related Definitions:**
- a. **Animated:** Any sign or part of a sign that changes physical position or light intensity by any movement, rotation, strobing, illumination or other means, or that gives the visual impression or illusion of movement,

- rotation, illumination or rotation. An animated sign may not be a Digital Sign.
- b. Attention Getting Device: A sign, device, or ornamentation designed for the purpose of attracting attention or promotion, except as otherwise expressly permitted in this section. Attention getting devices include feather signs, inflatable signs, temporary pole signs, pennants, streamers, balloons, and similar devices.
  - c. Bumper Sticker: a strip of adhesive paper or plastic of up to two square feet bearing a printed message affixed to any part of a motor vehicle.
  - d. Channel Letter: A fabricated or formed three-dimensional letter, number, logo or symbol.
  - e. Changeable Copy: Copy that can be changed or rearranged without altering the Sign Face or Sign Structure, excluding Digital Copy.
  - f. Character: Any letter, number, symbol, picture, or logo.
  - g. Commercial Copy: Any sign text, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
  - h. Copy: Any words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.
  - i. Curtain Wall: A non-load bearing exterior wall cladding that is hung on the exterior of a building, usually spanning from floor to floor.
  - j. Digital Copy: Static images that are controlled by electronic communications that allow the images to be turned on or off intermittently.
  - k. Digital Sign: A sign that displays Digital Copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity. In the sign industry, digital signs are also referred to as dynamic signs, changeable electronic variable message signs (CEVMS), electronic message centers (EMCs), etc.
  - l. Double-Faced Sign: A sign with two faces of equal area, placed back-to-back.
  - m. Embellishment: An addition to the sign structure on which a continuation of the copy is placed. Standard bases and standard trim are not considered embellishments. An embellishment is considered part of the sign area.
  - n. Feather Sign: A sign made of flexible material in the shape of a feather, quill, sail, blade or teardrop, and mounted on a solid or flexible pole or cord. These are sometimes referred to as “quill signs” or “sail banners.”
  - o. Flag: a piece of fabric or other flexible material, with distinctive colors and patterns, customarily mounted on a pole or similar freestanding structure or a pole mounted on a building.
  - p. Frontage: The linear frontage(s) of a lot or parcel abutting on a private or public street that provides principal access to, or visibility of, the premises.
  - q. Halo Lit: Illumination created by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign,

resulting in the nighttime perception of a halo around the silhouette of each character. This is also referred to as "reverse channel" or "reverse lit" illumination. A halo lit sign is not considered an internally illuminated sign.

- r. Illumination, External or “externally illuminated”: A sign that is illuminated by an external light source.
- s. Illumination, Internal or “internally illuminated”: Illumination created by a light source internal to the sign, transparent or translucent material from a light source within the sign structure or panel, or exposed lighting on the sign face.
- t. Incidental Sign: An ‘Incidental Sign’ is a sign with copy located on a panel and mounted on a pole or a wall or similar structure, with or without a structural frame, that is normally incidental to the allowed use of the property, but can contain any message or content.
- u. Mural: A hand-produced work in which paint is applied by hand directly on an exterior wall of a building or structure. A mural or painted wall sign does not include:
  - v. Mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps;
  - w. Works containing electrical or mechanical components; or
  - x. Works that involve changing or moving images or components.
- y. Neon: A source of light supplied by a glass tube that is filled with neon gas, argon, mercury or other inert gas that produces ultraviolet light, and bent to form letters, symbols, or other shapes. Neon includes all tubular light sources that employ a charged gas to illuminate a tube that glows, similar gas-activated tubular light systems that emit colors, and other tubular light sources (including fiber optics) that are used to form letters and shapes.
- z. Non-Commercial Copy: Any copy other than commercial copy.
  - aa. Sign: Any object, device, flag, display, structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including, but not limited to, words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. A “sign” includes the sign structure.
  - bb. Sign Area: The entire sign face (including the copy and any framing, trim, or molding) and the supporting structure.
  - cc. Sign, Attached: Signs attached to a building or structure.
  - dd. Sign, Commercial: A sign that is commercial in nature and placed on a parcel of land in which the commercial activity advertised is taking place.
  - ee. Sign Copy: The graphic content of a sign in either permanent or removable words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.
  - ff. Sign, Detached: Signs supported to any degree by a structure separate from a building.
  - gg. Sign Face: The area or display surface used for the graphic message.

