

Gunnison County, Colorado

**SPECIAL DEVELOPMENT PROJECTS
RESOLUTION**



DISCLAIMER
CONCERNING THE ELECTRONIC VERSION OF
THE GUNNISON COUNTY, COLORADO
SPECIAL DEVELOPMENT PROJECTS RESOLUTION

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Amendments

The *Gunnison County Special Development Project Regulations* were adopted by the Gunnison County Board of Commissioners December 19, 1990, amended in 1994, and September 1, 2009.

TABLE OF CONTENTS

ARTICLE 1: GENERAL REQUIREMENTS	1
SECTION 1-101: Title and Short Title.....	1
SECTION 1-102: Authority	1
SECTION 1-103: Guidelines	1
SECTION 1-104: Applicability	1
SECTION 1-105: Exemptions	2
SECTION 1-106: Designated Matters of State Interest.....	3
SECTION 1-107: Prohibited Activities.....	4
SECTION 1-108: Relationship to Other Requirements and Regulations.....	4
SECTION 1-109: Permits Required	4
SECTION 1-110: Public Hearings.....	7
SECTION 1-111: Ex Parté Communications.....	10
SECTION 1-112: Construction and Word Usage.....	10
SECTION 1-113: Maps.....	11
SECTION 1-114: Interpretation of This Resolution	12
SECTION 1-115: Amending This Resolution	12
SECTION 1-116: Severability.....	13
ARTICLE 2: DEFINITIONS	15
SECTION 2-101: Purpose.....	15
SECTION 2-102: Definitions.....	15
ARTICLE 3: DESIGNATING MATTERS OF STATE INTEREST.....	25
SECTION 3-101: Purpose.....	25
SECTION 3-102: Initiating a Designation.....	25
SECTION 3-103: Moratorium.....	25
SECTION 3-104: Public Hearing Required.....	25
SECTION 3-105: Matters to Be Considered at Designation	25
SECTION 3-106: Adoption of Designation and Standards for Areas and Activities of State Interest	26
ARTICLE 4: PERMIT APPLICATION REVIEW PROCESS.....	29
DIVISION 4-100: GENERAL PROVISIONS	29
SECTION 4-101: Coordination of County Permit Process with State and Federal Review Processes.....	29
SECTION 4-102: Withdrawn and Inactive Applications	29
SECTION 4-103: Phasing of Projects.....	29
SECTION 4-104: Overview of Application and Review Process	30
DIVISION 4-200: PRE-APPLICATION	31
SECTION 4-201: Pre-Application Process	31
SECTION 4-202: Pre-Application Fee	33
SECTION 4-203: Pre-Application Conference	34
SECTION 4-204 Waiver for Review Under Land Use Resolution.....	34
DIVISION 4-300: APPLICATION.....	35
SECTION 4-301: General Application Submittal Requirements.....	35
SECTION 4-302: Application Fee	35
SECTION 4-303: Application Submittal Requirements for All Special Development Projects	36
SECTION 4-304: Additional Submittal Requirements for Development in Mineral Resource Areas.....	47
SECTION 4-305: Additional Submittal Requirements for Development in Flood Hazard Areas.....	48
SECTION 4-306: Additional Submittal Requirements for Development in Wildfire Hazard Areas.....	49
SECTION 4-307: Additional Submittal Requirements Applicable to Land use in Areas Around an Airport.....	49
SECTION 4-308: Additional Submittal Requirements Applicable to Areas Around Major Facilities of a Public Utility	50
SECTION 4-309: Additional Submittal Requirements Applicable to Development in Areas Around Interchanges Involving Arterial Highways.....	50
SECTION 4-310: Additional Submittal Requirements Applicable to Development in Areas Around Rapid or Mass Transit Facilities	50
SECTION 4-311: Additional Submittal Requirements for Site Selection for Airport Location or Expansion	51
SECTION 4-312: Additional Submittal Requirements for Rapid or Mass Transit Facilities.....	54

SECTION 4-313: Additional Submittal Requirements for Interchanges, Arterial and Collector Highways	55
SECTION 4-314: Additional Submittal Requirements for Major Facilities of a Public Utility	57
SECTION 4-315: Additional Submittal Requirements for Major New Domestic Water and Wastewater Treatment Systems.....	57
SECTION 4-316: Additional Submittal Requirements Applicable to Municipal and Industrial Water Projects	58
SECTION 4-317: Additional Submittal Requirements for Site Selection and Development of Solid Waste Disposal Sites	58
SECTION 4-318: Additional Submittal Requirements for Site Selection and Development of a New Community	58
DIVISION 4-400: REVIEW AND APPROVAL OR DENIAL OF SPECIAL DEVELOPMENT PROJECT PERMIT APPLICATION..	61
SECTION 4-401: Planning Department Review	61
SECTION 4-402: Joint Public Hearing and Decision on Application	63
SECTION 4-403: Review of Application for Major Review of Applications for Major Electrical or Natural Gas Facility	64
ARTICLE 5: STANDARDS FOR APPROVING OR DENYING A PERMIT	65
DIVISION 5-100: GENERAL STANDARDS FOR SPECIAL DEVELOPMENT PROJECTS	65
SECTION 5-101: Standards for Special Development Projects on Public and Private Lands.....	65
SECTION 5-102: Standards for Special Development Projects on Private Land	71
DIVISION 5-200: ADDITIONAL STANDARDS	73
SECTION 5-201: Additional Standards for Projects in Mineral Resource Areas	73
SECTION 5-202: Additional Standards for Projects in Flood Hazard Areas	73
SECTION 5-203: Additional Standards for Projects in Wildfire Hazard Areas	74
SECTION 5-204: Additional Standards for Development of Areas Around Key Facilities.....	74
SECTION 5-205: Additional Standards for Development in Areas Around Airports.....	74
SECTION 5-206: Additional Standards for Development in Areas Around Rapid or Mass Transit Facilities	78
SECTION 5-207: Additional Standards for Development in Areas Around Interchanges Involving Arterial Highways.....	78
SECTION 5-208: Additional Standards for Development in Areas Around Major Facilities of a Public Utility	79
SECTION 5-209: Additional Standards for Rapid or Mass Transit Facilities.....	79
SECTION 5-210: Additional Standards for Arterial and Collector Highways and Interchanges.....	80
SECTION 5-211: Additional Standards for Major Facilities of a Public Utility.....	81
SECTION 5-212: Additional Standards for Major New Domestic Water and Wastewater/Sewer Treatment Systems and Major Extensions of Existing Domestic Water and Wastewater/Sewer Treatment Systems.	81
SECTION 5-213: Additional Standards for Solid Waste Disposal Sites	82
SECTION 5-214: Additional Standards for a New Community.....	82
SECTION 5-215: Additional Standards for Efficient Utilization of Municipal and Industrial Water Projects	83
ARTICLE 6: TECHNICAL MODIFICATIONS AND TAKINGS	85
SECTION 6-101: Technical Modifications	85
SECTION 6-102: Administrative Takings Process.....	86
ARTICLE 7: FINANCIAL SECURITY	89
SECTION 7-101: Purpose.....	89
SECTION 7-102: General	89
SECTION 7-103: Development Improvement Agreement Required	89
SECTION 7-104: Annual Review and Adjustment.....	90
SECTION 7-105: Release Upon Satisfaction of Agreement or Abandonment of Project	90
ARTICLE 8: ENFORCEMENT.....	93
SECTION 8-101: General	93
SECTION 8-102: Authorization to Enforce	93
SECTION 8-103: Right of Entry and Inspection	93
SECTION 8-104: Notification to Correction Violation	93
SECTION 8-105: Stop Order; Immediate compliance	94
SECTION 8-106: Temporary Suspension or Permanent Revocation of Permit.....	94
SECTION 8-107: Abatement of Violation	95
SECTION 8-108: No Processing or Approval for Land or Permittee Subject to Enforcement Orders.....	96
SECTION 8-109: No Action for Persons Subject to Enforcement Orders.....	96
SECTION 8-110: Review of Potential Violation and Necessary Remediation Before Permit Application Accepted.....	97
SECTION 8-111: Other Remedies.....	97
SECTION 8-112: No Personal Liability	97
SECTION 8-113: No County Liability	97
SECTION 8-114: Responsibility Not Lessened.....	97
SECTION 8-115: No Waiver By Gunnison County of Statutory Authority.....	97
SECTION 8-116: No Waiver By Gunnison County of Governmental Immunity	98
INDEX	99

ARTICLE 1: GENERAL REQUIREMENTS

SECTION 1-101: TITLE AND SHORT TITLE

This *Resolution* may be cited as the "Gunnison County Special Development Projects Resolution" and "This *Resolution*."

SECTION 1-102: AUTHORITY

This *Resolution* is authorized by, *inter alia*, C.R.S. Sections 24-65.1-101, *et seq.*; 30-28-101, *et seq.*; 30-28-201, *et seq.*; 29-20-101, *et seq.*; and 24-32-111.

SECTION 1-103: GUIDELINES

- A. APPLICATION.** This *Resolution* shall apply to Special Development Projects, which are projects likely to cause more significant impacts than those regulated by the *Land Use Resolution*, either because of the nature or location of the use. Special Development Projects are subject to the permitting process set forth in this *Resolution* rather than the *Land Use Resolution*.
- B. PURPOSE.**
1. **TO FACILITATE PROCESSES OF MATTERS OF STATE INTEREST.** To facilitate the identification, designation and administration of matters of state interest consistent with the statutory requirements of the criteria set forth in C.R.S. Section 24-65.1-101, *et seq.*
 2. **TO PROMOTE PUBLIC HEALTH, SAFETY AND WELFARE.** To promote the health, safety, and general welfare of the citizens and to protect the environment of Gunnison County.
 3. **TO PROTECT SPECIFIC AREAS AND CHARACTERISTICS.** To protect the beauty of the landscape and natural scenic characteristics, to preserve and protect important archaeological and historic sites, to protect and enhance wildlife habitat and air and water quality, and to conserve natural resources.
 4. **TO ENSURE THAT RESIDENTS OF GUNNISON COUNTY WILL NOT HAVE TO SUBSIDIZE NEW DEVELOPMENT.** To ensure that new development will pay for itself to the maximum extent practicable, and to ensure that present residents of Gunnison County will not have to subsidize new development through increased cost of public services and/or degradation of the quality of life.
 5. **TO REGULATE LAND USES BASED ON FINANCIAL AND ENVIRONMENTAL IMPACTS.** To regulate the use of land on the basis of the financial and environmental impacts on the community and surrounding areas.

SECTION 1-104: APPLICABILITY

- A. APPLICABILITY.** This *Resolution* shall apply to the designation and regulation of all Special Development Projects that are located wholly or partially in the unincorporated areas of Gunnison County, and whether located on public or private land within the unincorporated areas of the County.
- B. SPECIAL DEVELOPMENT PROJECT.** A Special Development Project is a Proposed Project, including all of its components and associated elements, characterized by:
1. Any one of or combination of the following:
 - a. Development within a mineral resource area.
 - b. Development within a natural hazard area (flood hazard, geologic hazard or wildfire hazard).
 - c. Development within an area containing or having a significant impact upon historical, natural or archeological resources of statewide importance.

- d. Areas around key facilities in which development may have a material effect upon a key facility or the surrounding community (airports; major facilities of a public utility; interchanges involving arterial highways; rapid or mass transit terminals, stations and fixed guideways).
 - e. Site selection and construction of major new domestic water and wastewater/sewage treatment systems and major extension of existing domestic water and wastewater/sewage treatment systems.
 - f. Site selection and development of solid waste disposal sites except those sites specified in Section 25-11-203 (1), C.R.S., sites designated pursuant to Part 3 of Article 11 of Title 25, C.R.S., and hazardous waste disposal sites, as defined in Section 25-15-200.3., C.R.S.
 - g. Site selection of an airport.
 - h. Site selection of rapid or mass transit terminals, stations, and fixed guideways.
 - i. Site selection of an arterial highway, interchanges and collector highways.
 - j. Site selection and construction of a major facility of a public utility.
 - k. Site selection and development of a new community.
 - l. Efficient utilization of municipal and industrial water projects.
 - m. Nuclear detonations.
 - n. Development of a recreational development.
2. **AND that¹**
- a. Results in additional direct and indirect employment within the County, whether temporary or permanent, equal to at least two percent of the County's permanent population at the time of the application; or
 - b. Involves total capital expenditures of more than \$25,000,000 arising from development of project components and associated elements; or
 - c. Increases the population of the County, whether temporarily or permanently, by at least five percent; or
 - d. Is a project which will be the subject of an Environmental Impact Statement pursuant to the *National Environmental Policy Act*; or
 - e. Is a development conducted by a governmental entity.¹

SECTION 1-105: EXEMPTIONS

This *Resolution* shall not apply to the following:

- A. STATUTORY EXEMPTIONS.** This *Resolution* shall not apply to any development in an Area of State Interest or any Activity of State Interest if any one of the following was true as of May 17, 1974:
- 1. **DEVELOPMENT OR ACTIVITY WITH COUNTY BUILDING PERMIT.** The specific development or activity was covered by a current building permit issued by the County; or
 - 2. **DEVELOPMENT OR ACTIVITY APPROVED BY ELECTORATE.** 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; or
 - 3. **DEVELOPMENT OR ACTIVITY APPROVED FOR P.U.D. OR SIMILAR LAND USE.** The specific development or activity is on land which has been finally approved by the County, with or without conditions, for Planned Unit Development or land use similar to a Planned Unit Development; or
 - 4. **DEVELOPMENT OR ACTIVITY LOCATED ON APPLICABLE ZONED LAND.** The specific development or activity is on land which was either zoned or rezoned in response to an application which contemplated the specific development or activity; or

¹ For development proposed by a governmental entity that does not include the characteristics of Section 1-104: B 2. a., b., c., or d., the Applicant may choose, at its discretion, to have the Proposed Project reviewed under the *Gunnison County Land Use Resolution* in lieu of this *Resolution*. (Pursuant to Section 4-204: *Waiver for Review Under Land Use Resolution*.)

5. **DEVELOPMENT OR ACTIVITY WITH APPROVED DEVELOPMENT PLAN.** The specific development or activity is on land for which a development plan has been conditionally or finally approved by the appropriate governmental authority.
- B. SPECIFIC EXEMPTIONS.** The regulatory provisions of this *Resolution* shall not apply to any of the following:
1. **PROJECTS REGULATED BY COAL SPECIAL AREA REGULATIONS.** Projects that are subject to review pursuant to the Gunnison County Coal Resource Special Area Coal Mining Regulations.
 2. **EXISTING WATER DIVERSION STRUCTURE.** 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.
 3. **MAINTENANCE OR REPAIR OF EXISTING WATER SUPPLY OR WASTEWATER TREATMENT FACILITY.** Maintenance or repair of existing water supply or wastewater treatment facilities that does not expand levels of service, alter the location of the facility, or result in significant adverse impacts to existing infrastructure and the environment.
 4. **IMPROVEMENTS TO EXISTING WATER SUPPLY OR WASTEWATER TREATMENT FACILITY.** Improvements and upgrades to existing water supply or wastewater treatment facilities, that do not expand levels of service beyond design capacity, alter the location of the facility, or result in significant adverse impacts to existing infrastructure and the environment.
 5. **RETROFITS OR TECHNOLOGICAL UPGRADES OF EXISTING WATER SUPPLY OR WASTEWATER TREATMENT FACILITY.** Retrofits or upgrades in technology for existing water supply or wastewater treatment facilities that do not expand levels of service, alter the location of the facility, or result in significant adverse impacts to existing infrastructure and the environment.
 6. **DEVELOPMENT ASSOCIATED WITH AGRICULTURAL OPERATIONS.** Development associated with ordinary agricultural operations.

SECTION 1-106: DESIGNATED MATTERS OF STATE INTEREST

Pursuant to Board Resolution No. 06-16: *A Resolution Designating Matters of State Interest Regarding Gunnison County Regulations for Special Development Projects*, the County has designated the following matters of state interest:

A. DESIGNATED AREAS OF STATE INTEREST.

1. **MINERAL RESOURCE AREAS.** Mineral resource areas.
2. **NATURAL HAZARD AREAS.** Natural hazard areas.
 - a. **GEOLOGIC HAZARD.** Geologic Hazard Areas.
 - b. **WILDFIRE HAZARD.** Wildfire Hazard Areas.
 - c. **FLOOD HAZARD.** Flood Hazard Areas, approved by the Colorado Water Conservation Board pursuant to Sections 30-28-111, C.R.S. and 31-23-302, C.R.S. .
3. **HISTORICAL, NATURAL OR ARCHAEOLOGICAL RESOURCES.** Areas containing or having a significant impact upon historical, natural, or archaeological resources of statewide importance.
4. **AREAS AROUND KEY FACILITIES.** Areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.
 - a. **AREAS AROUND AN AIRPORT.** Areas around an airport.
 - b. **AREAS AROUND MAJOR FACILITIES OF PUBLIC UTILITY.** Areas around major facilities of a public utility.
 - c. **AREAS AROUND INTERCHANGES.** Areas around interchanges involving arterial highways.
 - d. **AREAS AROUND RAPID OR MASS TRANSIT FACILITIES.** Areas around rapid or mass transit terminals, stations and fixed guideways.

B. DESIGNATED ACTIVITIES OF STATE INTEREST.

1. **MAJOR NEW DOMESTIC WATER AND WASTEWATER SYSTEMS.** Site selection and construction of major new domestic water and wastewater/sewage treatment systems, and major extension of existing domestic water and wastewater/sewage treatment systems.
2. **SOLID WASTE DISPOSAL SITES.** Site selection and development of solid waste disposal sites except those sites specified in Section 25-11-203 (1), C.R.S., sites designated pursuant to Part 3 of Article 11 of Title 25, C.R.S., and hazardous waste disposal sites as defined in Section 25-15-200.3., C.R.S.
3. **AIRPORTS.** Site selection of airports.
4. **RAPID OR MASS TRANSIT FACILITIES.** Site selection of rapid or mass transit terminals, stations and fixed guideways.
5. **HIGHWAYS AND INTERCHANGES.** Site selection of arterial highways and interchanges and collector highways.
6. **MAJOR FACILITIES OF PUBLIC UTILITY.** Site selection and construction of major facilities of a public utility.
7. **NEW COMMUNITIES.** Site selection and development of new communities.
8. **EFFICIENT UTILIZATION OF MUNICIPAL AND INDUSTRIAL WATER PROJECTS.** Efficient utilization of municipal and industrial water projects.
9. **NUCLEAR DETONATIONS.** Conduct of nuclear detonations.

SECTION 1-107: PROHIBITED ACTIVITIES

- A. **NO NUCLEAR DETONATION.** Pursuant to *Colorado State Constitution* Article 26, no nuclear explosive device may be detonated or placed in the ground for purposes of detonation in the state without first having been approved by the voters. In addition, Gunnison County has determined that any nuclear detonation poses a material danger to public health, safety and welfare of Gunnison County residents and visitors, and that danger to property would be significantly disproportionate to the benefits to be derived from such detonation. Therefore, no nuclear detonations shall be allowed within Gunnison County.
- B. **NO STRUCTURES IN AVALANCHE RED ZONES.** No structures, except those erected for avalanche control, shall be allowed in areas designated as avalanche red zones.

SECTION 1-108: RELATIONSHIP TO OTHER REQUIREMENTS AND REGULATIONS

- A. **MORE RESTRICTIVE COUNTY REGULATION APPLIES.** Whenever any provision of this *Resolution* is inconsistent with any other County regulation, the more restrictive standards or requirements shall apply.
- B. **STATUTORY CRITERIA APPLY WHEN MORE STRINGENT.** Whenever any portion of this *Resolution* authorized exclusively under Sections 24-65.1-101 *et seq.*, C.R.S., is less stringent than the statutory criteria for administration of matters of state interest set forth in Sections 24-65.1-202, -204, C.R.S., then the statutory criteria shall apply.
- C. **THIS RESOLUTION APPLIES WHEN MORE STRINGENT.** Whenever any portion of this *Resolution* authorized exclusively under Sections 24-65.1-101 *et seq.*, C.R.S. is more stringent than the statutory criteria for administration of matters of state interest set forth in Sections 24-65.1-202, -204, C.R.S., then such portion of this *Resolution* shall apply pursuant to Section 24-65.1-402 (3), C.R.S.
- D. **COMPLIANCE WITH ALL OTHER APPLICABLE REGULATIONS.** Except as set forth in Section 1-105: *Exemptions*, nothing in this *Resolution* exempts an applicant from any other County requirements or other local, state or federal requirements.

