AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Land Use Resolution Amendments

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Planning Commission Recommendation

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 9/14/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 9/14/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\emense Discharge Date: 9/14/2018

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 30

Agenda Date: 10/2/2018

Revised April 2015

Gunnison County
Community Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

September 7, 2018

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Planning Commission**

SUBJECT: **Amendments to the *Gunnison County Land Use Resolution***

The proposed amendments to the *Gunnison County Land Use Resolution* were initiated by Community Development staff and Planning Commission. The amendments are intended to clarify, as well as modify several existing standards, to eliminate any ambiguities within the document.

Pursuant to Section 1-113: C.: of the *Resolution*, the Community Development Department and Planning Commission have reviewed the proposed amendments and considered the following:

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

*****

At its regular meeting of September 7, 2018, Commissioners Plata and Spivey were seated and the Planning Commission recommended approval of the proposed amendments to the *Gunnison County Land Use Resolution*, moved by Commissioner Diani and seconded by Commissioner Rogalski:

Exhibit A - individual pages attached (<u>underlined</u> text in blue is new language; ~~struck through~~ text in red is deleted):

EXHIBIT A

2018 - PROPOSED LUR AMENDMENTS

Article 2 – Definitions (Long Term Camping)

- Add definition of long term camping

Section 5-102: Projects Classified as Administrative Review Projects That Require Land Use Change Permits

- Add Non-commercial helicopter use
- Add Amending/Terminating subdivision covenants

Section 5-104: Administrative Review Project Application

- Clarify boundary line adjustment language

Section 6-102: Projects Classified As Minor Impact Projects

-

Section 6-104: Final Submittal for Minor Impact Project – Addressing

- Delete outdated addressing language

Section 7-401: Final Submittal for Major Impact Project – Addressing

- Delete outdated addressing language

Section 9-104: Marijuana

- Add Vista Business Center

Section 9-201: Individual Manufactured and Mobile Homes

- Delete outdated information

Section 9-301: Commercial and Industrial Uses – Light Industrial Standards

- Clarify number of allowed employee/owner residences
- Increase square footage for employee/owner residences

Section 9-509: Camping on Individual Parcels

- Clarify long-term camping standards

Section 9-604: Incentives to Provide Essential Housing

- Clarify language

Section 13-106: Energy Conservation

- Delete outdated Section

Proposed language is underlined, in blue.

Proposed deletions are struck through, in red.

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

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

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

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

BUSINESS has the same meaning as "Commercial."

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

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

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

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

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

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

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

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

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

ARTICLE 5: ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE LAND USE CHANGE PERMITS

SECTION 5-101: PURPOSE

The purpose of this Article is to establish the review process, application submittal requirements and review standards that apply to the review of applications classified as Administrative Review Projects that require Land Use Change Permits.

A. INITIAL CLASSIFICATION OF IMPACT AND REASONS FOR A HIGHER LEVEL OF REVIEW. If the Community Development Department determines during review of an application, including a Building Permit, that the proposed use exceeds the classification criteria of an Administrative Review Project, the criteria detailed in Section 3-111: B. 1: *Additional Criteria* shall be considered and the appropriate review process and submittals for an Administrative Review Project, a Minor or Major Impact Project shall be required and an application for a Land Use Change Permit shall be required to be submitted.

SECTION 5-102: PROJECTS CLASSIFIED AS ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE LAND USE CHANGE PERMITS

The following types of Projects are classified as Administrative Review Projects that require Land Use Change Permits:

A. PRIMARY RESIDENCE 10,000 SQ. FT. OR LESS, IN EXISTING PLATTED SUBDIVISION. A primary residence smaller than 10,000 sq. ft., located within an existing platted subdivision. The residence may include an attached garage, which shall be calculated in the total square footage allowed for the residence.

B. AGGREGATE RESIDENTIAL SQUARE FOOTAGE LESS THAN 12,500 SQ. FT. On one parcel, the aggregate square footage of structures less than 12,500 sq. ft., (excluding from the calculation horse/hay sheds less than 500 sq. ft., one 120 sq. ft. storage shed, and a private greenhouse), that may include:

1. **RESIDENTIAL LIVING AREA AND ATTACHED GARAGES 10,000 SQ. FT. OR LESS.** 10,000 or less sq. ft. of residential living area (one single-family residence, or any combination of a primary single-family residence, an integrated secondary residence, and/or a detached secondary residence allowed by Section 9-101: *Uses Secondary to a Primary Residence*) and a garage attached to a residence.

C. SECONDARY STRUCTURES AND USES. The following secondary structures and uses, pursuant to Section 9-101: D: *Secondary Structures and Uses That Require a Land Use Change Permit:*

1. **SECONDARY STRUCTURE INTENDED ONLY FOR SLEEPING AND HAS NO KITCHEN**. A secondary structure without a kitchen that is to be used only for sleeping facilities. It shall comply with the requirements of the *Gunnison County On-Site Wastewater Treatment System Regulations*.

2. **MORE THAN ONE HOME OCCUPATION.** More than one home occupation, pursuant to Section 9-102: *Home Occupations*.

D. MOBILE HOME NOT IN A MOBILE HOME COMMUNITY. A mobile home proposed to be located on an individual parcel of land not in a mobile home community, but adjacent to a subdivision whose protective

covenants do not address, or expressly prohibit mobile homes within the subdivision, pursuant to Section 9-201: *Individual Manufactured and Mobile Homes.*

E. **BOUNDARY LINE ADJUSTMENT**. An application to adjust the lot line between adjacent parcels or lots in platted approved subdivisions when the adjustment is in compliance with Section 5-103: *Standards for Approval of Administrative Review Projects.*

F. **LOT CLUSTERS.** An application to eliminate the lot lines separating adjacent lots that are commonly owned.

G. **CORRECTION PLAT.** An application to correct a technical error in a subdivision plat that has been approved and recorded.

H. **REPAIR OF EXISTING DISTRIBUTION LINES.** Repair of existing distribution lines located substantially within an existing utility easement.

I. **ALTERATION OF APPROVED BUILDING ENVELOPES.** Alterations of building envelopes on lots that were approved as an element of a Land Use Change Permit.

J. **SUBDIVISION EXEMPTION TO "VALIDATE" AN EXISTING LOT.** Pursuant to C.R.S. 30-28-101 (10) (d)., the "validation" of a lot that existed prior to the effective date of this *Resolution*, but did not exist before September 27, 1972 and has not been reviewed and approved by the County as a legally subdivided lot "legal lot").

K. **EXPANSION OR CHANGE OF COMMERCIAL OR INDUSTRIAL USE TO TOTAL SIZE OF ~~5,000~~ 10,000 SQ. FT. OR ONE ACRE OR LESS.** Expansion or change of a commercial or industrial use existing as of the effective date of this *Resolution,* when the expansion will result in the use having a total size of less than 5,000 sq. ft. of a structure, or one acre of land.

L. **PLAT FOR APPROVED CONDOMINIUMS/TOWNHOME PROJECT.** A constructed condominium or townhome Project, or individual phase of a condominium or townhome Project, for which a Land Use Change Permit has been approved for the overall development.

M. **LIMITED MINERAL EXPLORATION.** Limited mineral exploration (activities related to proving up a patented mining claim pursuant to federal law), as addressed in Section 9-402: C.3: *Limited Mineral Exploration.*

N. **UNDERGROUND MINERAL EXPLORATION**. An application for underground mineral exploration for operations existing as of the effective date of this *Resolution*, as addressed in Section 9-402: D: *Extension and Expansion of Current Underground Mineral Exploration Required to File Notice of Activity.*

O. **EXTRACTION OF CONSTRUCTION MATERIALS**. Extraction of construction materials that generates more than 300 cubic yards, per Section 9-402: C. 1: *Limited Construction Material Extraction.*

P. **CONSTRUCTION OF A DRIVEWAY ON A VACANT PARCEL OF LAND PRIOR TO ISSUANCE OF A BUILDING OR ON-SITE WASTEWATER TREATMENT SYSTEM PERMIT.** The construction of a driveway on vacant land prior to the issuance of a building or on-site wastewater treatment system permit, excluding agricultural or temporary access permits.