- hh. Sign, Illuminated: Any sign that incorporates illumination on or in the sign, or that directs illumination toward or over all or part of the sign, or that is created by the projection of illumination onto a surface (such as a building wall).
  - ii. Sign, Off-Premise: a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.
  - jj. Sign, On-Premise: A sign that is commercial in nature and placed on a parcel of land in which the commercial activity advertised is taking place.
  - kk. Sign, Portable: Any sign designed to be moved easily and not permanently affixed to the ground, a structure, or a building.
  - ll. Sign, Public: A sign erected by any governmental entity in conjunction with the conduct of any governmental program, operation or activity, including, but not limited to, federal, state, county, and municipal governments, and school and recreation districts.
  - mm. Sign, Road: A typical road sign related to public safety that the County or the Colorado Department of Transportation installs or requires a landowner to install.
  - nn. Sign Structure: Any combination of materials to form a construction for the purpose of attaching, fixing, or otherwise supporting a sign, whether installed on, above, or below the surface of the land, a building, or any other solid surface.
  - oo. Sign, Temporary: Temporary Sign: A sign that is:
    - i. constructed of either rigid or non-rigid material, and
    - ii. physically attached to, or freestanding on, the ground or any structure, and
    - iii. designed or intended to be attached or freestanding impermanently for a limited time
  - pp. Sign, Window: A sign posted, painted, placed, or affixed to a window and inside a building, but clearly visible from outside the building. This includes any sign that is mounted within three (3) feet of a window and oriented to the window in a manner that is visible from the outside of the building or wraps or film that reduce the transparency of the window. For purposes of this definition, a curtain wall or window wall is not considered a window.
  - qq. Sign, Yard: A detached sign, accessory to the primary use of land that is located in the yard of a lot, for temporary purposes only. Examples include signs posted by a real estate professional, land developer, builder, home improvement company, garage sale advertising, and signs expressing an opinion.
130. **Site Specific Development Plan:** A plan that has been submitted to a local government by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.
131. **Sketch Plan:** The sketch maps or maps of a proposed subdivision drawn and submitted in accordance with the requirements of the Routt County Subdivision



Regulations, to evaluate feasibility and design characteristics at an early stage in the planning.

132. **Skylined:** A structure is skylined when, because of its placement on a ridgeline or other topographical feature, all or any portion of it, when viewed from a specified observation point such as a public right-of-way, appears to project above the ground surrounding the structure into the sky which is in the background of the structure.
133. **Sludge:** Any solid or semi-solid waste generated by municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, that has been treated to obtain pathogen destruction, odor control, or putrescibility control.
134. **Sludge Disposal:** Land application or beneficial use: Placement of sludge on the land at agronomic rates so as to use the nutrients and/or moisture in the sludge as a soil conditioner or low-grade fertilizer for the promotion of vegetative growth.
135. **Solar Land Cover:** The entire land area that encompasses all components of the solar energy system, including but not limited to mounting equipment, panels and ancillary components of the system. Access roads, transmission lines, and fencing are not included in this calculation.
136. **Small Structure:** A structure subordinate to the other buildings on a lot, used for the purposes customarily incidental to the buildings on a lot and associated with playhouses, or storage of lawn and pool care equipment, decks less than 30” above finished grade or any other items used in the normal maintenance of residential property which does not exceed 120 square feet. Small Structures do not have a permanent foundation and do not require a building permit. No more than one (1) structure may be considered within the setback per property under this definition and be no closer to any property line than four (4) feet.
137. **Solar Collector:** A device used to absorb solar radiation and convert it into heat or electricity.
138. **Solar Energy Systems (SES):** An energy system of any scale designed to convert sunlight into a different form of energy. Solar Energy Systems may also be referred to as Solar Energy Facilities. Solar Energy Systems may include the following structures:
  - a. Solar collectors;
  - b. Equipment necessary for converting sunlight into a different form of energy (including photovoltaics). This may include charge regulators, inverters, and PV support structures (which may include buildings);
  - c. Transmission lines and other overhead and underground electrical distribution, collection, communications lines, towers and related appurtenances, electric transformers, electric substations, switch stations, junction boxes, battery energy storage facilities (where allowed by this section), telecommunications equipment and lines, and related power generation and transmission facilities;
  - d. Temporary and permanent roads, crane travel paths, fences, and gates;
  - e. Control buildings, maintenance buildings, maintenance yards, septic systems, laydown and staging areas, and related facilities and equipment; and
  - f. Associated landscaping, fencing and parking lots.