SECTION 1-109: PERMITS REQUIRED

- A. **PERMIT REQUIRED.** Any development that is defined as a Special Development Project pursuant to this *Resolution*, proposed in whole or in part within the unincorporated area of Gunnison County, shall be required to obtain a Special Development Project Permit in compliance with this *Resolution*.
- B. **NO DEVELOPMENT BEFORE PERMIT ISSUANCE.** No development for which a Special Development Project Permit is required shall begin until the Special Development Project Permit has been issued by Gunnison County. If the activity development has begun before issuance of the Special Development Project Permit by Gunnison County, no Special

Development Project Permit shall be issued for the activity until the applicant ceases the activity development, remedies any damage caused, and complies with all enforcement actions taken by Gunnison County pursuant to Article 8: *Enforcement*, and with all other applicable County regulations.

- C. APPLICATION.** An application for a Special Development Project Permit shall be filed with the Gunnison County Planning Department and shall be processed in accordance with Article 4: *Permit Application Review Process*.
- D. PERMIT ISSUED UPON FINAL APPROVAL.** A Special Development Project Permit shall be issued by Gunnison County upon final approval of the application. The permit shall become effective only when:
- 1. DEVELOPMENT IMPROVEMENT AGREEMENT EXECUTED AND FUNDED.** The Development improvement Agreement has been executed and funded; and
 - 2. APPROVAL DOCUMENT RECORDED.** The Certificate or Resolution of approval of a Special Development Project Permit application has been recorded in the Office of the Gunnison County Clerk and Recorder.
- E. PERMITS RUN WITH LAND.** All obligations under any Special Development Project Permit issued under this *Resolution* shall run with the land, subject to the restrictions of Section 1-109. F.: *Transfer of Permit*.
- F. TRANSFER OF PERMIT.** A Special Development Project Permit may be transferred only with the written consent of the Board. Consent shall be in the sole discretion of the Board. The Board shall ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the Permit, and this *Resolution*, that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can and will be made.
- G. PERMIT IS NOT A SITE-SPECIFIC DEVELOPMENT PLAN.** A Special Development Project Permit issued pursuant to this *Resolution* is not a site-specific development plan, and no statutory vested rights shall inure to the permit.
- H. TERM OF PERMIT.**
- 1. PROJECT REQUIRED TO BEGIN WITHIN TWELVE MONTHS OF PERMIT ISSUANCE.** The Applicant shall take substantial steps to initiate the permitted project within 12 months from the date of the permit. If the Applicant does not initiate the permitted project within twelve months of the date of the permit, the permit shall automatically expire.
 - 2. PROJECT PERMIT includes CONDITIONS DEFINING INITIATION OF DEVELOPMENT OR ACTIVITY** The Special Development Project Permit shall define the conditions that constitute initiation of the permitted project.
 - 3. DISCONTINUANCE OF PERMITTED USE.** If a permitted project is substantially discontinued for a period of one year, renewal of development or operation of the permitted project shall not be initiated until a review by the Planning Department has determined that the renewed development or operation will be in full compliance with the Special Development Project Permit approval and will not pose a threat to public health or safety. The Special Development Project Permit shall define the conditions that constitute a determination that the permitted project has been substantially discontinued.
- I. EXTENSION OF APPROVAL.** A request for extension of approval of a Special Development Project Permit Application shall be considered by the Board at a regularly scheduled public meeting.
- 1. MATERIALS.** The request for extension shall include the following information:
 - a. REASONS APPLICANT CANNOT MEET DEADLINES.** The reasons for the applicant's inability to comply with the specified deadlines.
 - b. CHANGES IN DEVELOPMENT OR REGULATIONS SINCE PERMIT APPROVAL.** Changes in the character of the Proposed Project area or changes in the *Land Use Resolution* or Comprehensive Plan which have occurred since approval of the Special Development Project Permit, and the effect of such changes on the Proposed Project.
 - 2. APPROVAL CRITERIA.** The Board may grant an extension based upon the following criteria:
 - a. EXTENSION APPLICATION SUBMITTED BEFORE EXPIRATION OF APPROVAL.** The applicant has applied for an extension before the date of expiration of approval; and
 - b. NO CHANGES IN REGULATIONS OR DEVELOPMENT AFFECTING PROJECT.** There has been no change or proposed change in the *Land Use Resolution*, the County Comprehensive Plan, or the Proposed Project area that would substantially affect the Proposed Project.

- J. COMPLIANCE WITH PERMIT CONDITIONS.** Each development permitted pursuant to this *Resolution* shall be initiated, conducted and completed pursuant to all terms and conditions of the applicable permit.
- K. TECHNICAL REVISIONS AND PERMIT AMENDMENTS.** Any proposed change in the construction or operation of the Project from that approved by the Board in the Special Development Project Permit shall require a Technical Revision or amendment to the Permit.
- 1. TECHNICAL REVISIONS.** A proposed change shall be considered a Technical Revision if the Director determines that:
 - a. APPLICATION MADE WITHIN FIVE YEARS OF PERMIT APPROVAL.** The application has been made within five years of the date of the original Special Development Project Permit approval; and
 - b. REQUIREMENTS OF ORIGINAL PERMIT HAVE BEEN MET.** The permittee has complied with all requirements of the original Permit approval; and
 - c. NO INCREASE IN SIZE OR INTENSITY.** There will be no increase in the size of the area affected or the intensity of impacts as a result of the proposed change(s); and one or more of the following
 - 1. INCREASE IS INSIGNIFICANT.** Any increase in the area or intensity of impacts is insignificant; or
 - 2. CHANGE COMPLIES WITH ALL APPLICABLE REGULATIONS AND INTERGOVERNMENTAL AGREEMENTS.** The proposed change complies with the requirements of this *Resolution* and other applicable regulations and intergovernmental agreements as they exist at the time the application for Technical Revision is submitted; or
 - 3. PUBLIC BENEFIT OR PUBLIC DETRIMENT.** A public benefit will be obtained or no public detriment will occur as a consequence of the proposed change.
 - 2. PERMIT AMENDMENTS.** Changes other than Technical Revisions shall be considered permit amendments. A permit amendment shall be subject to review as a new permit application.
 - 3. APPLICATION FOR PERMIT AMENDMENT OR TECHNICAL REVISION.** The following information and materials shall be submitted by the permittee for staff review of the proposed changes to determine if a Technical Revision or permit amendment will be required.
 - a. DOCUMENTATION OF PERMIT APPROVAL.** Documentation of the current permit approval.
 - b. AS-BUILT DRAWINGS.** As-built drawings of the project, if applicable.
 - c. DRAWINGS OF PROPOSED CHANGES.** Drawings and plans of proposed changes to the project.
 - d. STATEMENT OF NEED FOR PROPOSED CHANGES.** Statement of need for proposed changes.
 - e. ADDITIONAL OR CHANGED MITIGATION PLANS.** Description of additional or changed mitigation plans.
 - 4. DIRECTOR'S REVIEW AND DETERMINATION.** If the proposed change satisfies the criteria in Section 1-109: K. 1.: *Technical Revisions*, the Director shall approve the proposed change as a Technical Revision. The Director's approval may include conditions to ensure compliance with the Special Development Project Permit approval and this *Resolution*.
 - a. APPROVAL WITH CONDITIONS.** If the Director approves the Technical Revision with conditions, the Director shall make written findings that each condition is necessary to ensure compliance with the Special Development Project Permit approval and this *Resolution*.
 - b. RECORDATION.** Approved Technical Revisions to the Special Development Project Permit shall be recorded in the office of the County Clerk and Recorder within 30 calendar days of the date of written notice of the Director's decision.
 - 5. NOTICE OF DIRECTOR'S APPROVAL OF TECHNICAL REVISION.**
 - a. WRITTEN NOTICE OF DECISION.** Within five working days of the date of determination, the Director shall notify the Applicant, the Board, and the County Attorney, in writing, regarding the approval of a Technical Revision.
 - b. PUBLICATION OF NOTICE OF DIRECTOR'S APPROVAL OF TECHNICAL REVISION.** A notice of the Director's approval of a Technical Revision shall be published once in a newspaper of general circulation in the County, not more than 14 calendar days after the date of determination.

6. RECONSIDERATION OF DIRECTOR'S APPROVAL OF TECHNICAL REVISION.

- a. BOARD DISCRETIONARY REVIEW AND AMENDMENT OF DIRECTOR'S APPROVAL.** The Board may, at its discretion, review and amend the Director's approval of a Technical Revision at the next regularly scheduled meeting for which proper notice can be accomplished, following the date of written notice of the Director's decision.
- b. REQUEST FOR RECONSIDERATION.** Any affected party may, within seven calendar days of the date of written notice of the Director's decision, request that the Board reconsider the Director's decision at its next regularly scheduled meeting for which proper notice can be accomplished. The Board may review and/or amend the Director's decision at its discretion.

SECTION 1-110: PUBLIC HEARINGS

TABLE 1: TIMING OF NOTICE

METHODS OF NOTICE	AMENDMENT OF THIS RESOLUTION	DESIGNATION OF MATTER OF STATE INTEREST	SPECIAL DEVELOPMENT PROJECT PERMIT	REQUEST FOR CHANGE IN SURETY
	BOARD HEARING	JOINT PUBLIC HEARING OF BOARD AND PLANNING COMMISSION	JOINT PUBLIC HEARING OF BOARD AND PLANNING COMMISSION	BOARD HEARING
PUBLICATION OF NOTICE IN NEWSPAPER	30 days	No less than 30 days No more than 60 days before hearing	No less than 30 days No more than 60 days before hearing	15-30 days
MAILING OF NOTICE TO LANDOWNERS	N/A	N/A	No less than 30 days No more than 60 days' before hearing	N/A
MAILING OF NOTICE TO LANDOWNERS AND MINERAL ESTATE OWNERS	N/A	No less than 30 days No more than 60 days before hearing	No less than 30 days No more than 60 days before hearing	30 days
POSTING OF SIGN ON PROPOSED PROJECT AREA	N/A	None required	No less than 30 days No more than 60 days before hearing	30 days
CONTINUATION OF HEARING	No additional notice required for continuation	No additional notice required for continuation	No additional notice required for continuation	N/A

- A. PUBLICATION OF NOTICE.** At least 30 but not more than 60 days before a public hearing, the Planning Department shall place a legal notice in the County's official newspaper, which shall be published at least once. When the proposed Special Development Project is in an area of Gunnison County that is served by a local newspaper that is not the County's official newspaper, notice may also be published in that local newspaper. The notice shall include the following:
- 1. DATE, TIME AND PLACE.** The date and time of day when the hearing will be conducted. The time and place of the hearing.
 - 2. LOCATION.** The location of the public hearing, by name of building, if appropriate, and address.
 - 3. ADDITIONAL INFORMATION.** A statement that the Planning Department can provide additional information, and the postal and e-mail addresses and telephone number of the Planning Department where written comments can be directed before the public hearing.
 - 4. VICINITY MAP.** A vicinity map, and legal description(s) of all land included as the Proposed Project area,
 - 5. DESCRIPTION OF PROPOSED DESIGNATION OR PROJECT.** A description of the area or activity proposed to be designated, or that is the subject of the Special Development Project Permit Application, in sufficient detail to provide reasonable notice as to the location, and a description of the Proposed Project.
 - 6. INVITATION TO PARTICIPATE.** An invitation to interested persons to attend and participate in the hearing.
 - 7. SPECIAL ACCESSIBILITY NEEDS.** A request for notification to the County of special accessibility needs of persons attending the hearing, pursuant to the requirements of the Americans with Disabilities Act.
- B. MAILING OF NOTICE.** At least 30 but not more than 60 days before the public hearing, the Planning Department shall provide a copy of the notice to the applicant, and the applicant shall send notice by certified mail, return receipt requested, as follows. The Planning Director may identify additional entities to be notified:

1. **NOTICE TO SURFACE PROPERTY OWNERS.** All owners of surface property rights, mineral rights and water rights immediately adjacent to the subject property including owners of adjacent agricultural operations. When the subject property is located adjacent to a municipality, a disincorporated/abandoned townsite or platted and recorded subdivision, notice shall be sent to all owners of surface property rights within 500 feet of the subject property. For Proposed Projects on or surrounded by federal land, notice shall be sent to all affected land owners.
 2. **NOTICE TO MINERAL ESTATE OWNERS.** Each owner of a mineral estate underneath a surface estate that is affected by the application, unless the owner has waived the right to notice in writing to the applicant, and who either:
 - a. **ON RECORD AS MINERAL ESTATE OWNER.** Is identified as a mineral estate owner in the records of the Gunnison County Office of the Assessor, if those records are searchable by parcel number or by section, township, an range numbers or other legally sufficient description; or
 - b. **REQUEST FOR NOTIFICATION HAS BEEN FILED.** Has filed in the Office of the Gunnison County Clerk and Recorder a request for notification as specified in 24-65.5-103 93, C.R.S.
 3. **NOTICE TO OWNERS OF DITCH WATER RIGHTS.** All owners of water rights in any ditches in the Proposed Project area according to records of ownership available in records of the Colorado Division of Water Resources.
 4. **NOTICE TO CONSERVATION EASEMENT HOLDERS.** The applicant shall send notice to all holders of any conservation easements immediately adjacent to each boundary of any parcel on which the development is proposed to occur. When the parcel is adjacent to a municipality, a disincorporated/abandoned townsite or platted and recorded subdivision, all holders of a conservation easement that is within 500 feet of each boundary of the parcel, and that is recorded on the records of the Gunnison County Clerk and Recorder, shall be sent notice.
 5. **NOTICE TO INTERESTED PARTIES.** Interested parties:
 - a. **BOARD-MAINTAINED MAILING LIST OF INTERESTED PARTIES.** The Board of County Commissioners shall maintain a mailing list of persons requesting to receive notice of all hearings held pursuant to this *Resolution*. Notices shall be mailed to each person paying an annual fee established by the Board to cover the costs of production, handling and mailing of such notices, pursuant to Sections 24-65.1-404 (2) (b) and 24-65.1-501(2) (c), C.R.S. In order to receive notices for the calendar year, the person shall resubmit their name and address and pay the annual fee before January 31 of each calendar year.
- C. SOURCE OF NAMES OF PROPERTY OWNERS RECEIVING NOTICE.** The list of real property owners to whom notice is required to be mailed shall be compiled by the applicant by using the most current list of real property owners on file with the Office of the Gunnison County Clerk and Recorder, except that identification of mineral estate owners shall be compiled from the records of the Office of the Gunnison County Assessor. The list of owners of water rights in ditches within the Proposed Project area shall be created compiled by the applicant using available data from the Colorado Division of Water Resources. In any case the burden is on the applicant to obtain complete, accurate and current names and addresses for property owners to whom notice shall be given.
- D. POSTING OF NOTICE.** At least 30 but not more than 60 days before a public hearing, the Applicant shall post on the property a notice of the public hearing. The Applicant shall obtain a copy of the notice and a posting board from the Planning Department, attach the notice to the posting board and cover it with a waterproof material through which the notice is clearly visible.
1. **SIGN LOCATION.** The Applicant shall post the sign bearing the notice in a conspicuous location on the property that is readily visible from a road adjoining or serving the area of the Proposed Project. Where the property does not have frontage on a public or private road, the sign shall be erected on the nearest road right-of-way, with a notation stating the direction and distance to the land on which the project is proposed, or another location approved by the Planning Department so it is visible to the greatest number of people.
 2. **POSTING BOARD.** The dimensions of the posting board shall be no smaller than 24 inches wide by 36 inches high.
 3. **PLACE OF POSTING.** The post, fence, structure or other location to which the public hearing notice is posted shall be study and visible.
- E. PROOF OF NOTICE.** At least a week before the public hearing, the applicant is required to provide the Planning Department with an affidavit certifying that notice was accomplished pursuant to this Section. A photograph of the posted sign(s) and a list of and copy of each of the return receipts demonstrating to whom notice was mailed shall be attached to the affidavit.

- F. VALIDITY OF NOTICE.** If the applicant and the Planning Department perform the responsibilities required by this Section, then the failure of any property owner or interested person to receive notice shall not affect the validity of the hearing.
- G. CONDUCT OF PUBLIC HEARING.** A hearing shall be conducted as follows, unless otherwise determined by the County.
- 1. HEARING PROCESS.** The hearing shall be conducted in accordance with the following process.
 - a. BOARD AND PLANNING COMMISSION JOINT HEARING.** When a joint hearing is required pursuant to this *Resolution*, the Commission and Board will jointly attend and participate in the hearing on the application.
 - b. ROLE OF CHAIRPERSON.** When a joint hearing is required pursuant to this *Resolution*, before the hearing is opened, the Board shall designate who shall chair the hearing; otherwise, the chairperson of the Board shall chair the hearing. The Chairperson shall exercise reasonable control over the mode and order of the hearing to ensure the opportunity for accurate and complete presentation and examination of the evidence, to avoid undue consumption of time, and to bring the hearing to a conclusion.
 - c. RULES OF CIVIL PROCEDURE SHALL NOT APPLY.** The Colorado Rules of Civil Procedure will not govern the conduct of the hearing, and there shall not be a right of any person to cross-examination.
 - d. RIGHTS OF ALL PERSONS.** Any person may appear at a public hearing and submit evidence, including oral testimony, either individually or as a representative of an organization. Comment may also be submitted in written form before or during the hearing, or within a period of time after the hearing has closed, which shall be announced by the chairperson.
 - e. RECORD OF PUBLIC HEARING.** The County shall record the public hearing by any appropriate means, including audiotape or videotape, and written minutes. Any person may, at his own expense, provide for transcription of the record, so long as a copy of the transcript is furnished free of charge to the Board. The County is not required to create a transcript of the hearing, but may elect to hire a court reporter and/or transcriber at the expense of the applicant to create the record for the proceedings.
 - f. ORDER OF PROCEEDINGS.** The order of the proceedings shall be as follows:
 - 1. CONFIRMATION OF ADEQUATE PUBLIC NOTICE.** The Planning Department shall report whether or not adequate notice has been accomplished, pursuant to Section 1-110: *Schedule, Notice and Conduct of Public Hearings*.
 - 2. CONFIRMATION OF REQUIRED QUORUM(S).** The chairperson shall confirm that the required quorum for the body(ies) conducting the hearing is present. When a joint hearing is required pursuant to this *Resolution*, the required respective quorums for both the Planning Commission and the Board shall be present, or the hearing shall be cancelled and rescheduled.
 - 3. DISCLOSURE OF EX PARTÉ COMMUNICATIONS.** Any ex parté communications that have occurred shall be reported by the Board or Planning Commission member who has received such communication.
 - 4. APPLICANT'S PRESENTATION.** The applicant shall orally present a description of the Proposed Project that informs persons at the hearing of the nature, location, and scope of the Proposed Project, including planned or proposed future phases when phasing is included as part of the Proposed Project.
 - 5. COUNTY STAFF AND COUNTY CONSULTANT COMMENTS.**
 - a. STAFF PRESENTATION.** The County staff shall present its staff report, prepared pursuant to Section 4-401: *G.: Preparation of Staff Report*.
 - b. CONSULTANT PRESENTATION.** At the County's determination, County consultants may make presentations of their findings.
 - 6. PUBLIC COMMENTS.** Any person may appear at the public hearing and submit evidence, including oral testimony, either individually or as a representative of an organization. Comment may also be submitted in written form before or during the hearing. Written comments that have been received before the hearing shall be reported by the Planning Department and made part of the hearing record.
 - 7. QUESTIONS BY BOARD OR PLANNING COMMISSION.** The Board and Planning Commission may ask questions of the County staff, County consultants or the applicant, or anyone else who is present.