Q. **NON-COMMERCIAL USE OF HELICOPTER FOR ACCESS TO PRIVATE PROPERTY.** The non-commercial use of a helicopter solely for the use by the property owner for access to private property.

R. **AMENDMENT OR TERMINATION OF SUBDIVISION COVENANTS.** Amendment or termination of subdivision covenants, for covenants approved as part of the subdivision approval by Gunnison County.

the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners
Attest:

_____
Gunnison County Clerk and Recorder

5. **GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE.** (To be placed in the lower right-hand corner of cover sheet.)

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of _____, A.D. 20_____, Reception Number _____, Time _____, Date _____.

_____
Gunnison County Clerk and Recorder

6. **SURVEYOR'S STATEMENT.** A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him or under his direct responsibility and supervision and explaining how bearings, if used, were determined.

L. **APPLICATION FORM FOR BOUNDARY LINE ADJUSTMENTS**. In addition to completing the application form as specified in Section 5-104: *Administrative Review Project Application* applications for boundary line adjustments shall also include:

1. **CONSENT OF ALL LANDOWNERS AND MORTAGE HOLDERS**. If the application is for a boundary line adjustment, the application shall include notarized written consent from all landowners and mortgage holders whose lot lines are being adjusted.

2. **SURVEY PLAT.** A survey shall be submitted that includes the following:

   a. **TITLE AND DESCRIPTION.** It shall include the title, "Boundary Line Adjustment;" and reference the property description by township and range, or by lot, parcel or tract number, as appropriate.

   b. **LEGEND.** A legend shall be included on the survey, clearly indicating the original boundaries, and the adjusted boundaries.

   c. **ATTORNEY'S OPINION.** Any survey plat for a boundary line adjustment presented for approval shall contain this statement:

ATTORNEY'S OPINION

I, (printed name of attorney), an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in _____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows: (list same or indicate none). Dated this _____ day of _____, 20 ___.

/s/ _____
Attorney-at-Law

   d. **SURVEYOR'S STATEMENT**. A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him/her or under his/her direct responsibility, supervision and checking and explaining how bearings, if used, were determined.

   e. **COUNTY APPROVAL SIGNATURES.** Any survey plat for a boundary line adjustment presented for approval shall contain the following statements:

      1. **BOARD OF COUNTY COMMISSIONERS' APPROVAL.** Any Commissioner of the Board is authorized to sign the plat without formal Board review.

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of the boundary line adjustment (name of plat title in capital letters) is approved this _____ day of _____, A.D. 20_____, _____.

_____

Chairperson, Gunnison County Board of Commissioners

Attest:

ARTICLE 6: MINOR IMPACT PROJECTS

SECTION 6-101: PURPOSE

The purpose of this Article is to establish the review process, application submittal requirements, and review standards that apply to the review of Land Use Change Permit applications for developments classified as Minor Impact Projects.

A. **INITIAL CLASSIFICATION OF IMPACT AND REASONS FOR A HIGHER LEVEL OF REVIEW**. If the Community Development Department determines during review of an application, including a Building Permit, that the proposed use exceeds the classification criteria of a Minor Impact Project as listed within this Article, the criteria detailed in Section 3-111: B. 1: *Additional Criteria* shall be considered, the appropriate submittals shall be required, and the appropriate review process initiated.

SECTION 6-102: PROJECTS CLASSIFIED AS MINOR IMPACT PROJECTS

The following uses shall be classified and reviewed as Minor Impact Projects:

A. **2-4 UNITS.** 2-4 units that are subdivision lots, duplex units, or multiple-family residences, except as allowed pursuant to Section 9-101: D. 2.: *Secondary Structures and Uses Classified as Minor Impact Projects.*

B. **PRIMARY RESIDENCE 10,000 SQ. FT. OR LARGER.** A primary residence 10,000 sq. ft. or larger. The residence may include an attached garage, which shall be calculated in the total square footage allowed for the residence, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*

C. **AGGREGATE SQUARE FOOTAGE OF 12,500 OR MORE SQ. FT.** An aggregate of 12,500 or more sq. ft. of residential living area (one single-family residence, or any combination of a primary single-family residence, an integrated secondary residence, and/or a detached secondary residence allowed by Division 9-100: *Secondary Uses and Activities* on one parcel, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*

D. **AGGREGATE SQUARE FOOTAGE GREATER THAN 45 PERCENT OF AREA.** An aggregate square footage of structures that exceeds 45 percent of the total area of one parcel, pursuant to *Section 13-105: Residential Building Sizes and Lot Coverages.*

E. **MORE THAN ONE SECONDARY RESIDENCE ON A LEGAL LOT OR TRACT.** More than one secondary residence on a legal lot or tract, except as allowed pursuant to Section 9-101: *Uses Secondary to a Primary Residence.*

F. **DEVELOPMENT REQUIRING DETAILED RIDGELINE VANTAGE VISIBILITY ANALYSIS**. Any development other than a Project classified as a Major Impact Project, and for which a detailed ridgeline vantage visibility analysis is required, pursuant to Section 11-108: F: *Impact Classification.*

G. **CLEARING OF MORE THAN 7500 SQ. FT. OF LAND**. Clearing of more than 7,500 sq. ft. of land not related to activities permitted by a Building Permit, an ISDS Permit, or Access Permit, or an agricultural operation.

H. **NEW COMMERCIAL, INDUSTRIAL ~~5,000~~ 10,000 SQ. FT., OR FIVE ACRES OR LESS**. A new commercial or industrial structure equal to or less than ~~5,000~~ 10,000 sq. ft. or a new commercial or industrial use developed on five acres or less.

I. **~~5,000-9,999~~ 10,000 – 15,000 SQ. FT. EXPANSION OF COMMERCIAL OR INDUSTRIAL USE**. A ~~5,000–9,999~~ **10,000 – 15,000** sq. ft. expansion of a commercial or industrial use, existing as of the effective date of this *Resolution*.

J. **FREESTANDING WIRELESS TELECOMMUNICATION STRUCTURE**. Construction and siting of a freestanding wireless communication structure, building, pole, tower or antenna that provides wireless

telecommunications services, pursuant to Section 9-505: *Freestanding Wireless Telecommunication Structures.*

K. **SMALL NEW OR EXPANDED MINING OPERATION**. A new, or expansion of a mining operation that operates for no more than 180 days per year, produces fewer than 10,000 tons of ore/waste per year and affects no more than two surface acres of land, pursuant to Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.*

L. **CONSTRUCTION MATERIALS OPERATION RELATED TO CONSTRUCTION OF PUBLIC ROAD.** Any sand, gravel, or quarry operation providing material for public road construction that will operate for less than two years.

developer, or required by the County; such plans shall be designed and stamped by a qualified professional engineer licensed in the State of Colorado. Engineering plans may be bound separately when size or bulk makes it advisable. Two folded copies of each of the plans shall be provided that can be stored in legal-sized folders, and shall not be submitted in rolled form.

I. **UTILITY LOCATION PLANS.** As applicable, final utility location plans approved by all utility companies identified as providing service to the development.

J. **WATER SUPPLY.** Documentation of a final court decree, deed or other written evidence demonstrating ownership and/or right to use water in the amounts, manner and location(s) for the uses and activities included in the development.

1. **WATER AUGMENTATION PLAN**. If the Division of Water Resources required that a plan of water augmentation be designed, submitted and approved, a copy of the decree(s) for the plan shall be submitted. The plan shall accurately portray the number and types of uses described in the applicant's Final Plan application submittal, including phases, if applicable.