139. **Solar Microgrids:** Small-scale, localized solar energy systems that can be paired with Battery Energy Storage System and or a generator that can generate, store, and distribute electricity and may operate independently of, or in conjunction with, the main power grid. Microgrids may occur in Community-Scale Solar Energy Systems.
140. **Solid Waste:** Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material; including solid, liquid, semisolid, or contained gaseous material resulting from residential, industrial, commercial, or community activities. “Solid Waste” does not include any of the following:
- a. solid or dissolved materials in domestic sewage,
  - b. agricultural wastes, or solid or dissolved materials in irrigation return flows,
  - c. industrial discharges which are point sources subject to permits under provisions of the “Colorado Water Quality Control Act”, Title 25, Article 8, CRS
  - d. materials handled at facilities licensed pursuant to the provisions of the “Radiation Control Act” in Title 25, Article 11, CRS,
  - e. scrap metal that is being recycled,
  - f. shredded circuit boards that are being recycled
141. **State Highway:** A highway that is part of the state highway system under the jurisdiction of the Colorado Department of Transportation.
142. **Street:** Any street, avenue, boulevard, road, lane, parkway, viaduct, or other way for the movement of vehicular traffic which is an existing federal, state, county or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, parking areas and other areas within the right-of-way.
143. **Structure:** Anything constructed or erected requiring a fixed location on the ground or attached to something having a fixed location on the ground, an edifice or building of any kind, a container greater than 120 sq. ft., or any piece of work built or composed of parts joined together in some definite manner. This shall not include pipelines, telephone lines or electrical power lines, raised garden beds, retaining walls under 4-foot, culverts, ranch entry ways, mailboxes, paver patios or on-grade patios or decking, walks, driveways, fences, and roads.
144. **Structure:** For floodplain management purposes, a walled or roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means a building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site or a manufactured home (also known as a mobile home) affixed to a permanent foundation.
145. **Subdivider or Developer:** Any person or legal entity that participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.
146. **Subdivision Improvements Agreement Guarantee:** One or more security arrangements in a form prescribed by the County to secure the construction of

- improvements as are required by the County and shall include collateral acceptable to the Board.
147. **Subdivision Plan:** The map or maps of a proposed subdivision and specified supporting materials to permit the evaluation of the proposal prior to detailed engineering and design.
  148. **Threatened or Endangered Species:** A species that has been designated as either threatened or endangered under either the Federal Endangered Species Act or Colorado Law.
  149. **Tilt:** The angle of the solar panel / collector relative to the horizontal ground plane. Tilt is most often between 5 and 40 degrees.
  150. **Traffic Impact Study:** A study that evaluates the effects a particular project's or use's traffic will have on the transportation network and provides recommendations to mitigate the impacts.
  151. **Transportation Overview:** A written statement prepared by an applicant that includes a detailed description of the proposed access route, traffic circulation plan, and vehicle information (type, size, weight, number, and frequency of vehicles)
  152. **Transportation Summary Information:** A document prepared by an applicant that includes the information needed for a consultant to start preparing a Road Engineering Study.
  153. **Unstable or Potentially Unstable Slopes:** An area susceptible to landslide, mudflow, rock fall or accelerated creep of soils.
  154. **Usable Open Space:** (See Open Space, Usable)
  155. **Use by Right:** A use that is listed as a use permitted by right in any given Zone District in these Regulations. Uses by right are not required to show need for their location but may be required to obtain other permits in order to comply with federal, state and local regulations.
  156. **Vacation Rental Service:** A person that operates a website or any other digital platform that provides a means through which an owner or owners' agent may offer a lodging unit, or portion thereof, for short-term rental, and from which the person financially benefits.
  157. **Vehicle – Inoperative:** A motor vehicle that cannot be moved under its own power.
  158. **Vested Property Right:** The right to undertake and complete the development and use of property under the express terms and conditions of a site specific development plan.
  159. **Site Specific Development Plan:** A plan that has been submitted to a local government by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.
  160. **Waterbody:** Includes:
    - a. Any perennial or intermittent river or stream that drains 320 acres or more or is known to flow for more than 90 days per year;
    - b. Lakes, reservoirs, ponds, or springs that holds or conveys water at any time of the year or supports riparian vegetation;
    - c. Wetlands;