8. **COUNTY STAFF AND CONSULTANT RESPONSE.** The County staff and County consultants may respond to any statement made by the applicant, the public, the Board or Planning Commission.
9. **APPLICANT RESPONSE.** The applicant may respond to any comments made by the public, the County staff, and/or the Board or Planning Commission.
 - a. **TIME LIMITS FOR TESTIMONY.** The chairperson shall set reasonable time limits for testimony or presentation of evidence. If any testimony or evidence is so limited, the person offering that testimony or evidence shall have an opportunity to enter it into the record in writing at the public hearing.
 - b. **CONTINUANCE OF PUBLIC HEARING.** At the conclusion of the hearing, the chairperson may continue the public hearing to a fixed date and time. A hearing shall be continued only if the Board determines that additional information is necessary; the continued hearing shall be limited to the additional information requested. If the hearing is continued, no further public notice is required.
10. **CLOSURE OF PUBLIC HEARING AND ACCEPTANCE OF WRITTEN TESTIMONY AFTER CLOSURE.** If the hearing is not continued, it shall be closed. No document or comment, written or oral, shall be accepted by the County after the hearing is closed.
11. **ANNOUNCEMENT THAT NO EX PARTÉ COMMENTS ACCEPTED.** The chairperson shall announce that there shall be no ex parté comments accepted by members of the Planning Commission or Board after closure of the hearing.
12. **ALL WRITTEN COMMENTS RECEIVED BECOME PART OF RECORD.** All written comments, along with supporting data and references, received within the specified comment period shall be made a part of the record and shall be available for public review at the Planning Department.

SECTION 1-111: EX PARTÉ COMMUNICATIONS

- A. **EX PARTÉ COMMUNICATION.** Once an application for a Special Development Permit has been received by the Planning Department, members of the Planning Commission and Board shall not engage in communications with any party regarding the application. No ex parté communication shall be considered by the decision-making body, or any of its members in making a decision on an application.
- B. **DISCLOSURE OF EX PARTÉ COMMUNICATIONS.** A member of the Planning Commission or Board who receives, or who knowingly makes or causes to be made, a communication prohibited by this rule shall place on the public record of the matter:
 1. **WRITTEN COMMUNICATIONS.** All such written communications and any responses thereto.
 2. **WRITTEN MEMORANDUM.** A written memorandum stating the substance of any such oral communication and any responses thereto.

SECTION 1-112: CONSTRUCTION AND WORD USAGE

- A. **LIBERAL CONSTRUCTION.** This *Resolution* and the terms of it are to be liberally construed to effect the purposes of this *Resolution*.
- B. **MORE VERSUS LESS RESTRICTIVE REQUIREMENTS.** Where there exists a conflict or overlap between different requirements in this *Resolution*, or between this *Resolution* and any other resolution, regulation or ordinance adopted by Gunnison County, or between this *Resolution* and any other applicable state or federal requirement or statute, the requirement that is the more restrictive or particular shall prevail over that which is less restrictive or is more general.
- C. **PRIVATE AGREEMENTS.** It is not the intent of this *Resolution* to unreasonably interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the requirements of this *Resolution* impose a greater restriction than imposed by a private agreement signed after the effective date of this *Resolution*, the requirements of this *Resolution* shall control; if the requirements of a private agreement impose the greater restriction, the requirements of the private agreement shall take precedence. The County shall not be responsible for enforcing applicable requirements of private agreements other than those to which the County is a party, in which case the County shall have the sole discretion to decide whether to enforce.
- D. **REQUIREMENTS ARE MINIMUM REQUIREMENTS.** The requirements of this *Resolution* shall be regarded as the minimum requirements necessary for the protection of the public health, safety, general welfare, and the environment.

- E. DELEGATION OF DUTIES BY DEPARTMENT HEAD.** Whenever a provision requires the Planning Director or the head of any other County department to perform an act or duty, it shall be construed to authorize the Planning Director, or the head of that other County department, to designate, delegate, and authorize subordinates to perform the duty or act, unless the terms of the provision or section specify otherwise.
- F. COMPUTATION OF TIME.** The time in which an act is to be done shall be computed by excluding the first and including the last day. If a deadline falls on a weekend or County holiday, the deadline extends to the end of the next working day. Time shall be based on calendar days, not working days, unless otherwise specified.
1. **DAY.** The end of a day shall be at 5:00 p.m., Gunnison time.
 2. **WEEK.** The word “week” shall mean seven days.
 3. **MONTH.** The word “month” shall mean 30 days.
 4. **YEAR.** The word “year” shall mean 365 days.
- G. FRACTIONS.** Whenever a fraction is generated in any calculation required by this *Resolution*, then fractions from .01 to .49 shall be rounded down to the next lowest whole number, and fractions from 0.50 to 0.99 shall be rounded up to the next highest whole number, unless otherwise specified.
- H. MEANINGS OF CERTAIN WORDS.**
1. **SINGULAR/PLURAL.** A word used in the singular may also be applied to several persons and things as well as to one person or thing. The use of the plural number shall include any single person or thing, unless the context clearly indicates the contrary.
 2. **SHALL/WILL/MUST/MAY/SHOULD.** “Shall”, “will” and “must” all mean the provision is mandatory; “may” means it is permissive; “should” means it is preferred.
 3. **MASCULINE/FEMININE.** The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
 4. **CONJUNCTIONS.** Unless the context clearly suggests otherwise, conjunctions shall be interpreted as follows:
 5. **“AND”** means that all connected items, conditions, requirements, or events apply.
 6. **“OR”** means that one or more of the connected items, conditions, requirements, or events apply.
 7. **COMMON/TECHNICAL TERMS.** Words and phrases shall be construed according to the common usage of the term, but technical words and phrases that have acquired a particular meaning shall be understood according to that particular meaning.
 8. **LISTS AND EXAMPLES.** Unless otherwise specifically indicated, lists of items or examples that use terms including “for example,” “including” or similar language, are intended to provide examples, not exhaustive lists of all possibilities.

SECTION 1-113: MAPS

- A. USE OF MAPS.** Gunnison County uses the following maps as general sources of information to provide initial guidelines for siting development and for alerting the County, the applicant and the public about the physical characteristics of a parcel and the area in which it is located. Site-specific studies may be required of individual parcels to determine individual characteristics more definitively, and how they may affect the Proposed Project.
- B. MAPS ADOPTED.** Gunnison County hereby adopts the following maps in this *Resolution*, as if they were actually included as illustrations in this *Resolution*. These maps may be updated from time to time, pursuant to Section 1-113: C.: *Adoption of New or Updated Maps*.
1. **MINERAL RESOURCE AREA.** The Gunnison County Mineral Resource Area maps.
 2. **NATURAL HAZARD AREAS.**
 - a. **FLOODPLAIN MAPS.** National Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (September 29, 1989, as amended).
 - b. **GEOLOGIC HAZARD MAPS.** Geologic Hazard Maps prepared by the Colorado Geologic Survey.
 - c. **WILDFIRE HAZARD MAPS.** Wildfire Area Hazard Maps prepared by the Colorado State Forest Service.

3. **HISTORICAL, NATURAL OR ARCHEOLOGICAL AREAS.** Areas containing or having a significant impact upon historical, natural or archeological resources of statewide importance as illustrated on the Historical, Natural and Archeological Resources Maps, prepared by Gunnison County.
4. **GUNNISON COUNTY ROAD MAINTENANCE MAPS.** Maps of roads within Gunnison County, designating roads maintained and/or plowed by Gunnison County (dated April 1997, as amended).
5. **SOILS MAPS.** Soil Survey Maps prepared by the Natural Resource Conservation Service.
6. **WILDLIFE HABITAT MAPS.** Wildlife Habitat Maps, prepared by the Colorado Division of Wildlife including the Wildlife Resource Information System (WRIS) and/or the National Natural Diversity Information Source (NDIS) maps available from the Colorado Division of Wildlife; and the Gunnison County Gunnison Sage-grouse Lek Map that depicts private lands located within 0.6 miles of known Gunnison Sage-grouse leks; and the Gunnison County Gunnison Sage-grouse Occupied Habitat Map that generally depicts Gunnison Sage-grouse occupied habitat. Maps may also be submitted that are prepared by the applicant's wildlife consultant to provide site-specific detail using the Colorado Division of Wildlife and Gunnison County habitat maps as baseline data.
7. **WETLANDS MAPS.** Wetlands identification maps for lands around the Town of Crested Butte prepared by David Cooper, PhD: Ecologist, in cooperation with the U.S. Environmental Protection Agency.

C. ADOPTION OF NEW OR UPDATED MAPS.

1. **BOARD ADOPTION OF REVISION OR UPDATE.** The revision or updating of a map shall be accomplished by resolution of the Board at any regular meeting.
2. **REVISION SHALL BE RECORDED.** New or revised/updated maps shall be recorded in the records of the Office of the Gunnison County Clerk and Recorder.

D. RESOLUTION OF MAPPING DISPUTES. When interpretation is needed as to the exact location of the boundary of any designated area and where there appears to be a conflict between a mapped boundary and actual field conditions, the Board will make the necessary determination of the boundary. Any person contesting the location of the boundary shall be given an opportunity to make a presentation to the Board.

SECTION 1-114: INTERPRETATION OF THIS RESOLUTION

- A. AUTHORITY.** The Board of County Commissioners shall be the final authority regarding any interpretation of this *Resolution*.
- B. COUNTY ATTORNEY INTERPRETATION.** During the course of the staff's review of the application, if any conflicting interpretations of this *Resolution* arise, the County Attorney shall be charged with resolving the conflict.

SECTION 1-115: AMENDING THIS RESOLUTION

- A. PURPOSE.** The purpose of this Section is to provide a process by which the Board may, from time to time, amend this *Resolution*.
- B. PROCESS TO AMEND.** The following shall be the process required to amend this *Resolution*:
 1. **INITIATION OF REVIEW.** The amendment process may be initiated either by a recommendation of the Planning Commission, or by a motion of the Board, in the following manner:
 - a. **BOARD MOTION.** The Board may initiate amendment of this *Resolution* by motion, directing the Planning Commission to conduct such process. Such directive may include specific language proposed as amendments, or may identify issues that the Board directs the Planning Commission to analyze and specifically recommend amendment language.
 1. **PLANNING COMMISSION RECOMMENDATION.** If the Board has proposed amendments to this *Resolution*, within 60 days of receipt of the Board's directive, the Commission shall submit its recommendations for approval or disapproval and any modifications. If the Commission determines additional time is necessary in which to consider the proposed amendment, a request for additional study, extended to a date certain, may be submitted to, and considered by the Board.
 - b. **PLANNING COMMISSION INITIATIVE.** The Planning Commission may initiate the amendment process to amend this *Resolution* by recommending amendment(s) in written form to the Board, stating the reason(s) therefore.

3. **PUBLIC HEARING.** Upon receipt of the recommendations of the Commission, the Board shall schedule, publicly notice, and conduct a public hearing on the proposed amendment(s), pursuant to the requirements of Section 1-110: *Public Hearings*.
 4. **BOARD REVIEW AND ACTION.** The Board shall consider the Planning Commission's recommendations, any relevant support materials, public testimony and evidence received at the public hearing, and compliance of the proposed amendments with Section 1-115: C.: *Review Considerations*. The Board may, by written resolution, adopt the amendments, adopt the amendments with modifications, table for further study or deny the amendments. Such resolution shall include findings that address Section 1-115 C.: *Review Considerations*. Adoption of any amendment shall require the affirmative vote of a majority of the membership of the Board.
- C. **REVIEW CONSIDERATIONS.** The decision to amend this *Resolution* is at the legislative discretion of the Board. The Board shall consider the following in determining whether to adopt a proposed amendment, adopt a proposed amendment with modifications, table it for further study, or deny it:
1. **COMPLIANCE WITH THIS RESOLUTION.** Compliance of the proposed amendments with the guidelines of this *Resolution* pursuant to Section 1-103: *Guidelines*.
 2. **CHANGES IN LAW.** Changes in applicable law.
 3. **PUBLIC HEALTH, SAFETY AND WELFARE.** Public health, safety and welfare.
 4. **COMPLIANCE WITH INTERGOVERNMENTAL AGREEMENTS.** Compliance with any applicable intergovernmental agreements adopted by Gunnison County.

SECTION 1-116: SEVERABILITY

- A. **INVALIDATION OF ONE PART OF THIS RESOLUTION SHALL NOT AFFECT VALIDITY OF THE WHOLE.** If any Article, Division, Section, paragraph, clause, provision, or portion of this *Resolution* is determined to be unconstitutional or invalid by a court of competent jurisdiction, such determination shall not affect the validity of this *Resolution* as a whole or any part of this *Resolution* other than the part determined to be unconstitutional or invalid. The Board may temporarily suspend for up to 90 days the processing of each pending application until that part of this *Resolution* is amended.
- B. **INVALIDATION OF SINGLE APPLICATION OF THIS RESOLUTION SHALL NOT APPLY TO OTHER APPLICATIONS.** If any application of this *Resolution* to a particular area or development is determined to be unconstitutional or invalid by a court of competent jurisdiction, such determination shall not be applicable to any area or development not specifically identified in that judgment.
- C. **INVALIDATION OF ONE PART OF THIS RESOLUTION SHALL NOT INVALIDATE APPROVED PERMITS, FINANCIAL SECURITY OR OTHER COUNTY ACTION.** If any section, clause, provision, or portion of this *Resolution* should be found to be unconstitutional or invalid by a court of competent jurisdiction, such a finding shall not affect the validity of any permit previously issued, financial security previously accepted, nor action previously taken by the County, except as specifically ordered by the court.

ARTICLE 2: DEFINITIONS

SECTION 2-101: PURPOSE

The purpose of this Article is to define words, terms, and phrases used in this *Resolution*, or that are otherwise used by the County in its review and actions concerning land use issues.

SECTION 2-102: DEFINITIONS

The following words, terms, and phrases shall have the following meanings when used in this *Resolution* or that are otherwise used by the County in its review and disposition of land use issues unless the context requires otherwise:

ACCESS. The place, method or way by which pedestrians and vehicles obtain usable ingress and egress to a parcel or land use.

ADJACENT. Abutting or contiguous to or sharing a common border.

ADVERSE. Unfavorable, harmful.

AIRPORT. Any area of land, water, or structure that is used for the landing or taking off of aircraft, for private, business or commercial purposes, including, but not limited to, all facilities for passenger or cargo loading, or maintenance, fueling, shelter or storage of aircraft; including, but not limited to, any area for provision of services, including flight instruction, charter or air freight service, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities, and all appurtenant rights-of-way. An airport is "publicly owned" for purposes of this *Resolution* if the area used for the landing and taking off of aircraft is owned, operated, controlled, leased to or leased by Gunnison County.

AIRPORT AREA OF INFLUENCE. An area encompassing the flight patterns, critical zones, airport height zone, CNR noise zones, and other areas adjacent to the airport site.

AIRPORT HAZARD. Any natural formation, structure, or use of land that obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or is otherwise hazardous or creates hazards to such safe landing or taking off of aircraft, endangers the lives and property of the general public, of users of the airport or of occupants of land in its vicinity, or reduces the size of the area available for the landing, taking-off, or maneuvering of aircraft, thus tending to destroy or impair the utility of the airport.

APPLICANT. The Person applying for a Special Development Project Permit.

APPURTENANT FACILITIES. Any buildings, structures or other property which are clearly incidental to, and customarily found in connection with the primary facilities and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such primary facilities.

AQUIFER RECHARGE AREA. Any area where surface water may infiltrate to a water bearing stratum of permeable rock, sand or gravel. This definition will also include wells used for disposal of wastewater or toxic pollutants.

ARCHEOLOGICAL RESOURCE, CULTURAL RESOURCE OR HISTORICAL RESOURCE. 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.

AREA AROUND A KEY FACILITY. An area immediately and directly affected by a key facility.

AREA AROUND A RAPID OR MASS TRANSIT FACILITY. An area immediately and directly affected by a rapid or mass transit facility.

ARTERIAL HIGHWAY. Any limited access highway that is part of the federal-aid interstate system or any limited access highway constructed under the supervision of the Colorado Department of Transportation.

ASPECT. The cardinal direction the land surface faces.

BASELINE. The existing conditions and past trends in which a Proposed Project is to take place, from which variations are projected and measured.

BOARD. The Board of County Commissioners of Gunnison County.

BUSINESS has the same meaning as “Commercial.”

BUFFER. Landscape and/or architectural elements, either existing or additional, which provide a logical and reasonable transition to and between adjoining uses.

CARBON NEUTRAL. No net contribution into the atmosphere of carbon dioxide or other gases that when emitted into the atmosphere trap heat (hereinafter referred to as heat-trapping gases).

CHARACTER. The distinct physical characteristics of a structure or area.

CNR. The composite noise rating as computed pursuant to Federal Aviation Administration standards and procedures. A CNR noise zone is an area arranged in contour on a map indicating expected noise levels from aircraft.

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 Colorado 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.

COMMERCIAL. Any establishment engaged in the retail or wholesale sale of goods or services that is open to the general public or that may be open to members only. This does not include farm or ranch stands. “Commercial” shall also mean “business.”

COMMISSION. The Planning Commission of Gunnison County.

COMPATIBLE. Consistent with, harmonious with, similar and complementary to, the use and/ or function of natural systems and/or existing land uses in an area.

CONSIDERATION. Careful thought; deliberation, a factor to be considered in forming a judgment or decision. For purposes of this *Resolution*, a consideration is not a dispositive determination.

COUNTY. Gunnison County.

COUNTY ATTORNEY. The Gunnison County Attorney.

CUMULATIVE IMPACTS. The impact which results from the incremental impact of the Proposed Project when added to other past, present and reasonably foreseeable future actions, regardless of what entity (public or private) undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

DEBRIS-FAN FLOODPLAIN. A floodplain which is located at the mouth of a mountain valley tributary stream as such stream enters the valley floor.

DEDICATION. The conveyance or setting aside by the owner of an interest in land or water to the County or other public entity for the use of the public, and accepted for such use by or on behalf of the public by the Board or other public entity.

DEPARTMENT. The Gunnison County Planning Department.

DESIGNATION. That legal procedure specified by Sections 24-65.1-401, 24-65.1-402 and 24-65.1-406, C.R.S., for designating matters of state interest, and the revocation and amendment of such designations.

DETENTION. The practice and process associated with the delayed release of storm water to reduce peak flow, to maintain base flow, to increase opportunity for recharge to groundwater, to reduce nutrient and sediment loading to surface water bodies, and to reduce opportunity for surface runoff and soil erosion.

DETENTION FACILITY. A permanent structure for the temporary storage of storm water runoff that is designed so as not to create a permanent pool of water.

DEVELOPMENT. Any construction, activity and/or ongoing operation which changes the basic character or the use of the environment in which the construction, activity or operation occurs. Development shall not mean the conduct of ordinary agricultural operations.

DEVELOPMENT IMPROVEMENT AGREEMENT. A legal agreement entered between Gunnison County and an applicant for a Special Development Project Permit providing the applicant's financial and other guarantees to construct the approved improvements.

DIRECTOR. The Planning Director of Gunnison County.

DOMESTIC WATER AND WASTEWATER TREATMENT SYSTEM A wastewater treatment plant, water supply system, or water treatment plant, 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.

- **WASTEWATER TREATMENT FACILITY.** A domestic wastewater treatment facility (Section 25-9-102 (5), C.R.S.).
- **DOMESTIC WASTEWATER TREATMENT FACILITY.** Any facility or group of units used for the treatment of domestic wastewater or for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. "Domestic wastewater treatment facility" specifically excludes individual sewage disposal systems. (Section 25-9-102 (4.5), C.R.S.).
- **WATER DISTRIBUTION SYSTEM.** Any combination of pipes tanks, pumps or other facilities that delivers water from a source or treatment facility to the consumer. (Section 25-9-102 (6), C.R.S.).
- **WATER TREATMENT FACILITY.** The facility or facilities within the water distribution system that can alter the physical, chemical, or bacteriological quality of the water. (Section 25-9-102 (7), C.R.S.).