~~K. **RURAL ADDRESSING SYSTEM PLATS.** If the development is a subdivision, condominium or townhome development, three copies of the Final Plat, 14 inches by 17 inches, for inclusion in the rural addressing system, one of which the Community Development Department will provide to the applicable County department for emergency services purposes.~~

~~L~~K. **SPECIFICATIONS FOR SUBDIVISION PLATS**. Subdivision plats intended for recording shall be prepared by a surveyor registered in the State of Colorado, clearly and legibly drawn on indelible material so that legible prints can be made from it. The Plat recorded in the Office of the Clerk and Recorder of Gunnison County shall be a nonerasable copy of the original. Sheet size shall be 24" x 36". The scale of the final plat shall be sufficiently large to show clearly the details of the plan (preferably 1" = 100').

1. **PUBLIC AREAS.** All public or common areas shall be identified.

2. **NON-DUPLICATING ROAD NAMES.** All roads shall be named. Road names shall not duplicate those of any existing named road within the unincorporated county or any incorporated municipality, to avoid confusion and duplication.

3. **ACCESS AND OTHER EASEMENTS.** Planned and existing, recorded or apparent easements shall be shown, including 25-foot easements from each irrigation ditch bank pursuant to Section 11-109: G. 2.: *Irrigation Ditch Easements*, watercourses, public utilities, drains, sewers, snow storage areas, roads and paths or trails crossing the property, the closing or changing of which might affect the rights of others or result in damage to the property of the owner.

4. **BLOCKS AND LOTS.** All blocks and lots or spaces shall be consecutively numbered.

~~5. **LOT ADDRESSES.** The applicant shall provide a copy of the Plat to the Gunnison County Building Inspector who shall assign the appropriate addresses, which shall be shown on the recordable Plat.~~

~~6~~5. **REFERENCE TO PROTECTIVE COVENANTS**. If protective covenants are included as an element of the development, they shall be filed with the plat and the plat shall contain the correct recording references.

~~7~~6. **CURVE DATA.** All curve data, in a chart that includes radii, internal angles, and lengths of all arcs and points of curvature.

~~8~~7. **REQUIRED PLAT LANGUAGE.** The following plat language:

a. **FLOODPLAIN WARNING AND DISCLAIMER.** If the subject property is located within an identified floodplain, language shall be included on the plat pursuant to Section 11-103: F. 1. *Warning and Disclaimer of Floodplain Hazards Affecting Use and Occupancy of This Property*.

b. **GEOLOGIC HAZARDS WARNING AND DISCLAIMER.** If the subject property is located within an identified geologic hazard area, language shall be included on the plat pursuant to Section 11-104: F. 5: *Warning and Disclaimer of Geologic Hazards Affecting Use and Occupancy of This Property*.

c. **WILDFIRE HAZARD AREA WARNING AND DISCLAIMER**. If the subject property is located within an area designated as a wildfire hazard area, language shall be included on the plat pursuant to Section 11-106: G: *Warning and Disclaimer of Wildfire Hazards Affecting Use and Occupancy of This Property.*

d. **COMPLIANCE WITH COUNTY APPROVAL DOCUMENTS**. A Plat presented for approval shall contain one of the following statements, as applicable:

accurately portray the number and types of uses described in the applicant's Final Plan application submittal, including phases, if applicable.

~~L. **RURAL ADDRESSING SYSTEM PLATS.** If the development is a subdivision, condominium or townhome development, three copies of the Final Plat, 14 inches by 17 inches, for inclusion in the rural addressing system, one of which the Community Development Department will provide to the applicable County department for emergency services purposes.~~

~~M~~L. **SPECIFICATIONS FOR SUBDIVISION PLATS**. Subdivision plats intended for recording shall be prepared by a surveyor registered in the State of Colorado, clearly and legibly drawn on indelible material so that legible prints can be made from it. The Plat recorded in the Office of the Clerk and Recorder of Gunnison County shall be a nonerasable copy of the original. Sheet size shall be 24" x 36". The scale of the final plat shall be sufficiently large to show clearly the details of the plan (preferably 1" = 100').

1. **PUBLIC AREAS.** All public or common areas shall be identified.
2. **NON-DUPLICATING ROAD NAMES.** All roads shall be named. Road names shall not duplicate those of any existing named road within the unincorporated county or any incorporated municipality, to avoid confusion and duplication.
3. **ACCESS AND OTHER EASEMENTS.** Planned and existing, recorded or apparent easements shall be shown, including 25-foot easements from each irrigation ditch bank pursuant to Section 11-109: G. 2.: *Irrigation Ditch Easements*, watercourses, public utilities, drains, sewers, snow storage areas, roads and paths or trails crossing the property, the closing or changing of which might affect the rights of others or result in damage to the property of the owner.
4. **BLOCKS AND LOTS.** All blocks and lots or spaces shall be consecutively numbered.
5. ~~**LOT ADDRESSES.** The applicant shall provide a copy of the Plat to the Gunnison County Building Inspector who shall assign the appropriate addresses, which shall be shown on the recordable Plat.~~

~~6~~5. **REFERENCE TO PROTECTIVE COVENANTS**. If protective covenants are included as an element of the development, they shall be filed with the plat and the plat shall contain the correct recording references.

~~7~~6. **CURVE DATA.** All curve data, in a chart that includes radii, internal angles, and lengths of all arcs and points of curvature.

~~8~~7. **REQUIRED PLAT LANGUAGE.** The following plat language:

a. **FLOODPLAIN WARNING AND DISCLAIMER.** If the subject property is located within an identified floodplain, language shall be included on the plat pursuant to Section 11-103: F. 1. *Warning and Disclaimer of Floodplain Hazards Affecting Use and Occupancy of This Property.*

b. **GEOLOGIC HAZARDS WARNING AND DISCLAIMER.** If the subject property is located within an identified geologic hazard area, language shall be included on the plat pursuant to Section 11-104: F. 5: *Warning and Disclaimer of Geologic Hazards Affecting Use and Occupancy of This Property.*

c. **WILDFIRE HAZARD AREA WARNING AND DISCLAIMER**. If the subject property is located within an area designated as a wildfire hazard area, language shall be included on the plat pursuant to Section 11-106: G: *Warning and Disclaimer of Wildfire Hazards Affecting Use and Occupancy of This Property.*

d. **COMPLIANCE WITH COUNTY APPROVAL DOCUMENTS**. A Plat presented for approval shall contain one of the following statements, as applicable:

1. **COMPLIANCE WITH BOARD RESOLUTION.**

COMPLIANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION

The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No._____ of the Records of the Clerk and Recorder of Gunnison County.

2. **COMPLIANCE WITH APPLICABLE CERTIFICATE OF APPROVAL.**

COMPLIANCE WITH CERTIFICATE OF APPROVAL

The property described on this plat is subject to all the requirements, terms and conditions of Certificate of Approval No. _____, recorded at Reception No._____ of the Records of the Clerk and Recorder of Gunnison County.

SECTION 9-104: MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY.

A. **GENERAL.** The purpose of this Section to protect the health, safety, and welfare of the residents of Gunnison County by regulating marijuana cultivation, manufacturing and/or testing facilities in unincorporated Gunnison County.

B. **NO INTENT TO PROMOTE**. Gunnison County does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of state or federal law. As of the date of the enactment of these regulations, the use, possession, distribution, and sale of marijuana is illegal under Federal law and those who engage in such activities do so at their own risk of criminal prosecution.

C. **PROHIBITED USE.** The following are prohibited in unincorporated Gunnison County.

1. **Retail Marijuana Store Prohibited**: Retail marijuana stores that sell marijuana shall be prohibited in unincorporated Gunnison County.

2. **Medical Marijuana Centers Prohibited**: Medical Marijuana Centers that sell marijuana shall be prohibited in unincorporated Gunnison County.