- d. Does not include irrigation ditches, roadway drainage ditches, artificial lakes, ponds, or wetlands that are created and used for the primary purpose of agricultural operations.
161. **Weed, Noxious:** An alien plant or parts of an alien plant that have been designated by the State of Colorado as being noxious or has been declared a noxious weed by the Routt County Weed Board.
162. **Wetbar:** An ancillary room or area used, intended to be used, or designed to be used for preparation of food, which lacks one or more elements of a kitchen.
163. **Wetland:** Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Common wetlands may include wet meadows, shallow marshes, willow stands, wet forested areas associated with high groundwater or snowmelt, peatlands, fens, irrigated lands, and other areas along watercourses or where groundwater is near the ground surface. Wetlands that satisfy this definition are protected by these regulations, whether or not they are subject to the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.
164. **Wildfire Hazard:** The combination of fuels and topography that present potential for wildfires to endanger life or property.
165. **Wildlife:** All species of wild animals native to Routt County, including, but not limited to, big game species such as elk, moose and deer as well as threatened and endangered species.
166. **1041 Regulations:**
- a. **Airport:** Any municipal or county airport or airport under the jurisdiction of an airport authority.
  - b. **Arterial Highway:** Any limited-access highway which is part of the federal-aid interstate system or any limited-access highway constructed under the supervision of the department of transportation.
  - c. **Collector Highway:** A major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, the department of transportation. "Collector highway" does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.
  - d. **Domestic Water And Sewage Treatment System:** A wastewater treatment facility, water distribution system, or water treatment facility, as defined in section 25-9-102 (5), (6), and (7), C.R.S., and any system of pipes, structures, and facilities through which wastewater is collected for treatment.
  - e. **Historical Or Archaeological Resources Of Statewide Importance:** Resources which have 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.
  - f. **Key Facilities:**
    - i. Airports;

- ii. Major facilities of a public utility;
  - iii. Interchanges involving arterial highways;
  - iv. Rapid or mass transit terminals, stations, and fixed guideways.
- g. **Major Facilities Of A Public Utility:**
- i. Central office buildings of telephone utilities;
  - ii. Transmission lines, power plants, and substations of electrical utilities; and
  - iii. Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.
- h. **Mass Transit:** A coordinated system of transit modes providing transportation for use by the general public.
- i. **Mineral:** An inanimate constituent of the earth, in 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 a construction material. "Mineral" does not include surface or groundwater subject to appropriation for domestic, agricultural, or industrial purposes, nor does it include geothermal resources.
- j. **Mineral Resource Area:** An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools, or otherwise as to be capable of economic recovery. "Mineral resource area" includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.
- k. **Natural Resources Of Statewide Importance:** Limited to shorelands of major, publicly owned reservoirs and significant wildlife habitats in which the wildlife species, as identified by the division of parks and wildlife of the department of natural resources, in a proposed area could be endangered.
- l. **New Communities:** The major revitalization of existing municipalities or the establishment of urbanized growth centers in unincorporated areas.
- m. **Rapid Transit:** The element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway constructed solely for that purpose.

## APPENDIX A: FEE SCHEDULE

All fees below shall be paid in full at the time of application and are nonrefundable. Applicable fees shall be doubled for after-the-fact development applications.

Notwithstanding the building permit fee schedule, the Planning Director, Board of County Commissioners, or other acceptable entity acceptable to Routt County, may authorize a reduction or waiver of building permit fees, engineering review fees, or construction mitigation fees as deemed appropriate and as consistent with this UDC. Building permit fees shall be reduced by no more than 50% for projects with a fee significantly disproportionate to the service requirements.

The County may not waive or reduce fees collected on behalf of a separate government agency.

<b>APPENDIX A: ROUTT COUNTY PLANNING DEPARTMENT FEE SCHEDULE</b> Effective X/XX/2024			
<p><b>APPLICATION FEES:</b> The application fees listed shall be paid in full at the time of application. An application will not be deemed complete and scheduled for review until the application fee has been paid in full. The application fee is designed to cover filing, publication, processing costs and Staff Planner time to process the application.</p> <p><b>ANNUAL FEES:</b> Permits/Approvals that require an ongoing review and administration (as determined by the Planning Director) are required to pay annual fees as noted below. Annual fees apply to all active Permits/Approvals including those issued prior to the adoption of this fees schedule.</p> <p><b>RENEWAL FEES:</b> 50% of the minimum basic fee will be charged to process administrative renewals that are authorized under the original conditions of approval.</p> <p><b>SPECIAL FEES:</b> Special fees may be charged at the discretion of the Planning Director for professional consultants or special research/analysis that is required to ensure adequate review of a development application.</p> <p><b><u>APPROVALS/PERMITS ARE CONTINGENT ON FULL PAYMENT OF ALL APPLICABLE FEES:</u></b> This includes any and all application fees, annual fees, and/or special fees. Approvals/Permits with outstanding balances that exceed 90 days may be revoked.</p>			
REVIEW PROCESS	APPLICATION FEES	ANNUAL FEES	NOTES
<b>Minor Use Permit</b>	<b>\$150</b>		
<b>Building Permit Review</b>	<b>\$75</b>		<i>Collected at permit application through Building Dept. Hourly rates apply for reviews more than ½ hour.</i>
<b>Floodplain Development Permit</b>	<b>\$300</b>		
<b>35-acre Subdivision Plat Road Review</b>	<b>\$1,800</b>		
<b>Major Land Preservation Subdivision Exemption (LPS)</b>	<b>\$1,200+\$100/ buildable lot</b>		