DRAINAGE SYSTEM. A system of man-made structures designated to collect, convey, hold, divert or discharge storm water, and to mitigate surface water quality impacts, and includes storm water sewers, culverts, control structures, detention and retention facilities.

EBITDA. Earnings before interest, taxes, depreciation and amortization.

ECOSYSTEM. A geographically specified system of organisms (including humans), the environment and the processes that control its dynamics.

EFFICIENT USE OF WATER. The employment of methods, procedures, techniques, and controls to encourage use of water in the County for purposes, and in amounts, which will yield the greatest possible benefit to the greatest number of people, while promoting, where feasible and appropriate, the conservation of water in particular uses. Such benefits will include economic, social, aesthetic, ecological, and recreational benefits.

ESSENTIAL SERVICES. The development and/or maintenance of public utilities or County-approved underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, including, but not limited to, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals and hydrants.

EXPANSIVE SOIL AND ROCK. Soil and rock which contain clay and which expand to a significant degree upon wetting and shrink upon drying.

EX PARTÉ COMMUNICATION. An oral or written, off-the-record communication made to or by a member of the Planning Commission or Board without notice to all parties involved, that discusses the merits, or could affect the outcome, of a recommendation or decision to be made by the respective Commission or Board.

FIXED GUIDEWAY. A transportation facility consisting of a separate right-of-way or rail line for the exclusive use of rapid or mass transit vehicles.

FLOOD HAZARD AREA. The land within the floodplain subject to a one percent or greater chance of flooding in a given year.

GEOLOGIC HAZARD. A geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

GEOLOGIC HAZARD AREA. An area which contains or is directly affected by geologic hazard.

GRADIENT. Gradient is determined by dividing the horizontal distance or "run" of the slope into the vertical distance or "rise" of the same slope and converting the resulting figure into a percentage value.

GUIDELINE. Controlling non-prescriptive principle and requirements pursuant to Section 24-65.1-402, C.R.S.

GUNNISON COUNTY LAND USE RESOLUTION. The regulatory document generally governing land use changes and related activities that are not classified as Special Development Projects in the unincorporated portions of Gunnison County.

GUNNISON SAGE GROUSE RANGEWIDE CONSERVATION PLAN. The document titled the *Gunnison Sage-grouse Rangewide Conservation Plan*, Gunnison Sage-grouse Rangewide Steering Committee, Colorado Division of Wildlife, Denver, Colorado, 2005, as may be amended and accepted by resolution of the Board. If not listed specifically within this *Resolution*, definitions related to the Gunnison Sage-Grouse shall be as specified in the *Gunnison Sage-grouse Rangewide Conservation Plan*.

GUNNISON SAGE-GROUSE OCCUPIED HABITAT. Areas of suitable habitat as delineated within the Gunnison Sage-grouse Rangewide Conservation Plan and known to be used by Gunnison Sage-grouse within the last 10 years from the date of mapping as delineated on the Gunnison County Gunnison Sage-grouse Occupied Habitat Map. Areas of suitable habitat contiguous with areas of known use, which do not have effective barriers to Sage-grouse movement from known use areas, are mapped as occupied habitat unless specific information exists that documents the lack of Sage-grouse use. This category can be delineated from any combination of telemetry locations, sightings of the Gunnison Sage-grouse or sign, local biological expertise, GIS analysis, or other data sources.

HAZARDOUS MATERIAL. Any substance or material that, because of its toxic, caustic, corrosive, abrasive, explosive, biohazardous or otherwise injurious properties, may be detrimental or deleterious to the health of the environment or any person handling or otherwise being exposed to such material or substance.

HEADWATERS. The furthest upstream tributaries of a river.

IMPACT. The direct, indirect or cumulative effect or consequences of the development.

IMPERVIOUS COVER OR MATERIALS. A surface that does not readily allow water to infiltrate into the ground, including, but not limited to, roof, roadway or parking area surfaces.

IMPROVEMENTS. Additions to or enhancements of land or its condition, amounting to more than mere repairs or replacement, including, but not limited to, structures, infrastructure, habitat compensation, restoration, reclamation, general landscaping, or such other installations as may be designated by the County.

INCLUDE. Including without limitation.

INFRASTRUCTURE. The basic facilities, services, installations or systems needed for the development, support or efficient operations of the county, or developments within it, including, but not limited to, highways, roads, bridges, airports, public transit, sanitary and storm sewers, culverts, sidewalks, parks, trails, drainage, water supply and wastewater treatment systems, lighting, gas, cable television, lighting and electrical utilities.

INTERCHANGE. The intersection of two or more highways, roads or streets, at least one of which is an arterial highway where there is direct access to and from the arterial highway.

KEY FACILITIES. Key facilities means airports; major facilities of a public utility; interchanges involving arterial highways; rapid or mass transit terminals, stations, and fixed guideways.

LEGAL DESCRIPTION. A written metes and bounds description created by a surveyor registered in the State of Colorado, or a lot, block or tract description of a parcel of land for perpetuating location and title.

LEGAL LOT. A lot, parcel or tract of land that meets the definition of a "subdivision," or "subdivided land" as defined in Section 30-28-101 (10) (a), C.R.S., as it may be amended, or that is one of the exceptions to the definition of "subdivision" or "subdivided land" set out in the definition of "subdivision or subdivided Land" in Section 30-28-101 (10) (b), (c) or (d), C.R.S., as they may be amended, and that was created pursuant to all applicable laws, ordinances and regulations in effect at the time of its creation, and the legal description of which was recorded at the time of its creation in the records of the Clerk and Recorder of Gunnison County. A parcel as mapped for tax assessment records is not necessarily a legal lot.

LEK. An arena where male Sage-grouse display for the purpose of gaining breeding territories and attracting females. These arenas are usually open areas with short vegetation within sagebrush habitats, usually on broad ridges, benches, or valley floors where visibility and hearing acuity are excellent. Leks are delineated on the *Gunnison County Gunnison Sage-grouse Lek Map*.

LOCAL GOVERNMENT. A municipality, county, or special district.

LOCAL PERMITTING AUTHORITY. The governing body of a local government with which an application for development in an Area of State Interest or for conduct of an Activity of State Interest must be filed, or the designee thereof.

LOT. A parcel or tract of land. Also, see "Legal Lot."

MAJOR ELECTRICAL OR NATURAL GAS FACILITIES. Major electrical or natural gas facilities include one or more of the following:

- Electrical generating facilities.
- Substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity.
- Transmission lines operated at a nominal voltage of sixty-nine thousand volts or above.
- Structures and equipment associated with such electrical generating facilities, substations, or transmission lines.
- Structures and equipment utilized for the local distribution of natural gas service including, but not limited to, compressors, gas mains, and gas laterals.

MAINSTREAM FLOODPLAIN. An area adjacent to a perennial stream, which area is subject to periodic flooding.

MAJOR FACILITY OF A PUBLIC UTILITY. A central office building of a telephone utility; a transmission line, power plant, or substation of an electrical utility; or a pipeline or storage area of a utility providing natural gas or other petroleum derivatives.

MAJOR NEW DOMESTIC WATER SYSTEM. A new domestic water system designed to serve 25 single family dwelling units per day or more, or the equivalent thereof.

MAJOR NEW DOMESTIC SEWAGE/WASTEWATER TREATMENT SYSTEM. A new domestic wastewater treatment system designed for a capacity of 2,000 gallons per day or more, or a series of components that are designed for a capacity of 6,000 gallons per day or more.

MAJOR EXTENSION OF EXISTING DOMESTIC SEWAGE/WASTEWATER TREATMENT SYSTEM. Any modification of an existing domestic sewage/wastewater treatment system designed to serve an additional 10 single family dwelling units or more, or the equivalent thereof.

MAJOR EXTENSION OF EXISTING DOMESTIC WATER TREATMENT SYSTEM. Any modification of an existing domestic water treatment system to service an additional 10 dwelling units or more, or the equivalent thereof.

MASS TRANSIT. A coordinated system of transit modes providing transportation for use by the general public.

MASS TRANSIT FACILITIES. A station or terminal constructed to provide and facilitate passenger access and egress to a rapid or mass transit system, fixed guideways, dedicated highway lanes restricted to use by only mass transit vehicles, restricted dedicated flyovers and restricted dedicated access to terminals or stations, or highway access and egress facilities restricted to use only by mass transit vehicles.

MATTER OF STATE INTEREST. An Area of State Interest or an Activity of State Interest or both as listed in Sections 24-65.1-201 (1), C.R.S., and 24-65.1-(203) (1), C.R.S.

MINERAL. Any inanimate constituent of the earth in either solid, liquid or gaseous state including coal, oil, natural gas, oil shale, sand, gravel, uranium, quarry aggregate, limestone and metals which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable forms as a metals, a metallic compounds, a chemicals, an energy sources or a raw materials for manufacturing or a construction material. This definition "Mineral" does not include surface or ground water subject to appropriation for domestic, agricultural or industrial purposes, nor does it include geothermal resources under the laws of the State of Colorado.

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. Pursuant to Section 24-65.1-202 (d), C.R.S., unless an activity of state interest has been designated or identified or unless it includes part or all of another area of state interest, an area of oil and gas or geothermal resource development shall not be designated as an area of state interest unless the state oil and gas conservation commission identifies such area for designation.

MINING OPERATION. The exploration, development or extraction of a mineral from a naturally-occurring deposit. The term shall include underground, open pit, and/or strip mining, surface operations, stockpiling, transportation of mineral, the disposal of refuse from mining, concentration of ores, milling, evaporation and other processing.

MITIGATION. Actions taken to address impacts of the Proposed Project so that standards will be satisfied.

MUNICIPAL AND INDUSTRIAL WATER PROJECT. A system and all components thereof through which a municipality or industry derives its water supply from either surface or subsurface sources, or which otherwise serves municipal or industrial users.

MUNICIPAL THREE-MILE PLAN. A master plan adopted by a municipality pursuant to Section 31-23-206, C.R.S., for the physical development of areas outside its boundaries if such Municipal Three-Mile Plan has been approved in writing by the Board of County Commissioners.

MUNICIPALITY. A home rule or statutory city, town, or city and county or a territorial charter city.

NATURAL HAZARD. A flood hazard, geologic hazard, or a wildfire hazard.

NATURAL HAZARD AREA. An area containing or directly affected by a natural hazard.

NATURAL RESOURCES OF STATEWIDE IMPORTANCE. Shorelands of major, publicly owned reservoirs; significant wildlife habitats in which the wildlife species, as identified by the Colorado Division of Wildlife in a proposed area could be endangered; and agricultural land.

NET EFFECT/NET IMPACT. The impact of an action after mitigation. The term includes social, economic, physical, health, biological (including effects on natural resources and on the structure, and function of affected ecosystems), aesthetic, and historical effects, whether beneficial or harmful.

NEW COMMUNITY. The major revitalization of existing municipalities or “disincorporated” townsites, or the establishment of urbanized growth centers in unincorporated areas.

NON-MOTORIZED TRANSPORTATION WAY. That area within a road, whether paved, graveled or otherwise surfaced, suitable for bicycle, wheelchair, pedestrian, and, as applicable, equestrian travel.

NOXIOUS WEEDS. The non-native plant species including certain grasses that have been introduced into an environment with few, if any, natural biological controls, thus giving them a distinct competitive advantage in dominating and crowding out native plant species, and the ability to dominate plant communities to the extent plant diversity and ecosystem integrity is threatened.

NUCLEAR DETONATION. Use of a device, whether a bomb or otherwise, whose explosive power derives from the release of nuclear energy.

PARCEL. A tract or lot of land. Also, see “Legal Lot.”

PERMANENT POPULATION. The permanent population of the County as determined by the State of Colorado.

PERMIT. Any written authorization issued by Gunnison County and recorded by a document in the Office of the Gunnison County Clerk and Recorder or otherwise issued by the appropriate County Department, or issued in accordance with the requirements of Colorado or federal agencies.

PERSON. Any individual, entity, partnership, corporation, association, company, municipality, limited liability company, university, college or other public or corporate body, including the federal government, or any political subdivision (including any municipality, county, and district), agency, instrumentality, or corporation of the State or the United States.

PLANNING COMMISSION. The Gunnison County Planning Commission.

PLANNING DEPARTMENT. Those employees of Gunnison County who have been designated by the Board to implement, administer, and enforce the requirements of this *Resolution*.

PLANNING DIRECTOR. The Director of the Gunnison County Planning Department or his/her authorized designee.

POLLUTANT. A material or substance that contaminates air, soil or water.

POPULATION CENTERS. The communities of Somerset, Ohio City, Almont or Crested Butte South and the incorporated municipalities of Gunnison, Crested Butte, Mt. Crested Butte, Pitkin or Marble.

POWER PLANT. Any electrical energy generating facility including pumped storage facilities with a generating capacity of 10 megawatts or more, and any facilities appurtenant to any existing power plant or any addition thereto increasing the existing design capacity of the facility by 10 megawatts or more.

PRIMARY USE. The primary purpose or function for which a parcel is used.

PRIVATE POWER PROJECT. A complex of structures, machinery and associated equipment for generating electricity or providing natural gas or other petroleum derivatives which is not part of a public utility.

PROPOSED PROJECT. The construction and operation, temporary cessation, closure and post-closure of a proposed Special Development Project throughout its life cycle, including all ancillary structures, facilities, improvements, and activities, and all integrated components thereof, and any Proposed Project directly related to such project if such project is to be located wholly or partially within the County.

PUBLIC HEARING. A public meeting, conducted by the applicable body pursuant to Sections 1-110: *Public Hearings*, with the principal purpose of receiving testimony or public comment on a specific application or issue.

PUBLIC MEETING. Any meeting open to the public that meets the requirements of Section 24-6-401, C.R.S. *et seq.*

PUBLIC ROAD means the following:

- All roads over private lands dedicated to the public use by deed to that effect, filed with the Office of the Gunnison County Clerk and Recorder when such dedication has been accepted by the Board; and
- All roads over private or other lands dedicated to public uses by due process of law, including a subdivision plat approved by Gunnison County and recorded in the Office of the Gunnison County Clerk and Recorder; and
- All roads over private lands that have been used adversely without interruption or objection on the part of the owners of such lands for 20 consecutive years; and
- All toll roads or portions of them that may be purchased by the Board from the incorporators or charter holders of them, and thrown open to the public; and
- All roads over the public domain, whether agricultural or mineral

PUBLIC SERVICES AND FACILITIES. Those services and facilities provided by a public entity or public utility (including, but not limited to, any municipality, county, or special district) including, but not limited to, roads, trails, schools, wastewater treatment, water treatment and distribution, solid waste disposal, storm drainage, health care, law enforcement, fire protection, emergency medical services, social services, recreational services, libraries, and government and administrative services, facilities, and personnel, cultural facilities, public transportation, electric, gas, and telephone utilities.

PUBLIC UTILITIES. The term as defined by Section 40-1-103, C.R.S. 1973, as amended.

PUBLIC WORKS DIRECTOR. The Director of the Gunnison County Public Works Department or his/her authorized designee.

RANCHING. The practice of raising cattle, horses, sheep, and other livestock in a manner traditional to Gunnison County, and all associated activities, including, but not limited to, irrigation, raising of associated crops, and storage.

RAPID TRANSIT. The element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway constructed solely for that purpose.

RECORDED, OR RECORDATION. Recorded with the records of the Office of the Gunnison County Clerk and Recorder.

RECREATIONAL DEVELOPMENT. Any development whose primary purpose it is to serve a tourist or other recreational clientele, whether as a destination or day-use facility, long or short-term, and whether it is single or multiple-use in nature.

RECYCLING. The collection and disposition of trash items, including construction materials, so that they may be refurbished or otherwise processed into reusable materials.

REGULATIONS. Regulations for Special Development Projects set forth in the *Gunnison County Special Development Project Resolution*.

REHABILITATION. The process of making an ecosystem healthy again after a disturbance, and involves the recovery of ecosystem functions and processes in a degraded habitat. Rehabilitation does not necessarily reestablish the site to its predisturbed condition, but does involve establishing geologically and hydrologically stable landscapes that support the natural ecosystem.

RESTORATION. The reestablishment of a structure and function of an ecosystem after a disturbance. Ecological restoration is the process of returning an ecosystem as closely as possible to the conditions and functions before it was disturbed.

RIPARIAN AREA. The area located between the water's edge of aquatic ecosystems (rivers, lakes, streams, ponds, springs and seeps) and upland areas, whose soils tolerate a high water table, provide sufficient moisture in excess of that otherwise available locally, and provide a moister habitat than that of contiguous floodplains and uplands. Riparian areas include groups of plants, animals and aquatic communities whose presence is either directly or indirectly attributed to water influenced or water-related factors. Areas exempt from this definition are manmade agricultural structures and devices including irrigation ditches, sprinklers, and artificial ponds.

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook or other watercourse.

SERVICE AREA. The primary geographic area to be served by the Proposed Project, or as defined or required by an applicable Colorado permitting agency.

SIGNIFICANT. Deserving to be considered; important; notable and not trifling.

SIGNIFICANTLY DEGRADE. To lower in grade or desirability to a significant, as opposed to trifling, degree

SIGNIFICANTLY DETERIORATE. To make inferior in quality or value to a significant as opposed to trivial, degree.

SIGNIFICANT ADVERSE IMPACT. An impact of an action, after mitigation, which is considerable or substantial, and unfavorable or harmful; includes social, economic, physical, health, aesthetic and historical impacts, and biological impacts including but not limited to, effects on natural resources or the structure or function of affected ecosystems.

SITE DISTURBANCE. Activity that changes the surface of a site, including, but not limited to, grading, tree-cutting, removal of vegetation, and cutting and filling of materials.

SITE-SPECIFIC DEVELOPMENT PLAN (SSDP) A plan describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of land that has received a Land Use Change Permit from Gunnison County.

SITE SELECTION. The process for determining site location.

SOLID WASTE DISPOSAL SITE AND FACILITY. The location and facility at which the deposit and final treatment of solid wastes occur but does not include those sites where selected biologically and chemically stable materials such as concrete, mortar, bricks and asphalt are being used as a substitute for natural rock in land leveling and filling operations.

SPECIAL AREA. A particular geographic basin or other land area subject to specialized land use regulations and as approved by the Board pursuant to *Land Use Resolution* Section 1-110: *Process for Designation of Special Areas*.

SUBDIVISION OR SUBDIVIDED LAND. Any land or division of land that falls within the definition of subdivision set forth in Section 30-28-110, C.R.S..

SUBJECT PROPERTY. The parcel or parcels on which a Proposed Project is located and any other contiguous land that is proposed for development of a Special Development Project, whether on private or public land.

SUBSTANTIAL IMPROVEMENT for purposes of this *Resolution*. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement is said to occur when the first alteration of any wall, ceiling, floor or other structural part of the building begins, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the Colorado State Inventory of Historic Places.

SUBSTATION. Any facility designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity.

TRANSMISSION LINES. A line and related facilities whose primary purpose is the delivery of electric power, oil, water, natural gas, telephone, cable television, or similar amenities or services in bulk to all or a part of a distribution line or system that serves individual customers, except that an electrical transmission line shall be defined as the line and related facilities whose primary purpose is to deliver electrical power whose voltage is greater than 45 kv.

VIEWSHED OR VIEW CORRIDOR. Areas of significant visual value that may include foreground areas (including, but not limited to, irrigated meadows, or undeveloped bank areas of reservoirs and lakes), ridgelines, or butte and mountain tops, and hillsides or buttes in front of mountain backdrops.

WASTEWATER (SEWAGE) TREATMENT SYSTEM. A system or facility for treating, neutralizing, stabilizing or disposing of sewage, which system or facility has a designed capacity to receive more than two thousand gallons of sewage per day. A wastewater treatment system designed to receive more than 2,000 gallons of sewage per day shall not be constructed of or include an individual sewage disposal system, or collection of such systems. The term "sewage treatment works" includes appurtenances such as interceptors, collection lines, outfall and the outlet sewers, pumping station, and related equipment.

WATER BODY. A perennial, intermittent or ephemeral river, stream, lake, reservoir, pond, seep, spring, or wetland, but 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.