D. **MARIJUANA MANUFACTURING AND TESTING FACILITIES ARE ALLOWED ONLY IN GOLD BASIN INDUSTRIAL PARK, RIVERLAND INDUSTRIAL PARK, ~~OR~~ SIGNAL PEAK INDUSTRIAL PARK, OR VISTA BUSINESS CENTER.** Medical and Retail Manufacturing and Testing Facilities are only allowed in the Gold Basin Industrial Park, Riverland Industrial Park, and/or Signal Peak Industrial Park and Vista Business Center. Medical and Retail Manufacturing and Testing Facilities shall not be located anywhere in Gunnison County other than the Gold Basin Industrial Park, Riverland Industrial Park, or Signal Peak Industrial Park ~~Areas~~ and Vista Business Center.

E. **LAND USE CHANGE PERMIT AND LICENSE REQUIRED**. To lawfully engage in the business of cultivating, manufacturing, and/or testing marijuana in unincorporated Gunnison County, all persons must obtain a land use change permit, all applicable licenses, and in addition to being required to comply with all other applicable standards and requirements of this *Resolution*, shall comply with the standards identified in 9-104. H. *Additional Standards for Marijuana Cultivation, Manufacturing and/or Testing Facility*.

F. **GOLD BASIN INDUSTRIAL PARK.** A marijuana cultivation, manufacturing or testing facility is a permitted use in the Gold Basin Industrial Park and shall be reviewed pursuant to the *Gold Basin Industrial Park Special Area Regulations* and shall be in compliance with Section 9-104.H of the Land Use Resolution.

G. **REQUIRE A LAND USE CHANGE PERMIT**. The following uses require a land use change permit and shall be reviewed pursuant to Section 5-105*: Administrative Review Project Review Process and in all circumstances must comply with Section 9-104.H.*

1. **MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY CLASSIFIED AS ADMINISTRATIVE REVIEW PROJECTS.** The following are classified as Administrative Review Projects pursuant to Article 5: *Administrative Review Projects That Require Land Use Change Permits:*

   a. **MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY.** Marijuana, cultivation, manufacturing, or testing facility located within a ~~an existing,~~ permitted structure, in the Signal Peak Industrial Park, ~~or~~ Riverland Industrial Park or Vista Business Center.

   b. **EXPANSION OF MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY.** Expansion of a permitted marijuana cultivation, manufacturing or testing facility, where the total square footage of the expansion is less than 5,000 square feet.

2. **MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY CLASSIFIED AS MINOR IMPACT REVIEW PROJECTS.** A Marijuana Facility which is not subject to an administrative review under 9-104 G.1 shall be reviewed pursuant to Section 6-106*: Minor Impact Review Project Review Process.* Marijuana Cultivation Facilities may be considered through a Minor Impact Review process in locations other than Signal Peak Industrial Park, Riverland Industrial Park, ~~and~~ Gold Basin Industrial Park, and Vista Business Center. All Marijuana Cultivation, Manufacturing and Testing Facilities shall

comply with Section 10-104. C2: Compatible With Existing Uses Established In Impact Area and 10-104.C3: No Significant Net Adverse Impact.

H. **ADDITIONAL STANDARDS FOR MARIJUANA CULTIVATION, MANUFACTURING AND/OR TESTING FACILITY.** The establishment or operation of a marijuana cultivation, manufacturing or testing facility is required to comply with the following:

1. **LICENSE REQUIRED.** An applicant shall obtain a state and local license pursuant to and in compliance with the *Gunnison County Licensing Regulations for Marijuana Cultivation, Manufacturing and Testing.*

2. **NO RESIDENTIAL USE WITHIN THE STRUCTURE.** Marijuana Facilities and residential facilities cannot be collocated in the same structure.

3. **NO SIGNIFICANT DEGRADATION:** A Marijuana Facility shall not cause significant degradation to either the natural or man-made environment of the site or the adjacent properties. The applicant shall demonstrate that there will not be a significant degradation or impact in the following areas:

   a. **ODOR.** Noticeable odors shall not occur at the boundary to adjacent properties. Facilities shall be equipped with proper ventilation systems so that odors are filtered and do not materially interfere with adjoining land uses.

   b. **ADEQUATE WATER SUPPLY.** The applicant shall demonstrate that the premise is legally and physically served by a water supply pursuant to Section 12-105: *Water Supply* and.

   c. **ADEQUATE WASTEWATER TREATMENT SYSTEM.** The applicant shall demonstrate compliance to State and County regulations for waste water treatment including Section 12-106: *Sewage Disposal/Wastewater Treatment.*

   d. **ADEQUATE PARKING**. The applicant shall demonstrate that there will be adequate parking to serve the facility, pursuant to Section 13-110: *Off- Road Parking and Loading.*

   e. **ADEQUATE PUBLIC INFRASTRUCTURE**: The applicant shall demonstrate that there is adequate road and utility infrastructure to support the use and its proposed operation.

   f. **SECURITY:** The applicant shall demonstrate that there is adequate premises, product, personnel, and consumer security.

   g. **FIRE SAFETY**. The applicant shall demonstrated that based on its proposed use and operation that there is not a significant fire or criminal safety risk created by the use.

   h. **WASTE DISPOSAL.** The applicant shall demonstrate that waste can be securely and safely disposed

   i. **ENVIRONMENTAL IMPACTS:** The applicant shall demonstrate that there are no significant environmental or human health impacts associated with the construction and operation of proposed facilities.

   j. **VISUAL RESOURCES:** The applicant shall demonstrate that the proposed operation will not be identifiable as a marijuana facility and shall be designed so that it is architecturally compatible with the surrounding natural and built environment. The applicant shall demonstrate that the ambient lighting of a proposed facility does not impact adjacent uses.

4. **OPERATION CONDUCTED WITHIN BUILDING.** All activities associated with the operation of the facility must conducted within the building and not be visible from the exterior of the business.

5. **COMPLIANCE WITH STATE AND COUNTY REGULATIONS.** The facility must operate in compliance with County and State regulations related to marijuana facilities.

6. **COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS.** The facility shall comply with deed restrictions and/or declarations of protective covenants applicable to the parcel on which the facility is located.

7. **COMPLIES WITH APPLICABLE CODES**. The facility shall comply with the applicable building codes, adopted and amended by Gunnison County, State of Colorado Licensing requirements, and Colorado Department of Public Health & Environment codes, and the requirements of the applicable fire protection district.

DIVISION 9-200: SPECIAL RESIDENTIAL USES

SECTION 9-201: INDIVIDUAL MANUFACTURED AND MOBILE HOMES

A. PURPOSES. The purposes of this Section are:

1. **TO REGULATE MANUFACTURED HOMES.** To regulate the permanent installation of manufactured homes on foundations for occupancy as single-family dwellings. All such manufactured homes shall be designed and located to be compatible with neighboring conventionally-built residences. The specifications provided by this Section are designed to ensure the compatibility of manufactured homes with the aesthetic and architectural character of the surrounding neighborhood, in the same manner as that used by the County to approve other residential Building Permits.

2. **TO REGULATE INDIVIDUAL MOBILE HOMES.** To regulate the placement of individual mobile homes outside mobile home communities.

B. SUBDIVISIONS CREATED FOR MANUFACTURED AND MOBILE HOMES. Except as provided in this Section, a Land Use Change Permit application for subdivision of property to provide lots for manufactured and mobile homes shall be subject to all the requirements of this *Resolution* that regulate subdivision of property.

C. NO SEPARATE LAND USE CHANGE PERMIT REQUIRED FOR COMPLIANT INDIVIDUAL MANUFACTURED AND MOBILE HOMES. No separate Land Use Change Permit is required for a manufactured home or a mobile home placed on a legal lot subject to the following:

1. **COMPLIANCE WITH PROTECTIVE COVENANTS OR DEED RESTRICTION.** The applicable protective covenants or deed restrictions do not prohibit such use.