<b>Minor Land Preservation Subdivision Exemption</b>	<b>\$1,200+\$75/ buildable lot</b>		
<b>Pre-Application Conference</b>	<b>\$1,200</b>		
<b>Administrative Permit</b>	<b>\$600</b>	\$150	<i>No Fee for Waterbody Setback Permit required for buildable lot access  Total fees collected for electric or solar thermal devices shall not exceed actual costs to the County and up to a maximum of \$500 for residential systems.</i>
<b>Conditional Use Permit</b>	<b>\$900</b>	\$150	<i>Total fees collected for electric or solar thermal devices shall not exceed actual costs to the County and up to a maximum of \$1000 for non-residential systems.</i>
<b>Special Use Permit (Non-mining)</b>	<b>\$1,200</b>	\$150	
<b>Special Use Permit (Mining, mineral extraction and related uses and Solar Energy Systems)</b>	<b>\$2,000</b>	\$500	
<b>Amendment to Zoning Map</b>	<b>\$1,200</b>		<i>50% reduction in Application Fee for Milner rezone AF to LDR, MDR, or GR  50% reduction in Minimum Basic Fee for Steamboat Lake or Stagecoach rezone from LDR, MDR, HDR, or GR to MRE</i>
<b>Zoning Variance</b>	<b>\$1,200</b>		<i>Total fees collected for electric or solar thermal devices shall not exceed actual costs to the County and up to a maximum of \$500 for residential systems and \$1000 for non-residential systems.</i>
<b>Conceptual PUD Plan</b>	<b>\$1,200</b>		

<b>Final PUD Plan</b>	<b>\$2,400</b>		
<b>Subdivision Exemption</b> (BCC review only)	<b>\$2,400</b>		<i>Creation of new tracts of land or residential sites</i>
<b>Pre-App./Sketch Subdivision</b>	<b>\$580 + \$20/lot</b>		<i>Final Plats that combine Pre-Application, Sketch, Preliminary and Final Subdivision review will be charged Final Subdivision Plat fees</i>
<b>Preliminary Subdivision</b>	<b>\$2,400 + \$40/lot</b>		
<b>Final Subdivision Plat</b>	<b>\$1,100 + \$20/lot</b>		
<b>Replat</b>	<b>\$600</b>		<i>Includes, but not limited to, Lot Line Adjustment, Consolidation, Plat Correction, and Building Envelope removal applications</i>
<b>Plat Review</b>	<b>\$600</b>		<i>Assessed following application approval but prior to staff beginning review of the plat.</i>
<b>Vacation of Plat, Right-of-Way or Public Utility Easement</b>	<b>\$800</b>		
<b>Site Plan Review</b>	<b>\$900</b>		
<b>Skyline Test</b>	<b>\$300</b>		
<b>Resubmittals</b>	<b>50% of original application fee</b>		<i>Will be assessed on the fourth application or plat submittal</i>
<b>Appeal</b>	<b>\$800</b>		
<b>Plumbing/Removal Agreement</b>	<b>\$150</b>		
<b>Large Lot Agreement</b>	<b>\$75</b>		
<b>Development/Subdivision Improvement Agreement</b>	<b>\$300</b>		
<b>Other review that requires County approval</b> (including Master, Comprehensive, and Community Plan amendments including Urban Growth Boundary Expansions)	<b>\$1,200</b>		
<b>AFTER THE FACT REVIEW:</b> An additional charge equal to the total applicable application fees may be applied to all applications for Approvals/Permits that are received after the start of construction and/or operation.			
<b>MULTIPLE PROCESSES:</b> In general an application will be charged the total of all applicable application fees at the time of application. However the Planning Director may			



adjust the aggregate of fees for **concurrent reviews** based upon the scope and complexity of each affected application and the cost to Routt County to complete the reviews.

**OTHER DEPARTMENT AND AGENCY FEES:** Applicant will be responsible for any and all fees charged by other departments or agencies necessary to process application.

**CRITERIA FOR THE WAIVER OF FEES FOR SPECIAL PROJECTS:** Fees may be reduced or waived by the Planning Director or the Board of County Commissioners. In general, but not limited to, the following categories will be used to determine if a fee reduction or waiver is appropriate:

- a) Projects of public entities.
- b) Projects of non-profit entities that will have a substantial benefit to the citizens of Routt County.
- c) Projects initiated by Routt County