WETLAND. An area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under usual circumstances does, support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

- Wetland areas generally include marshes, bogs, seeps, riparian and similar areas.
- Wetland areas do not include artificial wetlands intentionally created from non-wetland areas, including: flood-irrigated agricultural and ranch lands and ranch ponds; irrigation and drainage ditches; grass-lined swales; canals; detention facilities; landscape amenities; and areas in which there are wastewater treatment systems, including treatment ponds and lagoons designed to meet the requirements of the Clean Water Act (33 U.S.C. Sec. 1341), treated water distribution and storage facilities or treated water that otherwise meet the criteria in this definition. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created for the purpose of mitigating loss of wetlands, if permitted by the County.

WETLANDS FUNCTIONS. The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and storm waters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; habitat; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

WILDFIRE HAZARD. A wildfire phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to gradient and aspect; wildfire behavior characteristics and existing vegetation types.

WILDFIRE HAZARD AREA. An area containing or directly affected by a wildfire hazard.

WILDLIFE. Native or introduced wild animals.

ARTICLE 3: DESIGNATING MATTERS OF STATE INTEREST

SECTION 3-101: PURPOSE

This Article sets forth the process for designating matters of state interest pursuant to Section 24-65.1-101, C.R.S. *et seq.* This Article does not affect the designation of any matters of state interest that were designated by the Board before January 1, 2008.

SECTION 3-102: INITIATING A DESIGNATION

Designations or amendments of previous designations may be initiated in one of the following ways:

- A. **BOARD INITIATIVE.** The Board may propose a designation.
- B. **PLANNING COMMISSION INITIATIVE.** The Planning Commission may propose a designation to the Board.

SECTION 3-103: MORATORIUM

After a matter is determined to be of state interest pursuant to this *Resolution*, no person shall engage in development in such area and no such activity shall be conducted until the designation is finalized and guidelines for such area or activity are finally adopted.

SECTION 3-104: PUBLIC HEARING REQUIRED

- A. **DETERMINATION OF READINESS FOR HEARING.** The Planning Commission shall determine whether the application is complete, and sufficient to provide information for public review, and if it is, shall so notify the Board.
- B. **JOINT PUBLIC HEARING REQUIRED BEFORE DESIGNATION.** The Board and Planning Commission shall jointly conduct a public hearing before designating and adopting regulations for any matter of state interest or amending or repealing such designations, guidelines and regulations.
 - 1. **EX PARTÉ COMMUNICATIONS.** Ex parté communications by members of the Board and Planning Commission shall be governed pursuant to Section 1-111: *Ex Parté Communications*.

SECTION 3-105: MATTERS TO BE CONSIDERED AT DESIGNATION

At the designation hearing, the Board and the Commission shall consider such evidence as they deem appropriate, including:

- A. **INTENSITY OF DEVELOPMENT PRESSURES.** The intensity of development pressures.
- B. **RESPONSE OF PROPOSED AREA OR ACTIVITY TO SPECIFIC GUIDELINES.** How or if the proposed design and operation of the designated area or activity have addressed the matters and considerations set forth pursuant to Section 3-106: *Adoption of Designation and Standards for Areas or Activities of State Interest*.
- C. **BOUNDARIES OF PROPOSED AREA.** When the project is the proposed designation of an area of state interest, the boundaries of the proposed area.
- D. **REASONS WHY AREA OR ACTIVITY IS OF STATE INTEREST.** Reasons why the particular area or activity is of state interest, the adverse impacts 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; and,
- E. **EXISTING MASTER PLAN OR MUNICIPAL THREE-MILE PLAN.** Any governmental master or comprehensive plan, including the Gunnison County Comprehensive Plan, any County-approved Municipal Three-Mile Plan or any intergovernmental agreement between the County and another government entity pertaining to or affected by the area or activity under consideration.

SECTION 3-106: ADOPTION OF DESIGNATION AND STANDARDS FOR AREAS AND ACTIVITIES OF STATE INTEREST

- A. PLANNING COMMISSION RECOMMENDATION.** It is the goal but not the requirement of this *Resolution*, that within 15 days following of the close of the public hearing, the Planning Commission shall consider the relevant materials and testimony and shall submit a written recommendation to the Board which shall, address the following:
- 1. APPLICATION REQUIREMENTS AND PERMITTING STANDARDS.** Application requirements and permitting standards specific to the designated area or activity that must be included in amendments to this *Resolution*. Such recommendation, as acted upon by the Board, shall constitute an amendment to this *Resolution* requiring no additional amendment process pursuant to Section 1-113: *Amending This Resolution*.
 - 2. CONDITIONS AND ELEMENTS RELEVANT TO THE SPECIFIC AREA OR ACTIVITY.** Community conditions, plans, development and other elements specific to the designated area or activity, including:
 - a. INTENSITY OF DEVELOPMENT PRESSURES.** The intensity of current and foreseeable development pressures.
 - b. CONFORMITY WITH APPLICABLE GUIDELINES.** Conformity with the considerations set forth in any applicable guidelines for identification and designation.
 - c. BOUNDARIES OF AN AREA OF STATE INTEREST.** If the designation is for a proposed Area of State Interest, the boundaries of the proposed area shall be specified.
 - d. REASONS THAT AREA OR ACTIVITY IS OF STATE INTEREST.** Reasons why the particular area or activity is of state interest.
 - e. ADVERSE IMPACTS OR PUBLIC BENEFIT.** Identification of the adverse impacts that would result from uncontrolled development of the proposed area or uncontrolled conduct of the proposed activity, and the public benefit of development of the proposed area or conduct of the proposed activity in a coordinated manner.
 - f. EXISTING THREE-MILE AREA PLANS.** Any Municipal Three-Mile Plan pertaining to or affected by the area or activity under consideration.
- B. BOARD DECISION ON OPTIONAL BOARD PUBLIC HEARING.** The Board shall have the option of conducting another public hearing to consider the application for designation and the Planning Commission's recommendation. Within 20 days of receipt of the Planning Commission's recommendation, the Board shall determine whether to conduct a public hearing. A decision to conduct or not to conduct such a hearing shall be based on the Board's determination of whether it is in the public interest to do so, considering among other factors the following:
- 1. LEVEL OF PUBLIC INTEREST.** There has or has not been substantial public interest in the application, as reasonably shown by attendance at, and testimony submitted for, the joint public hearing; or
 - 2. IDENTIFICATION OF NEW ISSUES.** Whether it is reasonably probable that new issues related to the application will be identified; or
 - 3. IDENTIFICATION OF NEW INFORMATION.** Whether it is reasonably probable that new information related to the application will be provided.
- C. BOARD ACTION.** Within 30 days after receipt of the Commission recommendation, the Board may adopt, adopt with modifications, or deny the proposed designation and permitting standards that were the subjects of the hearing.
- 1. ACTION SHALL BE BY RECORDED RESOLUTION.** The Board's action shall be recorded in the Office of the Gunnison County Clerk and Recorder and shall include written findings concerning each of the matters described in Section 3-108: D.: *Minimum Requirements for Area Designation*.
 - 2. SPECIFIC STANDARDS REQUIRED FOR EACH DESIGNATED AREA AND ACTIVITY.** In the event that the Board determines that any area or activity is a matter of state interest, the Board will designate such matter and will adopt application requirements and permitting standards specific to that area or activity.
- D. MINIMUM REQUIREMENTS FOR AREA OR ACTIVITY DESIGNATION.** Each designation adopted by the Board must:
- 1. IDENTIFICATION OF AREA BOUNDARIES OR SPECIFIC ACTIVITY OF STATE INTEREST.** Specify the area boundaries and/or identify the Activity of State Interest, as applicable.

2. **REASON AREA OR ACTIVITY IS OF STATE INTEREST.** State why the particular area or activity is of state interest, identify adverse impacts, if any, that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and cite the advantages, if any, of development of such area or conduct of such activity in a coordinated manner.
3. **SPECIFIC APPLICATION AND PERMITTING REQUIREMENTS.** Specify any special application requirements and permitting standards that will apply to the designated matter of state interest.

ARTICLE 4: PERMIT APPLICATION REVIEW PROCESS

This Article establishes the review process, possible waiver from that process, application submittal requirements and review standards related to any Special Development Permit project. Applicants are encouraged to consult informally with the Planning Department regarding the Proposed Project and the requirements under this *Resolution* before initiating the Pre-Application review process.

DIVISION 4-100: GENERAL PROVISIONS

SECTION 4-101: COORDINATION OF COUNTY PERMIT PROCESS WITH STATE AND FEDERAL REVIEW PROCESSES

- A. **COMPLIANCE WITH OTHER APPLICABLE COUNTY, STATE AND FEDERAL REQUIREMENTS NOT WAIVED.** Compliance with this *Resolution* does not waive the requirements to comply with any other applicable state, local or federal law or regulation.
- B. **NO INTENT TO CONFLICT.** This *Resolution* shall not be applied to create an operational conflict with any state or federal laws or regulations.
- C. **COORDINATED REVIEW.** The applicant may request that the County application and review process be coordinated with the applicable state or federal agency review process. The County will eliminate redundant application submittal requirements and will coordinate its review of the application with that of other agencies, in the County's discretion.
- D. **COORDINATED PERMIT CONDITIONS.** In the County's discretion, the County will coordinate its approval of the application, including the terms and conditions of such approval, with that of other agencies.

SECTION 4-102: WITHDRAWN AND INACTIVE APPLICATIONS

- A. **WITHDRAWAL OF APPLICATION BY APPLICANT.** The applicant may withdraw an application at any phase of the process by submitting a notarized written request to the Planning Department.
- B. **INACTIVE APPLICATIONS.** A Pre-Application or application that has become inactive because an applicant is required to submit additional information and has failed to do so for a period of more than six months from when it was requested by the reviewing body shall become void and the resubmittal of a new application and fees shall be required. The Planning Director may grant one extension of time, of no more than six months, for good cause shown, upon a notarized written request by the applicant.
 - 1. **TAXES TO BE PAID.** Any Special Development Project Permit Application that has been placed on inactive status shall not be reactivated until the applicant provides to the Planning Director a copy of certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel on which the Special Development Project is proposed have been paid up to the year in which approval is under consideration.

SECTION 4-103: PHASING OF PROJECTS

- A. **SPECIAL DEVELOPMENT PROJECTS MAY BE PHASED.** An applicant may propose that a Special Development Project be designed to be constructed in phases, so long as each phase complies with all applicable requirements of this *Resolution*. The County may require a Special Development Project to be designed to be constructed in phases, if phasing is necessary or appropriate for it to comply with all of the applicable requirements of this *Resolution*.
 - 1. **PHASES SHALL NOT BE INDIVIDUALLY APPROVED.** If a project is to be phased over time or is composed of distinguishable elements, the impacts of all phases or elements of the development must be considered together when determining whether the Proposed Project satisfies the applicable approval standards.

2. **PHASING NOT ALLOWED TO AVOID REQUIREMENTS OF THIS RESOLUTION.** A project cannot be phased or segmented to avoid the requirements of this *Resolution*. If a project is to be phased over time or is composed of distinguishable elements, the impacts of all phases or elements of the development must be considered together when determining whether the Proposed Project constitutes a Special Development Project pursuant to this *Resolution*.
3. **EACH PHASE TO PROVIDE IMPROVEMENTS.** If the Special Development Project is to be developed in phases, each phase shall include the required roads, utilities, landscaping, and all and other on-site and off-site improvements or mitigations required by the County in its approval. If the Special Development Project incorporates any amenities for the benefit of the public these shall be constructed within the first phase of the project, or, if this is not possible, then as early in the project as is feasible.

SECTION 4-104: OVERVIEW OF APPLICATION AND REVIEW PROCESS

Applications for a Special Development Project Permit shall be subject to the following procedures:

- A. **PRE-APPLICATION.** Pre-Application, set forth in Division 4-200: *Pre-Application*.
- B. **OPTION FOR PERMIT REVIEW UNDER THE LAND USE RESOLUTION.** Proposed Projects that do not include the characteristics of Section 1-104: C. 2. a., b., c., or d. may be reviewed under the *Gunnison County Land Use Resolution* in lieu of this *Resolution*, at the discretion of the Applicant. See Section 4-204: *Waiver for Review Under Land Use Resolution*.
- C. **APPLICATION.** Application submittal, set forth in Division 4-300: *Application*.
- D. **DETERMINATION OF COMPLETENESS.** Determination of Completeness by Director, set forth in Section 4-401: B.: *Determination of Completeness*.
- E. **CONSULTANT AND REFERRAL AGENCY REVIEW.** Consultant and referral agency review of application, set forth in Section 4-401: F.: *Distribution of Application to Applicable Consultants and Review Agencies*.
- F. **STAFF REPORT AND RECOMMENDATION.** Preparation of staff report and recommendation by Planning Staff, set forth in Section 4-401: G: *Preparation of Staff Report and Recommendation*.
- G. **JOINT PUBLIC HEARING AND DECISION.** Joint public hearing by Planning Commission and Board of County Commissioners, set forth in Section 4-402: *Joint Public Hearing and Decision on Application*.
- H. **PLANNING COMMISSION RECOMMENDATION.** Recommendation by Planning Commission, set forth in Section 4-402: B.: *Recommendation by Planning Commission*.
- I. **BOARD DECISION.** Decision by the Board of County Commissioners, set forth in Section 4-402: C.: *Decision By Board*.

DIVISION 4-200: PRE-APPLICATION

SECTION 4-201: PRE-APPLICATION PROCESS

- A. PURPOSE.** The purpose of the Pre-Application process is for the County to formally determine whether a Proposed Project constitutes a Special Development Project, and, in a Pre-Application conference among the applicant, the Planning Director, and as appropriate, other County staff, representatives from other agencies and the County's consultants, to discuss application submittal requirements, the review process and standards of this *Resolution*.
- B. INFORMAL CONSULTATION ENCOURAGED.** Applicants are encouraged to consult informally with the Department regarding the Proposed Project and the requirements under this *Resolution* before initiating the Pre-Application review process.
- C. PRE-APPLICATION SUBMITTAL INITIATES REVIEW PROCESS.** The formal review process for a proposed Special Development shall begin with the submittal of a Pre-Application.
- D. SUBMITTAL OF PRE-APPLICATION.**
- 1. INITIATING PRE-APPLICATION REVIEW PROCESS.** To initiate the Pre-Application review process, the applicant shall submit the Pre-Application to the Planning Department.
 - 2. PRE-APPLICATION MAY BE USED TO SATISFY APPLICATION SUBMITTAL.** Pre-Application submittal materials may be utilized to satisfy application submittal requirements wherever appropriate.
- E. PRE-APPLICATION SUBMITTAL REQUIREMENTS.** A Pre-Application shall comprise the following submittal materials in both digital and hard-copy formats.
- 1. GENERAL INFORMATION IN NARRATIVE.** A narrative description of the Proposed Project shall be prepared in detail sufficient to convey the concept of the Proposed Project, and shall include the following information, in the order listed. The narrative shall also identify maps and illustrative materials that will be included in the Pre-Application; and any materials that have been prepared for other federal, state and local permits required for the Proposed Project, which are proposed to satisfy one or more submittal requirements of this *Resolution*. The narrative shall be submitted in a stapled or otherwise bound document, on consecutively numbered pages, including a Table of Contents, and signed by the preparer(s).
 - a. APPLICANT AND REPRESENTATIVE INFORMATION.**
 - 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 also stating the same information for the agent.
 - 2. APPLICANT IS NOT THE OWNER.** If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal. Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process pursuant to this *Resolution*.
 - 3. APPLICANT IS NOT THE SOLE OWNER.** If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.
 - b. INFORMATION DESCRIBING THE PROPOSED PROJECT.** A detailed description of the Proposed Project, including:
 - 1. TYPE OF DEVELOPMENT.** Type of development.
 - 2. DEVELOPMENT SIZE AND LOCATION.** Size and location of the development, including legal descriptions.
 - 3. CAPITAL EXPENDITURE.** Estimated capital expenditure of the Proposed Project and manner of financing the development.
 - 4. PLAN OF OPERATIONS.** Plan of operations.
 - 5. PRODUCTION OR OUTPUT.** Estimated production or output of the development, if applicable.

6. **SOURCES USED, TRANSMITTED OR PRODUCED.** Projected source and amount of any water, power, natural gas, and minerals used, transmitted or produced by the development.
7. **SIZE AND LOCATION OF SERVICE AREA.** Estimated size and location of the service area of the development.
8. **SIZE OF CONSTRUCTION AND OPERATING FORCES.** Estimated size of the construction and operating work forces.
9. **PERMANENT AND SEASONAL RESIDENT POPULATION.** Estimated permanent and seasonal resident population to be generated by the Proposed Project and any changes that may result from the Proposed Project.
10. **ACCESS AND TRANSPORTATION ROUTES.** Access and transportation routes and modes, including necessary related expansion of any that exist at the time of submittal of this application.
11. **SCHEDULES.** Schedules for permitting, construction, operation, temporary cessation, closure and post-closure of the Proposed Project.
12. **FEDERAL STATE AND LOCAL PERMITS REQUIRED FOR THE PROPOSED PROJECT.** List of all other federal, state, and local permits that will be required for the Proposed Project, and a proposal for coordinating these approvals with the permitting process of this *Resolution*.
 - a. **ENVIRONMENTAL IMPACT STATEMENT.** Whether an Environmental Assessment or Environmental Impact Statement is required for the Proposed Project by a state or federal agency and if so, which agency and the anticipated date for release of its draft and issuance of a Record of Decision (ROD).
13. **IMPACTS RESULTING FROM PROPOSED PROJECT.** Brief description of all environmental, social, economic and cumulative impacts related to the Proposed Project.
14. **ADVERSE AND BENEFICIAL IMPACTS TO PUBLIC HEALTH AND SAFETY.** Description of how impacts of the Proposed Project may adversely or beneficially affect public health and safety.
15. **REASONABLE ALTERNATIVES TO PROPOSED PROJECT.** Description of any reasonable alternatives to the Proposed Project, including alternative locations outside the county, and material substitution. An alternative shall be presumed reasonable if it can accomplish most, if not all, fundamental or basic purposes of the Proposed Project at an estimated cost, including mitigation, comparable to that of the Proposed Project.
16. **SCHEDULE FOR SUBMITTAL OF APPLICATION.** Description of a tentative schedule in which the applicant intends to submit a completed application, secure all required permits, complete construction and operate the Proposed Project.
17. **LOCATION WITHIN SPECIAL AREA.** As applicable, an application proposing a project on a parcel located within a designated Special Area or special district may be required to comply with regulations of that Area or district.
18. **CERTIFICATION OF TAXES PAID.** Copy of certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel on which the project is proposed have been paid up to the year in which approval is under consideration. Copy of certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel on which the land use change is proposed have been paid up to the year in which approval is under consideration.
 - a. **MAPS, PLANS AND SPECIFICATIONS.** Maps and site plans shall be prepared at a minimum scale of 1"=100'. Sheet size shall not exceed 24 inches by 36 inches. The Pre-Application shall include the following:
 1. **PRELIMINARY PLANS AND SPECIFICATIONS**—Preliminary plans and specifications for the Proposed Project.
 2. **VICINITY MAP.** Vicinity map that includes the following information:
 - a. **LOCATION ON U.S.G.S. QUADRANGLE MAP.** Location of the Proposed Project on a United States Geological Survey quadrangle map, or on a recorded plat if the proposed development is within an approved subdivision, highlighted so that it is easy to see.