2. **ROOFING SHALL BE SIMILAR**. Roofing shall be similar in color, material and appearance to the roofing material commonly used on residences on adjacent parcels. The roof pitch shall be a minimum of a nominal 2/12; and

3. **EXTERIOR SIDING SHALL BE SIMILAR**. Exterior siding shall be similar in color, material and appearance to the exterior siding material commonly used on residences on adjacent parcels; and

4. **GARAGE OR CARPORT**. If a garage is constructed it shall be in materials and color similar to those of the attached residence where garages are predominant on adjacent parcels. A carport may be constructed if residences on adjacent parcels have carports, or there is a mixture of residences with and without garages or carport; and

5. **ALL CONVENTIONAL STANDARDS APPLY.** All building setbacks, parking, coverage, height, width and size requirements required of conventional homes by the applicable building code adopted and amended by Gunnison County, and by all applicable sections of this *Resolution*, shall apply to manufactured and mobile homes.

D. INDIVIDUAL MANUFACTURED HOMES. Manufactured homes shall comply with all applicable requirements of this *Resolution*, and with the following:

1. **CERTIFICATION**. A manufactured home shall be certified pursuant to all requirements of the *National Manufactured Housing Construction and Safety Standards Act of 1974* (42 U.S.C. 5401 *et seq*: as amended).

2. ~~**SIZE AND**~~ **DESIGN.** At a minimum, a manufactured home shall:

   ~~a. **DIMENSIONS.** Be at least 24 feet in width by 36 feet in length; and~~

   a.~~b.~~ **EXTERIOR MATERIALS AND ROOF PITCH.** Have an exterior of brick, wood or cosmetically equivalent siding and a pitched roof.

3. **SITE PREPARATION, DELIVERY, AND INSTALLATION**. Before delivery to the site, the home shall meet, on an equivalent performance engineering basis, all public safety requirements of the applicable

building code adopted and amended by Gunnison County, including snow load, wind shear and energy conservation factors. The home shall be installed:

a. **IN COMPLIANCE WITH BUILDING AND SEWAGE DISPOSAL SYSTEM PERMIT REQUIREMENTS.** Each manufactured home shall obtain the required building and Individual Sewage Disposal System permits, as applicable, required by Gunnison County.

b. **IN COMPLIANCE WITH THE APPLICABLE BUILDING CODE ADOPTED AND AMENDED BY GUNNISON COUNTY.** In accordance with the requirements of the applicable building code adopted and amended by Gunnison County, if the home was manufactured pursuant to that code; or

c. **IN COMPLIANCE WITH COLORADO DIVISION OF HOUSING REQUIREMENTS**. In accordance with the manufactured housing installation standards set forth in Colorado Division of Housing *Rule 20* as it may be amended, if the home was manufactured to the HUD code; and

d. **PLACEMENT ON PERMANENT ENGINEERED FOUNDATION.** On a permanent engineered foundation certified by a qualified professional engineer licensed in the State of Colorado as structurally sound, permitted and approved by the Building Inspector, and constructed before delivery of the home to the site.

4. **ALL SYSTEMS COMPLETE**. Be complete, including sanitary, heating and electrical systems and be ready for occupancy when delivered to the site except for minor assembly.

E. **INDIVIDUAL MOBILE HOMES**. A mobile home may be permitted on a legal lot that is not in a mobile home community. It shall comply with all other applicable requirements of this *Resolution* and the following:

1. **PLACEMENT OFF PUBLIC RIGHTS-OF-WAY**. No mobile home shall be parked or permitted to remain on any public highway, road, alley or other such right-of-way for more than a 24-hour period. If so parked for less than a 24-hour period, it shall be parallel to the edge of the right-of-way, safely out of the flow of moving traffic.

2. **REQUIRED TO BE USED AS RESIDENCE**. No mobile home shall be parked on a parcel unless it is permitted to be used as a residence, pursuant to all applicable codes and regulations, and sections of this *Resolution*. All applicable permits, pursuant to Section 1-104: R: *Relationship of Land Use Change Permits to Other Permits*, shall be obtained before a mobile home is located on a parcel.

3. **MOBILE HOME OR TEMPORARY MOBILE HOME PERMIT**. The Community Development Department may issue either a Mobile Home Permit or a Temporary Mobile Home Permit:

a. **MOBILE HOME PERMIT**. Mobile Home Permit to park, occupy and use a mobile home on a parcel not in a mobile home community.

b. **TEMPORARY MOBILE HOME PERMIT**. Temporary Mobile Home Permit for the temporary parking, occupation and use of a mobile home not in a mobile home community, if all applicable requirements of this *Resolution* and of the *Gunnison County Individual Sewage Disposal System Regulations* have been met. The Temporary Mobile Home Permit shall be issued for a period not to exceed 180 days, and may be renewed not more than once for no more than an additional 60 days, without approval by the Board.

4. **APPLICATION FORM**. The Community Development Department shall provide the appropriate application form for either of the Permits that, at a minimum, shall include the following:

a. **APPLICANT**. The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and stating the same information for the agent.

b. **PROPERTY OWNER**. Name of the owner of the property; if other than the applicant, a notarized letter from the owner consenting to the application, must also be submitted.

c. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the land use change is proposed to be located. A copy of the recorded deed to the property should be included.

d. **PRESENT LAND USE.** Identify present land uses, locations, and sizes of existing and proposed structures that exist on the property.

5. **COMMUNITY DEVELOPMENT DEPARTMENT REVIEW.** The Community Development Department will review the application, determine its compliance with the requirements of this Section and all other applicable requirements of this *Resolution*. If it is in compliance, the applicable Mobile Home Permit or Temporary Mobile Home Permit shall be granted.

   a. **HIGHER LEVEL OF REVIEW MAY BE REQUIRED IF LOCATED NEXT TO SUBDIVISION**. If a mobile home is proposed to be located on an individual parcel of land not in a mobile home community, but adjacent to a platted subdivision whose protective covenants either do not address, or do not allow, the location of mobile homes within the subdivision, the application for a Mobile Home Permit shall require a higher level of review, pursuant to Section 3-111: *Classification of Impact.*

   b. **SUBJECT TO SUBDIVISION PROTECTIVE COVENANTS**. No permit may be issued under this Section for placement of a mobile home on any lot within a platted subdivision unless there have been recorded in the office of the Clerk and Recorder of Gunnison County protective covenants relating to the subdivision that specifically permit the placement of mobile homes within the subdivision on other than a temporary basis. Any such protective covenants or amendments to protective covenants adopted after May 16, 1977, must have been approved by Gunnison County.

F. **STANDARDS FOR INSTALLATION OF A MOBILE HOME**. Location of an individual mobile home shall comply with the following:

1. **PERIMETER ENCLOSURE**. The mobile home shall be enclosed continuously at the perimeter at ground level with material comparable in composition and appearance to the predominant materials used in foundations of residences on adjacent parcels.

2. **ADDITIONS SHALL MEET BUILDING CODE REQUIREMENTS.** Any additions, extensions, or enlargements will be allowed so long as they meet the requirements of the applicable building code, adopted and amended by Gunnison County, and proof of compliance to any applicable protective covenants has been submitted. If the mobile home is to be modified with a roof structure, the new supporting walls (stud walls) must be completely sided in. No open studs or posts will be allowed.

3. **MORE THAN ONE MOBILE HOME CONSTITUTES A COMMUNITY.** The placement of more than one mobile home on any parcel shall create a mobile home community, except as located according to Section 9-201: F.5: *Agricultural Operations.*

4. **NONCONFORMING MOBILE HOME.** Any parcel on which more than one mobile home was in existence before June 20, 1979 will not be considered a mobile home community and shall be allowed to remain as a nonconforming use. If a nonconforming mobile home is removed and replaced with a mobile home that complies with the current HUD code, the replacement shall not create a mobile home community. All applicable requirements of this *Resolution* shall apply.

5. **AGRICULTURAL OPERATIONS**. An agricultural operation may place no more than two mobile homes on the agricultural operation property, for use by family members or employees of the operation, subject to all other applicable requirements of this *Resolution.*

6. **SHALL NOT HAVE BEEN MANUFACTURED BEFORE ~~1972~~ 1976.** The mobile home shall not have been manufactured before ~~May 1972~~ June 15, 1976.

7. ~~**COLORADO DIVISION OF HOUSING OR**~~ **HUD SEAL REQUIRED**. ~~If the mobile home was manufactured between 1972 and 1976 it shall be required to bear the seal of the Colorado Division of Housing.~~ Any mobile home manufactured ~~during or~~ after June 15,1976 shall be required to bear the HUD ~~seal~~ tag . ~~If the mobile home does not bear either of those seals, the following shall be required:~~

   ~~a. **CERTIFIED ELECTRICAL SYSTEM**. The electrical system must be inspected by the Colorado state electrical inspector and certified that it meets the state electrical code for mobile homes.~~

~~**b. APPROVED PLUMBING SYSTEM.** The plumbing shall comply, with the current edition of the *Colorado Technical Plumbing Code*, and the applicant shall submit a copy of the inspection report as approved by the Colorado State Plumbing Inspector.~~

8. **GENERAL STRUCTURAL AND SNOWLOAD REQUIREMENTS**. If the mobile home is required to meet the applicable snowload requirements applied to structures throughout the County and does not have the manufacturer's certification or an independent certification by a qualified professional engineer licensed in the State of Colorado demonstrating that it meets that requirement, the home shall be modified with a roof structure, designed and constructed pursuant to the requirements of the applicable building code adopted and amended by Gunnison County.

   a. **NO OPEN STUDS OR POSTS.** If the mobile home is to be modified with a roof structure, the new supporting walls (stud walls) must be completely sided in. No open studs or posts will be allowed.

9. **PERMIT ISSUED TO OWNER**. Other than on agricultural operations or within a mobile home community the permit shall be issued only to the owner of the land on which the mobile home is to be placed.

DIVISION 9-300: COMMERCIAL AND INDUSTRIAL USES

SECTION 9-301: APPLICABILITY AND GENERAL STANDARDS

A. APPLICABILITY. Commercial and industrial developments, including buildings, shall be designed according to the same principles governing the design of residential developments, and shall be sited to complement the topography, avoiding environmentally sensitive areas to the maximum extent feasible. Factors including drainage, noise, and odor and surrounding land uses shall be considered in siting buildings; sufficient access shall be provided, and impacts mitigated. Unless specifically exempted by this *Resolution*, commercial and industrial uses are subject to all applicable requirements of this *Resolution*.

B. LAND USE CHANGE PERMIT REQUIRED. Unless otherwise exempted by this *Resolution*, commercial and industrial uses shall be required to obtain a Land Use Change Permit.

C. LOCATION. Location of commercial and industrial uses shall be directed pursuant to Section 10-104: *Locational Standards for Commercial, Industrial and Other Non-Residential Development.*

D. GENERAL STANDARDS. The following standards apply to commercial and industrial uses with the exception of mining and associated activities, that are regulated by Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials* and to home occupations, that are regulated by Section 9-102: *Home Occupations.*

1. **NON-RESIDENTIAL ACCESSORY USES.** Uses that shall be considered accessory to a non-residential use include an office to run the business, a cafeteria, and similar support areas.

2. **FOOD SERVICE REQUIREMENTS.** Food service activities, requiring a license or certificate of inspection pursuant to C.R.S. 12-44-201 through 12-44-213 and the production, storage and dispensing of ice shall be conducted pursuant with the physical and operational requirements of the edition of the *Rules and Regulations Governing the Sanitation of Food Service Establishments* in the State of Colorado in effect at the time the Land Use Change Permit application is submitted.

3. **ELECTRICAL DISTURBANCES.** No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that have a detrimental effect, including radio and television interference, on the operation of any equipment beyond the boundaries of the site. Electrical disturbances affecting operation of equipment beyond the boundaries of a site will require investigation and satisfactory resolution of the disturbance.

4. **FIRE AND EXPLOSIVE HAZARDS.** Materials or products which decompose by detonation shall be handled, sorted and utilized in accord with the *National Fire Protection Association* (NFPA) *Standards* and pursuant to standards and requirements of the applicable fire protection district. Design shall comply with the standards of Section 12-107: *Fire Protection.*

5. **GLARE AND HEAT.** Any commercial or industrial operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make glare or heat imperceptible from any point along the property line.

6. **EXTERIOR LIGHTING.** Whenever exterior lighting is installed in a commercial or industrial development, it shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare, and shall comply with the applicable standards of Section 13-114: *Exterior Lighting.*

7. **ODORS**. No industrial or commercial use shall cause or allow the emission of odors from any single source so as to result in detectable and unreasonable odors.

8. **RADIOACTIVITY**. Releases and use of radioactive materials shall be as follows:

   a. **RELEASES.** Release of radioactivity shall be subject to state and federal regulations, and any other agency having jurisdiction over such releases. Where conflicts between regulations exist, the most restrictive requirements shall apply.

b. **USE OF RADIOACTIVE MATERIALS**. Medical, dental and veterinary sources of radiation residues, including x-ray machines, gamma and neutron sources, and pharmaceutical isotopes which are used for diagnostic and therapeutic purposes, shall be permitted when located within a hospital, clinic, medical, dental or veterinary office, or medical research facility, whether mobile or fixed.

9. **VIBRATION**. No industrial or commercial use shall result in vibration perceptible to a person without instruments at any point along the property boundaries.

10. **NOISE.** Every use to which this Section applies shall be conducted so that any noise produced is not objectionable because of intermittence, beat frequency, or shrillness regardless of db(A) measurement. Sound levels of noise radiating 25 or more feet beyond the subject property boundary in excess of the db(A) established for the following time periods and uses may be considered a public nuisance as listed in Table 2: *Maximum Permissible Noise Levels for Commercial and Industrial Uses*.

TABLE 2: MAXIMUM PERMISSIBLE NOISE LEVELS FOR COMMERCIAL AND INDUSTRIAL USES

IMPACTED PROPERTY	6 A.M. TO 7 P.M.	7 P.M. TO 6 A.M.
NATIONAL PARKS OR RECREATION AREAS, PUBLIC PARKS, CAMPGROUNDS ON FEDERAL LANDS, AND FEDERALLY, STATE OR LOCALLY-DEDICATED OPEN SPACE OR CONSERVATION AREAS	50 db(A)*	45 db(A)*
RESIDENTIAL	50 db(A*	40 db(A)*
COMMERCIAL	60 db(A)*	55 db(A)*
INDUSTRIAL	80 db(A)*	75 db(A)*
WILDERNESS AREAS	40 db(A)*	40 db(A)*
*db (A): Decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute		

E. **DESIGN STANDARDS FOR LIGHT INDUSTRIAL USES.** In addition to complying with Section 9-301: D.: *General Standards*, light industrial uses shall comply with all the following:

1. **MAXIMUM AGGREGATE BUILDING SIZE.** Maximum aggregate building size shall be no greater than 5,000 square feet, except that when an employee and/or owner residence is included, the maximum may increase to ~~5,850~~ 6,500 square feet. Such employee or owner residence shall meet all these standards:

a. **SUBORDINATE TO THE LIGHT INDUSTRIAL USE BUILDING.** It is subordinate by area, extent and purpose to the light industrial use building.