- b. **LOCATION(S) OF PARCELS AND/OR CORRIDORS.** Location(s) of all parcels and/or or corridors in the Proposed Project area and the total number acres under consideration.
 - c. **LOCATIONS OF EXISTING LAND USES.** Location, boundaries, size and existing land use of each parcel comprising the subject property and the adjacent properties within a one-half mile radius of the Proposed Project.
3. **SITE PLAN.** Site plan that includes the following information:
- a. **HIGHWAYS AND ROADS.** All U.S. and state highways and nearest County or Forest Service, Bureau of Land Management, and/or subdivision/private roads that provide access to the Proposed Project.
 - b. **ACCESS EASEMENTS.** Easements recorded or historically used that provide access to or across, or other use of, the Proposed Project area.
 - c. **SPECIAL DISTRICT BOUNDARIES.** Locations of special district boundaries, municipalities or residential subdivisions within a half mile of the development area.
 - d. **LOCATION OF MINING OPERATION OR CONSTRUCTION MATERIALS PROCESSING.** Any parcel located within 1,000 feet of the Proposed Project on which there exists a mining operation or construction materials processing.
 - e. **CONSULTANT CONTACTS.** Name, address, and telephone number of the applicant, designer, engineer, surveyor, and any other consultant involved in the particular map preparation.
 - f. **DATE OF PREPARATION.** Date of preparation, revision box, written scale, and graphic scale.
 - g. **NORTH ARROW.** North arrow for each map.
- F. **DETERMINATION OF COMPLETENESS.** Within 30 calendar days of receipt of the Pre-Application materials, the Planning Director shall determine whether the Pre-Application is complete based on the submittal requirements set forth in Section 4-202: B.: *Pre-Application Submittal Requirements*.
- 1. **PRE-APPLICATION IS NOT COMPLETE.** If the Pre-Application is not complete, the Planning Director shall inform the applicant of the deficiencies in writing and shall take no further action on the Pre-Application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within 60 calendar days, the Pre-Application shall be considered withdrawn and returned to the applicant.
 - 2. **PRE-APPLICATION IS COMPLETE** If the Pre-Application is complete, the Planning Director shall certify it as complete and stamp it with the date of Determination of Completeness.
 - 3. **EXTENSION OF TIME FOR DETERMINATION OF COMPLETENESS.** The Planning Director may extend the time to review for Determination of Completeness up to an additional 30 working days if the scope of the Pre-Application is such that additional time is necessary to determine if the Pre-Application is complete.

SECTION 4-202: PRE-APPLICATION FEE

- A. **FEES.** The Pre-Application fee will reflect the cost of processing the Pre-Application submittal, including the costs of copying, mailing, publication, labor, and overhead, all hearings and meetings on the Pre-Application submittal.
- 1. **ADDITIONAL FEES.** Application and review fees are intended to cover the County's costs in determining the compatibility of a Proposed Project with the standards and requirements of this *Resolution*. If the Board determines that the cost of review is likely to exceed such fees substantially, the Board may, after consultation and discussion with the applicant, assess an additional fee. Such additional fee shall be set in an amount that will, as far as can be determined, cover the costs of review of the application including reasonable administrative expenses, additional professional expertise, and overhead expenses. In determining the additional fee, the Board may consider, among other things:
 - a. **SECONDARY IMPACTS.** The secondary impacts likely to be associated with the development.
 - b. **NEED FOR PROFESSIONAL ASSISTANCE.** The likelihood that proper review will require the County to retain outside professional assistance either to review the application or to perform original study and research.

- c. **NEED FOR ADDITIONAL STAFF.** The likelihood that additional staff will be required by the County to review the application adequately.
 - d. **INVOLVEMENT OF OTHER GOVERNMENT AGENCIES.** The involvement in the review process of other governmental agencies either through a joint review process agreement, federal environmental review or other procedure.
 - e. **TRAVEL AND TRANSPORTATION COSTS.** The likelihood that extraordinary travel and transportation costs will be incurred by the County during the review.
- B. INITIAL PAYMENT.** The Pre-Application submittal must be accompanied by an initial non-refundable payment of \$10,000 toward the Pre-Application fee. The Department, in consultation with the Board, will establish and administer a schedule for the payment of subsequent installments of the Pre-Application fee, which installments will be structured so that, throughout the Pre-Application process, the County retains a balance of at least \$5,000 for covering future processing costs and expenses. If the balance falls below \$5,000, the County may cease processing the Pre-Application submittal pending receipt of additional installments bringing the balance to at least \$5,000.
- C. RECORD OF PAYMENT AND EXPENDITURE/ALLOCATION.** The County will maintain accurate records of the manner in which the Pre-Application fee is used and will make such records available for inspection by the applicant and the public at reasonable times as determined by the County.
- D. NO ACCEPTANCE OF APPLICATION UNTIL ALL PRE-APPLICATION FEES ARE PAID.** The County will not accept the application for processing until all fees and expenses related to the Pre-Application review have been paid.

SECTION 4-203: PRE-APPLICATION CONFERENCE

- A. PRE-APPLICATION CONFERENCE.** A Pre-Application conference is required to be conducted with the applicant, a member of the Planning Department, and as appropriate, other County staff, consultants obtained by the County (the cost of which may be charged to the applicant and included within the Pre-Application fee) and representatives from other Colorado and federal agencies.
- 1. **STAFF, AGENCY AND CONSULTANT COMMENTS ARE PRELIMINARY.** Comments by the Gunnison County staff, representatives of other agencies or consultants during the conference are preliminary in nature and may change significantly as the Proposed Project is more clearly defined in later stages of the review process.
- B. WRITTEN SUMMARY.** Within 60 days after the Pre-Application conference, the Planning Department shall prepare a written summary of the Pre-Application conference, including persons who attended, agencies listed who will be asked to review the application and a list of preliminary issues and concerns.
- C. DETERMINATION OF APPLICABLE STANDARDS.** Based upon review of the Pre-Application submittals and the information obtained at the Pre-Application conference, the Planning Director shall identify any standards that are not applicable to the project. The Planning Director's determination shall be included in the Staff Report.

SECTION 4-204 WAIVER FOR REVIEW UNDER LAND USE RESOLUTION

When a governmental entity chooses to proceed under the *Gunnison County Land Use Resolution* in lieu of this *Resolution*, pursuant to Section 4-104: B.: *Option for Permit Review Under the Land Use Resolution* the board or appropriate official of such entity shall waive in writing the right to challenge the applicability of the *Land Use Resolution* to such entity's project.

DIVISION 4-300: APPLICATION

SECTION 4-301: GENERAL APPLICATION SUBMITTAL REQUIREMENTS

- A. ADDITIONAL AND UPDATED MATERIALS.** The Board, Planning Commission, or Planning Director may require the applicant to submit additional materials beyond those specified in this Division 4-300, as they deem reasonably necessary to aid in the review of the application, and during the review process may also require that submittals that are more than a year old be updated to ensure that data is current.
- B. COMBINING APPLICATIONS FOR MULTIPLE INTERESTS AND ACTIVITIES.** When an applicant seeks a permit to engage in development involving more than one Special Development Project a single application shall be submitted that includes the information required for each Special Development Project as required by this Division 4-300.
- C. CHANGE IN PROPERTY OWNERSHIP.** If the ownership of the property changes during the permit application review, a notarized letter of consent from the current property owner for the current applicant to proceed with the review shall be required to be submitted, and the new owner shall be bound by all prior submittals for the application.
- D. SUBMITTALS SHALL BE IN BOTH DIGITAL AND HARD-COPY FORMAT.** All applications shall be submitted in both digital and hard-copy formats.
- E. SUBMITTAL OF INFORMATION SUBMITTED TO OTHER AGENCIES.** As part of the application, the applicant may submit materials relevant to the Proposed Project that were prepared for other federal, state, or local agency review and permit processes.
- 1. FORMAT AND ORGANIZATION OF SUBMITTAL DOCUMENTS.** Any materials that the applicant submits to the County that were prepared for other agencies shall be presented in a format acceptable to the County and shall be organized according to the application submittal requirements of this *Resolution*.
- F. PROFESSIONAL QUALIFICATIONS.** A description of the professional qualifications of all persons preparing the documents, reports, studies and maps shall be submitted with the application.
- G. MAPS AND SITE PLAN.** Maps shall be at a scale and sheet size to permit adequate review, but sheet size shall not exceed 24 inches by 36 inches. Each map or layout of the site plan shall be separate, and folded to a size to allow mailing or storage within a standard legal-sized folder; maps shall not be submitted in a rolled form. Elements required to be submitted in map or layout form may be combined on one or more sheets of the submittal, so long as all elements are legible. Maps and drawings shall identify the location of the Proposed Project by reference to permanent survey monuments with a tie to a section corner or quarter-section corner and shall include the following information. Maps and plans shall be prepared in detail sufficient to demonstrate compliance with the applicable approval standards set forth in Article 5: *Standards for Approving or Denying a Permit* of this *Resolution*.
- 1. MAP SCALE.** Maps shall be at a scale of 100 feet equal one inch or as otherwise approved by the Planning Department.
- 2. TOTAL AREA PLAN SHOWING ENTIRE DEVELOPMENT.** In the case of large development requiring more than two sheets at the required scale, the applicant shall also submit a total area plan showing the entire development on a single sheet at an appropriate scale.

SECTION 4-302: APPLICATION FEE

- A. APPLICATION FEE SET BY BOARD.** The application fee will be set by the Board and shall reflect the estimated cost of reviewing and processing the application package, including the costs of copying, mailings, publications, labor, and overhead, all hearings and meetings on the application. In determining the fee, the Board may also consider, among other things:
- 1. NEED FOR ADDITIONAL EXPERTISE.** Need for outside professional assistance retained by the County to review the application or to perform original study and research.
- 2. NEED FOR ADDITIONAL STAFF.** Additional staff that will be required by the County to review the application adequately.
- 3. EXTRAORDINARY COSTS.** Extraordinary costs that will be incurred by the County during the review.

B. INITIAL APPLICATION FEE. The application must be accompanied by an initial payment of \$25,000 toward the application fee. The Planning Department, in consultation with other applicable County departments who will likely be involved in the review of the application and the Board, will establish and administer a schedule for the payment of subsequent installments of the application fee, which installments will be structured so that, throughout the application process, the County retains a balance of at least \$10,000 for covering future processing costs and expenses. If the balance falls below \$10,000, the County may cease processing the application pending receipt of additional installments so the account balance does not fall below at least \$10,000 during the permit review.

1. **PLACEMENT IN SEGREGATED ACCOUNT.** The County will deposit that portion of the application fee that is not necessary to cover current costs and expenses in a segregated account. The County will obligate, encumber or use such funds, from time to time, at its discretion, when necessary to cover the cost of processing the application.
2. **MAINTENANCE OF ACCURATE RECORDS.** The County will maintain accurate records of the manner in which the application fee is used and will make such records available for inspection by the applicant and the public at reasonable times as determined by the County. Each County department involved in the application review shall be responsible for maintaining accurate records of staff time and other expenditures devoted by that department to review of the application, and shall submit that information monthly to the Planning Department.
3. **REIMBURSEMENT OF UNUSED PORTION.** Any portion of the application fee submitted by the applicant or any interest earned on such fee pursuant to Section 4-302: B.1.: *Placement in Segregated Account* which is not necessary to cover the cost of processing the application will be reimbursed to the applicant, including if the application is withdrawn by the applicant.
4. **NO ACTION UNTIL ALL FEES ARE PAID.** The Board will take no action on the application until all fees and expenses related to the application review process have been paid.

SECTION 4-303: APPLICATION SUBMITTAL REQUIREMENTS FOR ALL SPECIAL DEVELOPMENT PROJECTS

Applications for all Special Development Projects shall be subject to the following submittal requirements. The Planning Director may decide that one or more of these submittal requirements would not be relevant to determining whether the Proposed Project complies with the approval standards in Article 5: *Standards for Approving or Denying a Permit*. The Planning Director's decision shall be included in the Staff Report.

- A. GENERAL INFORMATION IN NARRATIVE.** A narrative description of the Proposed Project shall be prepared in detail sufficient to demonstrate the concept of the Proposed Project and the Proposed Project's compliance with all applicable approval standards set forth in Article 5: *Standards for Approving or Denying a Permit* of this *Resolution* and shall include plans for operation of the Proposed Project.
1. **SUBMITTAL SHALL PARALLEL REQUIREMENTS OF THIS DIVISION.** Narrative shall be organized to conform with the order that information is requested in this Division 4-300.
 2. **IDENTIFICATION OF MAPS AND ILLUSTRATIVE MATERIALS.** Narrative shall identify maps and illustrative materials included in the application submittal materials.
 3. **IDENTIFICATION OF MATERIALS PREPARED FOR OTHER PERMITS.** Narrative shall identify all materials that have been prepared for other federal, state and local permits required for the Proposed Project, which have been included to satisfy one or more submittal requirements of this *Resolution*.
 4. **DATE OF PREPARATION.** Narrative shall include the date the application was prepared.
 5. **STAPLED OR BOUND NARRATIVE.** Narrative shall be submitted in a stapled or otherwise bound document, on consecutively numbered pages, including a Table of Contents, and signed by the preparer(s).
 6. **PLAN OF OPERATION WHEN SUBJECT OF STATE AND/OR FEDERAL PERMITS.** If the Proposed Project is subject to state or federal permit requirements, narrative description shall include a plan of operation for the Proposed Project as detailed as is required by the state or federal agency.
- B. APPLICANT AND REPRESENTATIVE INFORMATION.** An application for a Special Development Project Permit shall be submitted by the owner an authorized agent, or any other person having a recognized interest in the subject property for which the permit is requested. The application shall include the following:
1. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address(es) 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 also stating the same information for the agent. If the Applicant and/or owner changes during the review process, the Applicant shall submit information describing the change.

2. **APPLICANT IS NOT THE OWNER.** If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal. Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process pursuant to this *Resolution*.
 3. **APPLICANT IS NOT THE SOLE OWNER.** If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.
 4. **APPLICANT'S FINANCIAL CAPABILITY TO ACCOMPLISH PROJECT.** Documentation of the Applicant's demonstrated financial capability to construct and operate the Proposed Project in compliance with County requirements.
 5. **APPLICANT'S TECHNICAL CAPABILITY TO ACCOMPLISH PROJECT.** Documentation of the Applicant's demonstrated technical capability to construct and operate the Proposed Project in compliance with County requirements.
- C. INFORMATION DESCRIBING THE PROPOSED PROJECT.** The description of the Proposed Project shall address the construction and operation, temporary cessation, closure, and post-closure of the project throughout its life cycle, including all ancillary structures, facilities, improvements, and activities and all integrated components thereof, and any Proposed Project directly related to such project.
1. **PLANS AND SPECIFICATIONS.** Detailed plans and specifications of the Proposed Project.
 2. **MAPS.** Detailed map(s) showing the location of existing and proposed parcels, structures, public facilities and improvements, and land uses within a one-half mile radius of the Proposed Project.
 3. **PROJECT NEED WHEN THOSE SERVED ARE LOCATED WITHIN THE COUNTY.** When the Proposed Project will serve Gunnison County, the need for the Proposed Project in Gunnison County, including existing and proposed facilities that perform the same or related function, and population projections or growth trends that form the basis of demand projections justifying the need for the Proposed Project in Gunnison County.
 4. **PROJECT NEED WHEN THOSE SERVED ARE LOCATED OUTSIDE THE COUNTY.** When the Proposed Project will serve areas outside Gunnison County, the need to locate the Proposed Project in Gunnison County to serve area(s) outside the county.
 5. **ALTERNATIVES CONSIDERED AND REJECTED.** Discussion of the alternatives to the Proposed Project that were considered and rejected by the applicant, including the general degree of feasibility of each alternative.
 6. **SCHEDULES FOR PROPOSED PROJECT.** Schedules for designing, permitting, constructing and operating the Proposed Project, including the estimated life of the Proposed Project.
 7. **ENERGY AND WATER CONSERVATION TECHNIQUES.** Description of all energy and water conservation techniques to be used for the Proposed Project.
- D. PROPERTY RIGHTS, PERMITS AND OTHER APPROVALS.**
1. **RIGHTS NECESSARY FOR, OR AFFECTED BY PROPOSED PROJECT.** Description of property rights that are necessary for or that will be affected by the Proposed Project, and documentation establishing property rights, easements and right-of-way agreements needed to develop the Proposed Project.
 2. **OTHER FEDERAL, STATE AND LOCAL PERMITS REQUIRED FOR PROPOSED PROJECT.** List and copies of all other federal, state and local permits and approvals that have been or will be required for the Proposed Project, together with any proposal for coordinating these approvals with the County's permitting process.
 - a. **MAJOR ELECTRICAL OR NATURAL GAS FACILITIES.** For major electrical or natural gas facilities, documentation that the public utility or power authority has applied for or obtained a certificate of public convenience and necessity from the Public Utilities Commission, pursuant to Sections 40-4-102 and 29-20-108, C.R.S.
 3. **WATER RIGHTS.** Description of the water rights to be used by the Proposed Project and alternatives, including: the source, amount and quality of such water; the applicant's right to use the water, including adjudicated decrees, and application for decrees; proposed points of diversion and changes in the points of diversion; and, the existing

uses of the water. If an augmentation plan for the Proposed Project has been decreed or an application for such plan has been filed in court, the applicant shall submit a copy of that plan.

- a. **APPLICANT REQUIRED TO BE OWNER OF PROPOSED WATER STORAGE.** For purposes of water and wastewater projects involving storage, the applicant shall be the owner of the water rights to be stored in the facility. Applicant shall provide documentation of the applicant's ownership of the water rights to be stored in the facility.
4. **FEDERAL AND STATE CONSULTATION DOCUMENTS.** Copies of all official federal and state consultation documents prepared for the Proposed Project; a description of all mitigation required by federal, state and local authorities; and copies of any draft or final environmental assessments or impact statement required for the Proposed Project by a federal agency.
5. **CURRENT PROPERTY, MINERAL AND WATER RIGHTS OWNERS.** List of all current property owners, mineral rights and water rights owners within the area affected by the Proposed Project, as determined from current records of the Gunnison County Clerk and Recorder's Office. Such list shall be updated by the applicant when the public hearing is required to be noticed and the notice published and distributed.
- E. **HAZARDOUS MATERIALS DESCRIPTION.** A description of all hazardous, toxic, and explosive materials to be used, stored, transported, disturbed or produced in connection with the Proposed Project, including the type and amount of such substances, their location, documented effects of such substances on human health and safety and on wildlife, and the practices and procedures to be implemented to avoid accidental release and exposure.
- F. **EMERGENCY PROCEDURES PLAN.** A detailed plan including procedures for compliance with the *State of Colorado Emergency Operations Plan*, and the *Gunnison County Emergency Operations Plan*, and including the following:
 1. **DESCRIPTION OF EMERGENCY PROCEDURES.** Description of emergency procedures to be used in the event of fire, explosion or other event which may endanger public health, safety, welfare or the environment that will result from the Proposed Project.
 2. **FIRE PROTECTION PLAN.** Fire protection plan designed pursuant to *Land Use Resolution Section 12-107: Fire Protection* that shall be reviewed and approved by the County in consultation with the applicable fire protection district. Fire protection plans shall include documentation of types of construction for all structures on the site and full disclosure of all types of chemicals to be used or stored on site, their locations, and information regarding safe exposure levels, fire risks, and treatment and suppression techniques.
- G. **SITE LOCATION BEYOND SNOWPLOWED ACCESS.** Determination as to whether the site of the Proposed Project is beyond snowplowed access and whether if the applicant intends to request approval to privately snowplow County or other public roads, pursuant to *Land Use Resolution Section 11-110: Development of Land Beyond Snowplowed Access*.
- H. **FINANCIAL FEASIBILITY OF PROJECT.** A financial analysis of the Proposed Project, including the economic value of the operation and a description of the technical and financial feasibility, including:
 1. **CONSTRUCTION COSTS.** Estimated detailed construction costs and period of construction for each development component of the Proposed Project and key assumptions.
 2. **MITIGATION COSTS.** Estimated total mitigation costs, both initial and long term, of the impacts of the Proposed Project.
 3. **REVENUES AND OPERATION COSTS.** Revenues and operating expenses for the Proposed Project.
 4. **TIME HORIZON.** Discussion of the time horizon for the business plan and key assumptions.
 5. **PRO-FORMA OF REVENUES AND OPERATION COSTS.** Detailed pro-forma of annual revenues, operational costs, and cash flow along with key assumptions.
 6. **FUNDING AND FUNDING SOURCES.** Details of plans to fully fund construction and operations, and proposed sources of funds to include, as appropriate, letters of commitment from financial institutions.
 7. **PRO-FORMA OF FUNDING SOURCES AND USES OF FUNDS.** Annual pro forma sources and uses of funds throughout the project life cycle.
 8. **EBITDA.** Annual ratio of earnings before interest, taxes, depreciation and amortization (EBITDA); minus cash taxes; plus/minus working capital changes; minus total capital expenditure; minus exceptional charges; divided by amortization of debt (to include finance leases) plus total cash interest.