b. **LIMITED TO A MAXIMUM OF TWO RESIDENCES WITH AN AGGREGATE SQUARE FOOTAGE OF ~~850~~ 1,500 SQ. FT.** The aggregate ~~floor area~~ square footage of the ~~integrated~~ residence(s) shall be no larger than ~~850~~ 1,500 sq. ft., and may be as small ~~as 400 sq. ft., or~~ as otherwise allowed by the applicable building code, adopted and amended by Gunnison County.

c. **ADEQUATE PARKING**. There shall be parking adequate to serve both the light industrial use and the residence(s), pursuant to Section 13-110: *Off- Road Parking and Loading*.

d. **ADEQUATE WATER SUPPLY AND WASTEWATER TREATMENT SYSTEM.** It shall be legally and physically served by the same water and wastewater treatment systems that serve the light industrial use.

e. **STRUCTURALLY INTEGRATED.** It shall be structurally integrated within the building in which the light industrial use is located, share common roof lines and utility systems. ~~, and there shall be an internal access between the light industrial use and the residence.~~

f. **COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS.** It shall comply with deed restrictions and/or declarations of protective covenants applicable to the parcel on which the light industrial use is located.

g. **KITCHEN AND SEWAGE DISPOSAL FACILITIES**. It shall contain a full kitchen, and sanitation facilities.

h. **COMPLIES WITH APPLICABLE CODES**. It shall comply with the applicable building code, adopted and amended by Gunnison County, and the requirements of the applicable fire protection district.

When the district's standards conflict with County standards, the County shall only enforce the County standards.

2. **OPERATION CONTAINED WITHIN BUILDINGS.** The operation shall be wholly contained within buildings.

3. **OPERATION IMPACTS TO BE CONTAINED WITHIN PROPERTY BOUNDARIES.** The light industrial use shall not produce any offensive noise, vibration, electrical or magnetic interference, glare, fumes, odors, smoke, dust, heat or waste noticeable at, or beyond, the property boundaries of the parcel on which the light industrial use is located.

4. **TRAFFIC.** An individual light industrial use shall be allowed to generate no more than an average of ten additional trips per day, including those of employees, deliveries to and from the business, and customers. However, factors such as the character of the neighborhood, traffic generated by uses existing in the impact area at the time the Land Use Change Permit application is submitted, and the road classification may be taken into consideration in setting a maximum allowed average trips per day.

5. **HOURS OF OPERATION.** Hours of operation may be restricted, depending upon the character of the neighborhood, including hours of operation of other business or light industrial uses existing in the impact area at the time the Land Use Change Permit application is submitted.

6. **LIMITATION ON RETAIL SALES**. Retail sales shall be incidental and subordinate to a permitted use.

7. **MITIGATION OF VISUAL IMPACTS**. Landscaping, architectural design features, or other screening may be required to minimize visual impacts from the access road and to adjacent land uses.

8. **PARKING SHALL BE INDOORS, OR SCREENED FOR LIGHT INDUSTRIAL USE VEHICLES**. Vehicles used as part of the light industrial use shall be parked inside buildings or within screened parking areas.

9. **EMPLOYEE AND CUSTOMER PARKING**. Parking for employees and customers shall meet the requirements of Section 13-110: *Off- Road Parking and Loading*.

10. **OUTSIDE STORAGE**. Outside storage is permitted, but shall be fully-screened from the access road and from neighborhood land uses.

SECTION 9-509: CAMPING ON INDIVIDUAL PARCELS

A. PURPOSE. The purpose of this Section is to provide regulations for the use of an individual recreational vehicle or other camping shelter (such as a tent) on an individual parcel, and to provide minimum requirements for the protection of health and safety of occupants of ~~commercial campgrounds,~~ the camping shelter, adjoining lands, and of the general public.

B. LONG-TERM CAMPING IN A RECREATIONAL VEHICLE OR OTHER CAMPING SHELTER REQUIRES PERMIT. Use of a recreational vehicle or other camping shelter for longer than a total of 14 days during any consecutive three months on the same parcel shall require a Long-term Camping Permit, which may be obtained from the Community Development Department.

1. **EXCEPTIONS**. Long-term camping in approved campgrounds on federal or state lands, or on lots or parcels that are located in subdivisions that have been approved as platted subdivisions by the County, with protective covenants approved by the County, and in which camping is allowed by those protective covenants, shall not be required to obtain either a Land Use Change Permit or a Long-Term Camping Permit.

C. NO LAND USE CHANGE PERMIT REQUIRED FOR CAMPING IN A RECREATIONAL VEHICLE OR OTHER CAMPING SHELTER ON AN INDIVIDUAL PARCEL. A recreational vehicle or other camping shelter may be parked on an individual parcel and may be occupied by the landowner or by his/ her guests, and shall comply with these requirements:

1. **PROTECTIVE COVENANTS ALLOW CAMPING.** If any applicable protective covenants or deed restrictions are recorded against the property in the Office of the Gunnison County Clerk and Recorder, they do not prohibit this use.
2. **NO PARKING ON PUBLIC RIGHT-OF-WAY.** No recreational vehicle or other camping shelter shall be parked on any public right-of-way or road for camping, storage or residential use.
3. **THERE IS NO COMPENSATION.** There is no compensation to the owner of the parcel involved.
4. **CAMPING LIMITED TO 14 DAYS.** The travel trailer, recreational vehicle, camper or other camping shelter may only be used for camping for a period that does not exceed a total of 14 days during any consecutive three months on the same parcel without obtaining a Long-Term Camping Permit. The vehicle or other camping shelter shall be removed from the parcel after that time
5. **MAINTENANCE.** The lot or parcel on which camping occurs shall be maintained in a safe, clean and sanitary manner, and shall not be a nuisance or create adverse impacts to surrounding property, land or land uses.
6. **DISPOSAL OF WASTE**. Septage and other sewage or wastewater shall be disposed of only pursuant to a permit obtained in full compliance with the *Gunnison County On-site Wastewater Treatment System Regulations*, and any other applicable County, state or federal standard or regulation. Compliance with those *Regulations* may require that an on-site wastewater treatment system be installed and maintained on the parcel.

D. PROHIBITED ACTIONS. The following shall be prohibited:

1. **LEAVING REFUSE**. Storage of refuse, debris or litter in an exposed or unsanitary condition.
2. **DUMPING OF POLLUTANTS NEAR WATER BODY**. Placing any substance that pollutes, or may pollute the water body within 150 feet of a stream, lake or other water body.

E. LONG TERM CAMPING PERMIT.

1. **ONE LONG-TERM CAMPING PERMIT IN A CALENDAR YEAR.** Only one long-term camping permit may be issued in a calendar year.
2. **TERM OF PERMIT FOR LONG-TERM CAMPING PERMIT IS 180 DAYS.** The maximum term of a long-term camping permit is 180 days, from the date of permit issuance, within the calendar year.

F. **APPLICATION.** The Community Development Department shall provide an application form for a long term camping permit that the applicant shall complete and which, at a minimum, shall include the following:

1. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and stating the same information for the agent.
2. **PROPERTY OWNER**. Name of the owner of the property; if different than the applicant, a notarized letter from the owner consenting to the application, must be submitted.
3. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads, metes and bounds), property address and common description of the parcel on which the land use change is proposed to be located. A copy of the recorded deed to the property.
4. **TYPE OF RECREATIONAL VEHICLE OR CAMPING SHELTER TO BE USED.** The type of recreational vehicle or other camping shelter to be used.
5. **PRESENT LAND USE**. Identify present land uses, locations, and sizes of structures that exist on the property.
6. **LIST OF ADJACENT LANDOWNERS**. As applicable, a listing of all landowners and land uses that are adjacent to the boundaries of the entire parcel on which the Project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the property except for the existence of the roadway. When the parcel is located adjacent to a municipality, a platted townsite or platted recorded subdivision, all owners of surface property rights within 500 feet of each boundary of the entire parcel shall be included in the listing. The source for the best-available information to identify those landowners is the Gunnison County Assessor's Office.
7. **TRASH.** An ~~indication~~ description of how trash will be removed from the site and taken to the appropriate landfill.
8. **SEWAGE DISPOSAL**. ~~An indication of how sewage will be disposed of pursuant to the~~ Demonstration of compliance with the *Gunnison County On-site Wastewater Treatment System Regulations.*

G.~~F.~~ **FEES.** The fee for a Long-Term Camping Permit shall be as shown in a schedule of fees charged for permits issued by the Community Development Department, and adopted and amended from time to time by the Board.