9. **PLANS AND FUNDS FOR MITIGATION, CESSATION AND CORRECTION OF VIOLATIONS.** Details of plans to fund mitigation, cessation of operations, correction of environmental and permit violations and proposed sources of funds.
 10. **DEBT SECURITY AND DEBT SERVICE.** Amount of and security for any proposed debt and the method and estimated cost of debt service.
 11. **CONTRACTS OF PROJECT-RELATED REVENUES OR SERVICES.** Details of any substantial contract or agreement for revenues or services in connection with the Proposed Project.
 12. **PROJECT USERS AND BENEFICIARIES.** Description of the persons or entit(ies) who will pay for or use the project and/or services produced by the development and those who will benefit from any or all revenues generated by it.
- I. TRANSPORTATION ANALYSIS.**
1. **EXISTING AND PROPOSED TRAFFIC ROUTES AND TRANSPORTATION MODES.** Description of existing and proposed traffic routes and modes of transportation that will be used to support the Proposed Project.
 2. **TRAFFIC VOLUMES.** Description of the traffic volumes on the road system affected by the Proposed Project.
 3. **LEVELS OF SERVICE AND TRANSPORTATION FACILITIES CAPACITIES.** Description of the existing and future Level of Service (LOS) and capacity of the transportation facilities before and after the Proposed Project is completed.
 4. **TRANSPORTATION ACCESS.** All transportation access information as required by Colorado Department of Transportation *State Highway Access Code*, 1998, as amended.
 5. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on roads and other modes of transportation.
- J. DOCUMENTATION OF ADEQUATE WATER SUPPLY.** The following documentation of water supply shall be provided unless otherwise determined by the County:
1. **ENGINEER'S WATER SUPPLY ESTIMATES REPORT.** Description of the estimated water supply requirements for the Proposed Project, in a report prepared by a registered professional engineer or water supply expert acceptable to the County. The report shall include:
 - a. **PHYSICAL SOURCE OF WATER.** Description of the physical source of water supply that will be used.
 - b. **ESTIMATED WATER YIELD.** Estimate of the amount of water yield projected from the proposed water supply.
 - c. **WATER CONSERVATION MEASURES.** Description of water conservation measures to be implemented.
 - d. **WATER DEMAND MANAGEMENT MEASURES.** Description of water demand management measures to be implemented.
 2. **WATER SUPPLIER ENTITY SUPPLYING WATER.** If the Proposed Project is to be served by a water supply entity, one of the following shall be submitted:
 - a. **LETTER OF COMMITMENT AND CAPABILITY.** a letter prepared by a professional engineer or water supply expert from the water supply entity stating whether the water supply entity is willing to commit and its ability to provide an adequate water supply for the Proposed Project. The letter shall include:
 1. **WATER SUPPLY ESTIMATES.** Estimate of water supply requirements.
 2. **PHYSICAL SOURCE OF WATER.** Description of the physical source of water supply that will be used.
 3. **ESTIMATED WATER YIELD.** Estimate of the amount of water yield projected from the proposed water supply.
 4. **WATER CONSERVATION MEASURES.** Description of water conservation measures to be implemented.
 5. **WATER DEMAND MANAGEMENT MEASURES.** Description of water demand management measures to be implemented.
 - b. **WATER SUPPLIER WITH COMPLIANT WATER SUPPLY PLAN.** An engineer's report or water supply entity letter is not required if the water for the Proposed Project is to be provided by a water supply entity that has a water supply plan that is on file with the County and that:

1. **PLAN REVIEWED WITHIN PAST 10 YEARS.** Has been reviewed and updated within the previous 10 years as appropriate by the governing board of the water supply entity.
 2. **PLAN HAS 20-YEAR MINIMUM PLANNING HORIZON.** Has a minimum 20-year planning horizon.
 3. **WATER CONSERVATION MEASURES.** Lists the water conservation measures to be implemented within the service area.
 4. **WATER DEMAND MANAGEMENT MEASURES.** Lists the water demand management measures that may be implemented.
 5. **WATER SUPPLY ENTITY'S WATER OBLIGATIONS.** Includes a general description of the water supply entity's water obligations.
3. **LETTER FROM STATE ENGINEER.** Letter from the Colorado State Engineer commenting on the required documentation, if the County so requires.
 4. **FEE PAID TO ACQUIRE WATER, EXPAND INFRASTRUCTURE.** Documentation that applicant has paid a fee or charge to a water supply entity for the purpose of acquiring water for or expanding or constructing the infrastructure to serve the Proposed Project; and
 5. **INFORMATION TO DETERMINE WATER SUPPLY ADEQUACY.** Any other information deemed relevant by Gunnison County to determine, in its sole discretion, whether the water supply for the proposed development is adequate, including without limitation any information required to be submitted by the applicant pursuant to applicable local government land use regulations or state statutes.
- K. EXISTING ENVIRONMENT AND ENVIRONMENTAL IMPACTS ANALYSIS.** Description of the existing natural environment and an analysis of the impacts of the Proposed Project to the natural environment including the following information.
1. **CLIMATE.** A description of the climate of the development area, including monthly temperature averages and precipitation, and major weather events.
 2. **TOPOGRAPHIC FEATURES.** A map showing existing topography of the subject property and areas within 100' of the subject property boundaries, at no greater than 20-foot contour intervals. The map shall indicate the subject property boundaries, existing and proposed slopes having gradients greater than 15 percent but less than 30 percent grade and existing and proposed slopes having gradients equal to or greater than 30 percent grade.
 3. **AERIAL PHOTOGRAPHS.** Aerial photographs that reasonably portray the current condition of the area affected by the Proposed Project. The area affected by the Proposed Project shall be outlined on the aerial photograph.
 4. **SURFACE WATER.** A map and description of all surface waters in the area affected by the Proposed Project to be impacted including:
 - a. **STREAM, LAKE AND RESERVOIR FEATURES.** Description of physical stream, lake and reservoir features, including dimensions, capacities, and functions; headwaters and public drinking water supply areas, including permeability, volume, recharge capacity, and depth of aquifers, including the following:
 1. **CHANGES TO CHANNELS, SHORELINE STABILITY.** Description of changes in stream channel and/or shoreline stability.
 2. **CHANGES IN TROPHIC STATUS AND RATES.** Description of changes in trophic status or in eutrophication/oligotrophic rates in lakes or reservoirs, including phosphorous contents, algae abundance and depth of light penetration.
 3. **USES AFFECTING HEADWATERS AND DOWNSTREAM RESOURCES.** Description of proposed harvesting of headwater forests or other activities or land uses that could significantly and adversely accelerate rates of landslides and debris flows or alter the morphology of headwater streams and downstream resources.
 4. **DAILY WATER FLOWS AND LEVELS IN WET AND DRY YEARS.** Daily stream flows and lake and reservoir levels for a typical dry year, moderately dry year, average dry year, average wet year, moderately wet year and wet year.

5. **MONTHLY FLOWS AND LEVELS IN WET AND DRY YEARS.** Monthly stream flows, lake and reservoir levels for a dry year, moderately dry year, average dry year, average wet year, moderately wet year and wet year.
 - b. **CHEMICAL AND BIOLOGICAL QUALITY.** Description of the existing chemical and biological quality including water quality parameters as defined in the Colorado Water Quality Control Commission *Basic Standards and Methodologies*, including pH, conductivity, temperature, dissolved oxygen, nutrients, ions, metals, hardness and total alkalinity, and suspended sediment; and the fishery community, including macroinvertebrates, phytoplankton and zooplankton and a description of the benthic habitat.
 - c. **SURFACE WATER USES, CLASSIFICATIONS AND DESIGNATIONS.** Description of the present uses and use classifications and designations of the surface waters, including, as applicable, identification and characteristics of headwaters (defined by elevation, gradient, stream order), existing land cover, by sub-basin.
 - d. **INSTREAM FLOW REQUIREMENTS.** Description of all instream flow requirements that apply to the surface waters, including all instream flow filings by the Colorado Water Conservation Board and all minimum bypass requirements of the U.S. Forest Service.
 - e. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on surface water.
5. **GROUND WATER.** Map, description and hydrologic analysis of all groundwater, including any aquifers that will be affected by the Proposed Project prepared by a professional hydrologist certified by the American Institute of Hydrology, including:
 - a. **AQUIFER CHARACTERISTICS.** Description of the permeability, thickness, volume, and depth of the aquifers.
 - b. **AQUIFER RECHARGE AREAS.** Description of the aquifer recharge areas.
 - c. **STRATA GEOLOGY.** Description of the geology of strata overlying the aquifers (e.g., percolation rates and travel time).
 - d. **SEASONAL WATER TABLE LEVELS.** Description of the seasonal levels of the water table in unconfined aquifers, and of the artesian pressure in confined aquifers.
 - e. **AQUIFER STORAGE CAPACITY.** For aquifers to be used as part of a water storage system, description of methodology and results of tests used to determine the ability of the aquifer to impound groundwater and the aquifer storage capacity.
 - f. **SEEPAGE LOSSES.** Description of the seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
 - g. **WATER WELL LOCATIONS AND USES.** Location of all water wells and their uses.
 - h. **CHEMICAL AND BIOLOGICAL QUALITY.** Description of the chemical, physical, and biological water quality of the aquifers, including water quality parameters as defined in the Colorado Water Quality Control Commission *Basic Standards and Methodologies* including pH, conductivity, temperature, dissolved oxygen, nutrients, ions, metals, hardness and total alkalinity, and suspended sediment; and the fishery community, including macroinvertebrates, phytoplankton and zooplankton and a description of the benthic habitat.
 - i. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on ground water.
6. **FLOODPLAINS, WETLANDS, AND RIPARIAN AREAS.**
 - a. **MAP OF AREAS AFFECTED BY PROPOSED PROJECT.** Map and description of all floodplains, wetlands, and riparian areas that will be affected by the Proposed Project and identification of the present structural and functional values including species composition, diversity, biomass, productivity, filtering and nutrient uptake capacities of these wetlands and riparian areas. The map and description shall specifically delineate the area affected by the Proposed Project and indicate the existence of any unique, rare, delicate or irreplaceable wetlands and riparian areas.
 - b. **WATER SOURCE CREATING WETLAND.** Description of the source of water interacting with the surface systems to create each wetland (including, but not limited to, side-slope runoff, over-bank flooding, groundwater seepage).

- c. **FLOOD HAZARD INFORMATION REQUIRED BY LUR.** When a development is proposed within a designated floodplain or floodway, the application shall include each of the submittal requirements pursuant to Section 4-305:A.: *Additional Submittal Requirements for Development in Areas Subject to Flood Hazard Areas.*
- d. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on floodplains, wetlands, and riparian areas.

7. AIR QUALITY.

- a. **MAP AND DESCRIPTION OF AIR QUALITY CLASSIFICATIONS.** Map and description of the air quality classifications of the air sheds that will be affected by the Proposed Project.
- b. **DESCRIPTION OF AIR SHEDS.** Description of the air sheds that will be affected by the Proposed Project, including the seasonal pattern of air circulation and microclimates.
- c. **MAP AND DESCRIPTION OF AMBIENT AIR QUALITY.** Map and description of the ambient air quality of the air sheds that will be affected by the Proposed Project, including particulate matter and aerosols, radionuclides, oxides, hydrocarbons, oxidants and other chemicals, temperature effects and atmospheric interactions.
- d. **PARTICULATE AND RADIONUCLIDE EMISSIONS.** Description of particulate and radionuclide emissions for the Proposed Project.
- e. **AIR POLLUTION.** Description of the effect of the Proposed Project on air pollution.
- f. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on air quality.

8. TERRESTRIAL ANIMAL LIFE AND HABITAT.

- a. **MAP AND DESCRIPTION OF TERRESTRIAL ANIMALS.** Map and description of terrestrial animals that will be affected by the Proposed Project including the status of game and non-game wildlife, livestock and other animals.
- b. **MAP AND DESCRIPTION OF CRITICAL WILDLIFE HABITAT.** Map and description of critical wildlife habitat and livestock range that will be affected by the Proposed Project including migration routes, calving areas, summer and winter range.
- c. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on terrestrial animals, terrestrial animal habitat and food chain.

9. AQUATIC ANIMAL LIFE AND HABITAT.

- a. **MAP AND DESCRIPTION OF AQUATIC ANIMALS.** Map and description of aquatic animals that will be affected by the Proposed Project including the status of game and non-game animals.
- b. **MAP AND DESCRIPTION OF GOLD MEDAL AND WILD TROUT WATERS.** A map and description of any gold medal and wild trout waters, or other waters receiving special designation by the Colorado Division of Wildlife and/or the U.S. Fish and Wildlife Service.
- c. **MAP AND DESCRIPTION OF CRITICAL ANIMAL HABITAT.** Map and description of critical animal habitat that will be affected by the Proposed Project including migration routes and spawning beds.
- d. **DESCRIPTION OF FLOWS AND LEVELS TO PROTECT AQUATIC ENVIRONMENT.** Description of streamflows and lake levels needed to protect the aquatic environment.
- e. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on aquatic animals, aquatic animal habitat and food chain.

10. TERRESTRIAL AND AQUATIC PLANTS.

- a. **MAP AND DESCRIPTION OF TERRESTRIAL PLANT LIFE.** Map and description of terrestrial plant life that will be affected by the Proposed Project including the type and density.
- b. **MAP AND DESCRIPTION OF AQUATIC PLANT LIFE.** Map and description of aquatic plant life that will be affected by the Proposed Project including the type and density.
- c. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on terrestrial and aquatic plants.

11. **VISUAL QUALITY.** Analyses and illustrations of visual qualities shall be submitted as storyboards or similarly graphic, digitally-generated accurate depictions of viewshed characteristics.
 - a. **MAP AND DESCRIPTION OF NATURAL FEATURES.** Map and description of ground cover and vegetation, forest canopies, waterfalls and streams, viewsheds, scenic vistas, unique landscapes and land formations or other natural features.
 - b. **MAP AND DESCRIPTION OF EXISTING AND PROPOSED STRUCTURES, CUTS AND FILLS.** Map and description of existing and proposed buildings, including structure design and materials to be used for the Proposed Project and description of any excavations and embankments that will be visible as a result of this project.
 - c. **MAP AND DESCRIPTION OF DARK SKIES.** Map and description of existing dark sky characteristics, and changes to them resulting from the Proposed Project.
 - d. **MAP OF TRAVEL ROUTES AND RECREATIONAL USES VISUALLY AFFECTED BY PROJECT.** . Map of all access and travel routes, public areas, recreational trails and residential, resort or other recreational facilities and areas that would have a view of the Proposed Project.
 - e. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on visual quality in the area.
12. **NOISE, VIBRATION AND ODORS.**
 - a. **MAP OF NOISE, VIBRATION AND ODOR LEVELS AFFECTED BY PROJECT.** Map showing contours of the current levels of noise, vibration and odors which will be affected by the Proposed Project.
 - b. **MAP OF NOISE, VIBRATION AND ODOR LEVELS CAUSED BY PROJECT.** Map showing contours of levels of noise, vibration and odors caused by the Proposed Project.
 - c. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on the levels of noise vibration and odors in the area.
13. **SOILS, GEOLOGIC CONDITIONS AND NATURAL HAZARDS.** A report including the following:
 - a. **MAP OF GEOLOGIC CONDITIONS AND NATURAL HAZARDS.** Map or maps that portray the soils, geologic conditions and natural hazards of the area and locate the Proposed Project site. As appropriate, subsurface cross-sections shall also be used to portray specific physical characteristics, including depth. The maps shall be prepared at a scale of one inch equaling 50 feet or larger, with accurate topographic details.
 - b. **DESCRIPTION OF RISKS TO PROJECT FROM SOILS, GEOLOGIC CONDITIONS AND NATURAL HAZARDS.** Description of the risks to the Proposed Project from soils, geologic conditions and natural hazards, and the potential for exacerbation of existing conditions or hazards by the Proposed Project.
 - c. **DESCRIPTION OF PROJECT-RELATED RISKS TO OTHER OWNERS, USES. AND PUBLIC.** Description of the increased risks associated with the Proposed Project to nearby property owners, land use, and public health, safety and welfare of developing in the hazard areas.
 - d. **AVALANCHE HAZARD AREAS.** An application for a Proposed Project in an avalanche hazard area shall also include the following information:
 1. **STRUCTURE LOCATION, TYPE AND CONFIGURATION.** Location of structures, type of structures, and structure configurations.
 2. **STRUCTURAL STABILITY AND STRENGTH.** Structural stability and strength.
 3. **RUNOUT ZONE, PRESSURE DISTRIBUTION.** Extent of the runout zone, and the estimated maximum impact pressure distribution within the runout zone.
 4. **AVALANCHE TYPE , FREQUENCY, DISCHARGE AND DEPTH.** Type of avalanche reaching various parts of the runout zone, the estimated avalanche frequency, the avalanche discharge, and the avalanche flow depth.
 - f. **LANDSLIDE HAZARD AREA.** An application for a Proposed Project in a landslide hazard area shall also include the following information:
 1. **LANDSLIDE CHARACTERISTICS.** Analysis of type of landslide and rate of movement; volume of material involved in the landslide; the mechanism(s) responsible for its initiation; and gradient.

2. **STRUCTURE LOCATION, TYPE AND CONFIGURATION.** Location of structures, type of structures, and structure configurations.
 - g. **ROCKFALL HAZARD AREA.** An application for a Proposed Project in a rockfall hazard area shall also include the following information:
 1. **ROCKFALL CHARACTERISTICS.** Detailed description of type of rockfall and specific rock types involved.
 2. **GRADIENT AND ASPECT.** Gradient and aspect on-site, and adjacent to the site.
 3. **CLIMATE DATA.** Climate data regarding the freeze/thaw cycle.
 4. **JOINTING DATA.** Jointing data, with special consideration given to water percolation.
 5. **ADJACENT TALUS OR COLLUVIAL SLOPES.** Talus or colluvial slopes adjacent to the rockfall hazard zone.
 - h. **ALLUVIAL FAN OR MUDFLOW HAZARD AREA.** An application for a Proposed Project in an alluvial fan or mudflow hazard area shall also include the following information or data:
 1. **DRAINAGE BASIN STUDY.** Drainage basin study, including all stream channels upstream from the site.
 2. **SEDIMENT YIELD STUDY.** Sediment yield study, with data regarding surficial materials, vegetative cover, and topography, erosion potential of area upstream from the site, and volume and mass of potential mudflows on site.
 3. **CLIMATE DATA.** Climate data, including precipitation data for the 10, 25, 100-year storms, and snowmelt runoff characteristics.
 4. **GEOLOGIC MAP WITH TOPOGRAPHIC OVERLAY.** Geologic map, with topographic overlay showing mudflow deposits.
 - i. **POTENTIALLY UNSTABLE SLOPE.** Potentially unstable slope. An application for a Proposed Project on a potentially unstable slope shall also include the following information:
 1. **PAST OCCURRENCES.** Past occurrences of landslides, mudflows, rockfalls, and surficial creep on the site and adjacent areas.
 2. **RATE OF MOVEMENT.** Rate of movement of the surficial materials.
 - j. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on soil, geologic conditions, natural hazards, land use and public health, safety and welfare.
- 14. CARBON NEUTRALITY.**
- a. **PLAN OF DIRECT EMISSIONS.** Detailed plan indicating the Proposed Project's direct emissions of carbon dioxide and heat-trapping gases over the life span of the project.
 - b. **CONTROL OR OFFSET OF GAS EMISSIONS.** Detailed information on how emission of these gases will be controlled or offset.
- L. DRAINAGE, EROSION AND SEDIMENT CONTROL PLAN.** A proposed drainage, erosion and sediment control plan, pursuant to *Land Use Resolution* Section 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff*, including the following elements:
1. **SITE MAP.** Site map of the development area showing locations of any existing structures, water bodies and/or hydrologic features on the site, including intermittent water features, wetlands and the 100-year flood plain boundaries.
 2. **LOCATIONS OF DRAINAGE STRUCTURES AND FEATURES.** Locations of existing and proposed drainage structures or natural drainage features (including street gutters, storm sewers, drainage channels and other water conveyance structures, and wetlands or other water bodies receiving storm runoff from the site) affecting site drainage on the parcel and within 300 feet of the boundary of the Proposed Project.
 3. **PRELIMINARY ENGINEERING DESIGN.** Preliminary engineering design and construction features for proposed drainage structures.