SECTION 9-604: INCENTIVES TO PROVIDE ESSENTIAL HOUSING

A. REQUIRED INCENTIVES. Notwithstanding any other requirements of this *Resolution*, the decision-making body shall provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing:

1. **EXPEDITED REVIEW PROCESS FOR ESSENTIAL HOUSING PROJECTS.** Conforming and complete applications submitted pursuant to this Division generally shall be given priority over other applications that are being reviewed by staff, the Planning Commission or the Board. At each phase of its review, each application shall be placed on the first scheduled Commission or Board agenda for which it can be properly noticed.

2. **INCREASE IN ALLOWABLE RESIDENTIAL LIVING AREA**. An increase of 15 percent in maximum residential living area, within a primary residence, allowed pursuant to *Section 13-105: C.: Parcels Smaller Than 6,500 Sq. Ft.*, and *Section 13-105: D.: Parcels Equal To or Larger Than 6,500 Sq. Ft.* when a secondary residence is included that is deed-restricted as an Essential Housing residence.

3. **INCREASE IN BUILDING HEIGHT**. An increase of 25 percent in the maximum structure height allowed pursuant to *Section 13-103: G.: Allowed Structure Heights,* when such increase is found to not interfere with solar access or potential solar access of existing adjacent structures, and the County determines the increase to be in the public benefit in its allowance for additional and/or larger residences and that are deed-restricted pursuant to this Division.

4. **REDUCED SETBACK REQUIREMENTS**. An exception pursuant to *Section 13-104: Setbacks from Property Lines and Rights-of-Way* shall be allowed by reducing front setbacks to 15 feet, and side/rear setbacks to 10 feet, subject to approval by the applicable fire protection district.

5. **DEFERRED FEES.** Fees for Essential Housing residences may be deferred as follows:

   a. **PROJECTS THAT INCLUDE CONSTRUCTED ESSENTIAL HOUSING RESIDENCES.** A proposed land use change includes the construction of Essential Housing Residences, and the installation of infrastructure to service them. The applicable decision-making body may defer all related County fees, such as Building Permit Fees, OWTS Permit fees, Access Permit fees, and Reclamation Permit fees for Essential Housing that is to be constructed by the Land Use Change Permit applicant, until the applicant receives a Certificate of Occupancy for each of the constructed residences. Payment of fees may be in whole for all the residences in the development when a Certificate of Occupancy is obtained for the first residence, or in part for each residence at the time each residence receives a Certificate of Occupancy thereafter.

   b. **PROJECTS IN WHICH UNIMPROVED LOTS WILL BE SOLD FOR FUTURE CONSTRUCTION.** In Essential Housing Projects in which construction of individual single-family or multiple-family residences will be accomplished by persons who purchase lots within the Project, fees for each Building Permit may be deferred until each Essential Housing residence receives a Certificate of Occupancy.

6. **MODIFIED DEVELOPMENT STANDARDS.** The decision-making body shall approve modifications to the design requirements of Article 10: *Locational Standards*, Article 11: *Resource Protection Standards*, Article 12: *Development Infrastructure Standards*, and Article 13: *Project Design Standards* for Essential Housing, provided that the requested modification will result in residences that will be more energy-efficient, will provide more amenities, or improved design, and will not jeopardize public health, safety or welfare.

   a. **STANDARDS THAT CANNOT BE MODIFIED.** The following standards shall not be waived:

      1. ***SECTION 11-103**: Development in Areas subject to Flood Hazards.*
      2. ***SECTION 11-104**: Development in Areas subject to Geologic Hazards.*

H. FURTHER SUBDIVISION. Nothing in this Section forbids, or shall be construed to forbid, subdivision of a parcel on which there exists a residential structure larger than 10,000 sq. ft. or an aggregate of structures larger than 12,500 sq. ft., except that no subdivision shall be permitted unless the resulting parcel that contains the structure that exceeds 10,000 sq. ft., and/or all of the buildings that total an aggregate of 12,500 sq. ft. is at least 40 acres in size.

SECTION 13-106: RESERVED ~~ENERGY AND RESOURCE CONSERVATION~~

~~**A. PURPOSE.** The purpose of this Section is to ensure that residential development contains features to minimize the consumption of energy and to conserve resources~~

~~**B. APPLICABILITY.** Applications for residential construction, including manufactured homes, must earn points according to requirements of the *Energy Resource Conservation Worksheet*, separately adopted and amended from time to time by the Board.~~

~~**C. INSPECTION AND COMPLIANCE.**~~

~~**1. COMPLIANCE FORM MUST BE SUBMITTED WITH BUILDING PERMIT APPLICATION.** A completed form identifying proposed compliance with the *Energy Resource Conservation Worksheet* must be submitted with the applicable residential building permit application; no residential building permit application will be processed without the completed form.~~

~~**2. COMPLIANCE SATISFACTION.** Compliance with the *Energy Resource Conservation Worksheet* requires at least 50 percent of the surface or total application for that measure to be fulfilled.~~

~~**3. DEMONSTRATION OF COMPLIANCE.** Compliance with the *Energy Resource Conservation Worksheet* will generally be demonstrated by one of two methods:~~

~~**a. COMPLIANCE IS INDICATED AS "COUNTY."** If compliance is indicated as "County," County staff may conduct actual on-site inspections, or require the submittal of appropriate engineering reports or calculations to establish compliance.~~

~~**b. COMPLIANCE IS INDICATED AS "SELF."** If compliance is indicated as "Self," the Applicant will be required to sign the form and certify that a measure has been complied with. Gunnison County reserves the right to conduct follow-up inspections or compliance audits of self-certified measures.~~

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

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

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

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

BUSINESS has the same meaning as "Commercial."

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

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

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

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

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

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

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

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

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

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 2018-_

A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND USE RESOLUTION*

WHEREAS, pursuant to the *Gunnison County Land Use Resolution* ("the *Resolution"),* Section 1-113, details a process for initiation, review and Board of County Commissioner action on proposed amendments to the *Resolution,* and

WHEREAS, pursuant to Section 1-113, the Community Development Department and Planning Commission have initiated and completed review of proposed amendments as required by the *Resolution;* and

WHEREAS, the Planning Commission on March 6, 2015, forwarded its written recommendations to the Board regarding the proposed amendments; and

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing on these proposed amendments September 7, 2018; and pursuant to Section 1-113 of the *Resolution* evaluated the proposed amendments using the following criteria:

Consistency of the proposed amendments with any comprehensive plan that may be adopted by Gunnison County;
Changed conditions, including the economy of Gunnison County;
Effect of the proposed amendments on the natural environment;
Community needs;
Development pattern;
Changes in applicable law;
Public health, safety and welfare; and
Compliance with any applicable intergovernmental agreements adopted by Gunnison County; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gunnison County, Colorado that the Board hereby adopts the following amendments of the *Gunnison County Land Use Resolution* as included on the attached "Exhibit A."

INTRODUCED by Commissioner_____, seconded by Commissioner_____ and adopted on this 2nd day of October 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Phil Chamberland, Chairperson

By: _____
Jonathan Houck, Vice-Chairperson

By: _____
John Messner, Commissioner

ATTEST:

_____
Deputy County Clerk