4. **GRADING PLAN.** Grading plan showing elevations, dimensions, locations, extent and gradient of all clearing, grading and fills at no greater than 20-foot contour intervals proposed for the development site, including any building sites and driveway grades.
 5. **STOCKPILE LOCATIONS.** Proposed locations of any stockpiles of soil, gravel, snow or other materials.
 6. **STORAGE AREA LOCATIONS.** Location(s) of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill and wastewater containment structures to be used on-site.
- M. SOCIOECONOMIC IMPACT ANALYSIS.** Description of existing socioeconomic conditions and an analysis of the socioeconomic impact of the Proposed Project.
1. **LAND USE.**
 - a. **OTHER EXISTING AND PROPOSED PROJECTS.** Description of existing and Proposed Projects where the Proposed Project will be located or that will be affected by the Proposed Project.
 - b. **APPLICABILITY OF LOCAL LAND USE PLANS.** Description of provisions from local land use plans, comprehensive plans/master plans, and intergovernmental agreements that are applicable to the Proposed Project, and an assessment of whether the Proposed Project will be consistent with or further the objectives of those provisions.
 - c. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on existing and future land use and land use patterns.
 2. **AGRICULTURAL OPERATIONS AND LANDS.**
 - a. **MAP AND DESCRIPTIONS OF OPERATIONS AND GRAZING.** Map and descriptions of agricultural operations and grazing use on both public and private lands, with and without the Proposed Project.
 - b. **AFFECTED AGRICULTURAL LAND OWNERS.** Location(s) and name(s) of owner(s) of any agricultural land(s) affected by the Proposed Project.
 - c. **IRRIGATION DITCH DATA.** Location(s), name(s), name(s) of owner(s), size(s), and decreed capacity(ies) of any ditch that crosses or adjoins the area affected by the Proposed Project, as available from the Colorado Division of Water Resources, or ditch commissioner's records.
 - d. **HISTORICAL MAINTENANCE EASEMENTS.** Location of historical easements used to gain access to headgates, ditches, and fences for maintenance or operations.
 - e. **HISTORIC OR RECORDED STOCK DRIVE EASEMENTS.** Description of the historic or recorded stock drive easements crossing or adjoining the area affected by the Proposed Project, including the location of any existing fences along parcel boundary lines, and the locations of new fences or other obstacles proposed to be built across any such stock drive easement.
 - f. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on agricultural lands and agricultural operations.
 3. **LOCAL GOVERNMENT SERVICES.**
 - a. **EXISTING CAPACITY AND DEMAND FOR SERVICES.** Description of existing capacity of and demand for local government services including roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure and other local government services necessary to accommodate development.
 - b. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on the capability of local governments that are affected by the Proposed Project to provide services.
 4. **FINANCIAL BURDEN ON COUNTY RESIDENTS.**
 - a. **EXISTING TAX BURDEN AND FEE STRUCTURE FOR GOVERNMENT SERVICES.** Description of the existing tax burden and fee structure for government services, including assessed valuation, mill levy, rates for water and wastewater treatment, and costs of water supply.
 - b. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on existing tax burden and fee structure for government services applicable to County residents.

5. LOCAL ECONOMY.

- a. **REVENUES OF ECONOMIC SECTORS.** Description of the local economy, including revenues generated by the different economic sectors and the value or productivity of different lands and economic sectors.
- b. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on the local economy; the use of land for agricultural, development and recreational purposes; and the opportunities for economic diversification.

6. HOUSING.

- a. **SEASONAL AND PERMANENT HOUSING.** Description of existing seasonal and permanent housing in the area affected by the Proposed Project, including numbers of residences, physical conditions, construction types, market conditions, costs and other conditions. If a housing needs assessment has been conducted by Gunnison County or other governmental entities in the County within the two years preceding submittal of the application, data from that assessment shall be referenced.
- b. **DESCRIPTION OF HOUSING RELOCATION NECESSITATED BY PROJECT.** Description of housing relocation necessitated by the Proposed Project and related transportation, education and other issues.
- c. **HOUSING PLAN.** Housing Plan that demonstrates how the housing need resulting from the Proposed Project will be addressed. The plan shall include funding and phased construction of housing and related infrastructure proportional to the housing need resulting from the creation of new employment by the Proposed Project. Such facilities need not be located on the project site, but, if not, a plan for funding of construction and operation and maintenance of efficient transportation to and from the Proposed Project site shall be included. The formula in the Workforce Housing Program shall be used to determine the need for housing generated by construction of new residential and commercial development associated with the Proposed Project.
- d. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on housing. Net effect shall include any impact on housing availability not addressed by the Workforce Housing Fee.

7. EDUCATION.

- a. **BASELINE AND PROJECT STUDENT ENROLLMENT.** Description of the baseline and annual projected student enrollment by grade level and existing schools, student per capita ratio, and cost per student per capita, teacher/student ratio, and availability of teachers.
- b. **PROJECT-RELATED CHANGES TO PUBLIC EDUCATION.** Description of changes in the quality of publicly-funded education as evidenced by changes in student/teacher ratios and facility capacities, based upon adopted long-term and/or strategic plans of the applicable school district, attributable to the Proposed Project and secondary development related to it.
- c. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on publicly-funded education

8. CONSTRUCTION MATERIAL AND ENERGY RESOURCES.

- a. **ENERGY AND CONSTRUCTION MATERIALS SOURCES REQUIRED FOR CONSTRUCTION AND OPERATION.** . Map and description of sources of energy and construction materials required for construction of the Proposed Project and operation throughout the life of it, including locations, types, haulage methods, waste disposal, onsite processing, and opportunities for recycling and salvage.
- b. **LOCALLY LOCATED. ENERGY AND CONSTRUCTION MATERIALS SOURCES.** Description of potential sources of energy and construction materials located in the area affected by the Proposed Project. development area.
- c. **ENERGY CONSERVATION MEASURES.** Description of the Proposed Project's inclusion or exclusion of energy conservation measures, "green building" measures, conventional and alternative energy generation, and related impacts to local energy providers and local energy costs.
- d. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on sources of energy and construction materials in the area.

9. RECREATIONAL OPPORTUNITIES.

- a. **DESCRIPTION OF RECREATIONAL USES.** Description of present and potential recreational uses in the area of the County where the Proposed Project will be located, including the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.
- b. **LOCATION MAP OF RECREATIONAL USES.** Map depicting the location of recreational uses in the area of the County where the Proposed Project will be located such as fishery stream segments, access points to recreational resources, hiking and biking trails, and wilderness areas.
- c. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on present and potential recreational opportunities and revenues to the local economy derived from those uses.

10. AREAS OF PALEONTOLOGICAL, HISTORIC OR ARCHAEOLOGICAL IMPORTANCE.

- a. **MAP AND DESCRIPTION OF ALL KNOWN SITES.** Map and description of all known sites of paleontological, historic or archaeological interest.
- b. **STATE HISTORICAL SITE SURVEY.** State historical site survey form completed by a qualified professional acceptable to the State Historic Preservation Officer for all historic resources affected by the Proposed Project.
- c. **NOTIFICATION PLANS.** Plans and procedures for notification to the Colorado State Historical Society and State Archaeologist upon discovery of historical or archaeological resources.
- d. **DESCRIPTION OF COMPLIANCE WITH COUNTY HISTORIC PRESERVATION REQUIREMENTS.** Description of how the Proposed Project complies with the requirements of Board of County Commissions of Gunnison County Resolution No. 93-32: *A Resolution Providing for the Preservation of the Cultural, Historic and Architectural History Within Gunnison County* and Board of County Commissioners of Gunnison County Resolution No. 05-28: *A Resolution Regarding the Historic Preservation Commission and, Specifically, Establishing Criteria for Designation, Alteration, Relocation and Demolition of Historic Landmarks.*
- e. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on sites of paleontological, historic or archaeological interest.

11. SCIENTIFIC RESEARCH ACTIVITIES AND FACILITIES.

- a. **PRESENT AND POTENTIAL SCIENTIFIC RESEARCH FACILITIES.** Description of present and potential scientific research activities and facilities that will be affected by the Proposed Project.
- b. **MAP OF SCIENTIFIC ACTIVITY AND FACILITY LOCATIONS.** Map depicting the location of scientific research activities and facilities that will be affected by the Proposed Project.
- c. **IMPACTS AND NET EFFECT OF PROPOSED PROJECT.** Description of the impacts and net effect of the Proposed Project on scientific research activities and facilities.

N. MITIGATION PLAN. For any adverse impacts of the Proposed Project that would fail to satisfy any approval standard in Article 5: *Standards for Approving or Denying a Permit*, a description of proposed mitigation techniques and strategies necessary to satisfy that standard. The mitigation plan shall address all impacts of the Proposed Project, whether or not the impacts would occur after cessation of the project activities. The mitigation plan shall include a description of how, when and for how long mitigation will be implemented and financed, and a description of any impacts that are unavoidable and cannot be mitigated.

O. MONITORING PLAN. A description of monitoring to be used to determine impacts of the Proposed Project and effectiveness of proposed mitigation measures. The monitoring plan shall include a description of methodology used to measure impacts of the Proposed Project and effectiveness of proposed mitigation measures, and a description, location and intervals of proposed monitoring to ensure that mitigation will be effective.

SECTION 4-304: ADDITIONAL SUBMITTAL REQUIREMENTS FOR DEVELOPMENT IN MINERAL RESOURCE AREAS

The following additional submittal requirements apply to applications for development in Mineral Resource Areas.

- A. MINERAL RIGHTS OWNERS.** List of the owners of mineral rights that will be affected by the Proposed Project.
- B. TYPE(S) AND LOCATION(S) OF MINERAL RESOURCES.** Type and location of mineral resources on and/or under the subject property.

- C. COMMERCIAL FEASIBILITY ANALYSIS.** Analysis of the commercial feasibility of extracting the mineral resource.
- D. MAPS OF GEOLOGIC CONDITIONS.** Map or maps portraying the geologic conditions of the area with specific attention to the designated mineral resource deposit. If appropriate, subsurface geologic cross sections shall also be utilized to portray the geologic conditions at depth. If possible, the geologic maps shall be at the same scale and in the same format as the development plan maps.
- E. NON-MINERAL DEVELOPMENT PRESENTS NO OBSTACLE FOR MINERAL EXTRACTION OR ANALYSIS.** For applications proposing development in a mineral resource area without the intention of exploration or extraction of minerals, evidence that the Proposed Project will not present an obstacle to extraction of the mineral resource on or under the subject property; or analysis of the economic value of existing or requested uses, compared to the value of the minerals present.
- F. ECONOMIC VALUE OF MINERAL.** Economic value of the minerals present compared to other existing or requested uses.

SECTION 4-305: ADDITIONAL SUBMITTAL REQUIREMENTS FOR DEVELOPMENT IN FLOOD HAZARD AREAS

The following additional submittal requirements apply to applications for development in Flood Hazard Areas.

- A. MAPS AND PLANS.** Maps and plans stamped by a qualified professional engineer licensed in the State of Colorado showing:
 - 1. PARCEL LOCATIONS.** Location(s) of all parcels on which elements of the Proposed Project are proposed.
 - 2. LEGAL DESCRIPTION(S).** Legal description of all parcels on which elements of the Proposed Project are proposed.
 - 3. 100-YEAR FLOODPLAIN BOUNDARIES.** Boundaries of 100-year floodplain.
 - 4. WATER BODY NAMES AND LOCATIONS.** Names and locations of all watercourses, ponds, lakes, and other bodies of water.
 - 5. STRUCTURAL ELEVATIONS.** Elevation in relation to mean sea level of the lowest floor (including basement) of all existing, new or substantially improved structures, and a statement whether or not the structures contain basements.
 - 6. ROAD AND UTILITY LOCATIONS.** Location of existing roads and utilities.
 - 7. DITCHES AND LATERALS.** Existing water supply ditches, irrigation ditches and laterals.
 - 8. VALLEY CROSS-SECTIONS.** Typical valley cross-sections (where required) showing:
 - a. WATERCOURSE CHANNELS.** Channels of any watercourses.
 - b. CHANNEL FLOODPLAIN LIMITS.** Limits of floodplain adjoining each side of channel.
 - c. FLOODWAY DELINEATION.** Delineation of floodway, if applicable.
 - d. PROPOSED PROJECT AREA.** Area to be occupied by the Proposed Project.
 - 9. WATERCOURSE RELOCATION(S) DUE TO PROPOSED PROJECT.** Description of the extent that any watercourse is proposed to be altered or relocated as a result of the Proposed Project.
 - 10. PROPOSED DRAINAGE SYSTEM.** Description of proposed drainage system including, if appropriate, design drawings and construction specifications showing typical sections and noting standards to be applied.
 - 11. STRUCTURAL DESIGN AND CONSTRUCTION.** Design and construction specifications for structures, flood proofing, bridges, filling, dredging, grading, channel improvements, storage of materials and utilities, as applicable.
 - 12. ISDS LOCATIONS.** Location of individual sewage disposal systems, if applicable.
 - 13. ADDITIONAL INFORMATION.** Such additional information as may be required by the Planning Department to determine if the requirements of this Section have been or will be fulfilled.
- B. SITE-SPECIFIC ENGINEERING STUDY.** A site-specific engineering analysis considering flood elevations and ground elevations, and establishing the locations of the stream channel, the floodway and the flood fringe.

- C. PLAN SHOWING DESIGNATED FLOODPLAIN AND IDENTIFYING AVOIDANCE OR OTHER MITIGATION MEASURES.** A copy of the mapped area, and a narrative indicating how the hazard will be avoided or mitigated pursuant to the approval standards.

SECTION 4-306: ADDITIONAL SUBMITTAL REQUIREMENTS FOR DEVELOPMENT IN WILDFIRE HAZARD AREAS

The following additional submittal requirements apply to applications for development in Wildfire Hazard Areas.

A. REFERRAL TO AND REVIEW BY COLORADO STATE FOREST SERVICE.

1. **AGENCY DETERMINATION OF WILDFIRE HAZARD STATUS IN UNMAPPED AREAS.** Where areas have not been mapped, review and analysis by the Colorado Forest Service shall determine the status of wildfire hazards. Maps prepared for the application submittal shall be prepared and signed by a professional forester.
2. **AGENCY EVALUATION OF PROJECT-RELATED POTENTIAL WILDFIRE HAZARDS.** The Planning Department may submit any application to the Colorado State Forest Service for review and comment, to use the expertise and judgment of that agency to evaluate the severity of potential wildfire hazards related to the Proposed Project, and to determine the appropriate avoidance or mitigation.

- B. REFERRAL TO AND REVIEW BY APPLICABLE FIRE PROTECTION DISTRICT.** When a project is proposed in an area located within a specific fire protection district the Planning Department shall submit the application to that District for review and comment to use the District's expertise and judgment to evaluate whether the Proposed Project has included design elements compatible with adopted District standards, and to recommend how the Proposed Project can best provide fire prevention and suppression.

SECTION 4-307: ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO LAND USE IN AREAS AROUND AN AIRPORT

The following additional submittal requirements apply to applications for development in areas around Airports:

- A. MAP RELATING PROPERTY TO AIRPORT IMAGINARY SURFACES.** Map or drawing showing the location of the subject property in relation to Airport Imaginary Surfaces.
- B. ELEVATION PROFILES AND SITE PLAN.** Elevation profiles and a site plan including:
1. **EXISTING AND PROPOSED STRUCTURES.** Location of existing and proposed structures in relation to Airport Imaginary Surfaces
 2. **HEIGHTS OF EXISTING AND PROPOSED STRUCTURES.** Heights of all existing and proposed structures, measured in feet above mean sea level.
- C. WRITTEN AGREEMENTS FOR REQUESTED HEIGHT EXCEPTION.** Written Agreements from the Airport Sponsor and the FAA, if a height exception is requested.
- D. ANTICIPATED NOISE LEVELS WITHIN NOISE IMPACT AREA.** Declaration of anticipated noise levels for property located within Noise Impact Area boundaries.
1. **ANTICIPATED AIR TRAFFIC NOISE LEVEL CONTOURS.** Description and map showing contours of levels of anticipated noise for air traffic, including time of day for air traffic levels
 2. **NOISE ABATEMENT STRATEGY FOR 55 LDN LEVEL USES.** For noise-sensitive land use located in areas where the noise level is anticipated to be at or above 55 Ldn, the applicant shall demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.
- E. FAA REQUIRED AVIGATION EASEMENT.** Applicant shall provide an avigation easement in form and content required by the Federal Aviation Administration. The Avigation Easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public.
1. **RECORDATION OF EASEMENT REQUIRED.** The Avigation and Hazard Easement shall be recorded in the office of the Gunnison County Clerk and Recorder.
 - a. **RECORDED COPY REQUIRED BEFORE BUILDING PERMIT ISSUANCE.** Applicant shall provide a copy of the recorded instrument before issuance of a building permit.

SECTION 4-308: ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO AREAS AROUND MAJOR FACILITIES OF A PUBLIC UTILITY

The following additional submittal requirements apply to applications for development in areas around Major Facilities of a Public Utility.

- A. SITE PLAN.** Site plan showing the following:
 - 1. RELATIONSHIP OF PROPERTY TO FACILITY.** Relationship of the subject property to the facility.
 - 2. RELATIONSHIP OF PROJECT TO CONTROL ZONE BOUNDARIES.** Relationship of the Proposed Project to the boundaries of the facility's control zone.
- B. RELATIONSHIP OF PROJECT TO FACILITY.** Description of any relationship between the Proposed Project and the facility.

SECTION 4-309: ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO DEVELOPMENT IN AREAS AROUND INTERCHANGES INVOLVING ARTERIAL HIGHWAYS

The following additional submittal requirements apply to applications for development in areas around Interchanges Involving Arterial Highways.

- A. SITE PLAN.** Site plan including the following elements:
 - 1. BOUNDARIES OF INTERCHANGE AREA.** Boundaries of the designated interchange area and the zones within.
 - 2. LOCATION OF APPROVED LAND USES IN INTERCHANGE INFLUENCE AREA.** Location and nature of existing or approved developments and land use within the interchange influence area.
 - 3. LOCATIONS OF EXISTING AND PROPOSED ACCESSES IN INTERCHANGE INFLUENCE AREA.** Location of all existing or proposed accesses, driveways and curb-cuts within the interchange influence area.
- B. MAXIMUM TRAFFIC VOLUME REPORT.** Report detailing the maximum traffic volume the interchange and the access road are designed to handle.
- C. POPULATION AND DEVELOPMENT PATTERNS IN INTERCHANGE INFLUENCE AREA.** Description of existing population and development patterns within the interchange influence area.
- D. BENEFITS AND BURDENS OF PROJECT.** List of the benefits and burdens which the Proposed Project will bring to the communities of the region.
- E. FEDERAL AND STATE AIR QUALITY STANDARDS AND EXISTING AIR QUALITY.** Applicable federal and state ambient air quality standards and a survey of existing air quality information for the area, including the nature, source and quantity of emissions from other sources in the affected area, both direct and indirect, the existing ambient air quality and the topography and meteorology of the area.
- F. ESTIMATES OF PROJECT EFFECTS ON AIR QUALITY.** Estimate of the effect of the Proposed Project on air quality in the area, including the nature and quantity of the direct emissions and the effect of the Proposed Project as an indirect source of air pollution based upon the number of additional vehicle miles traveled which will be generated by the Proposed Project.
- G. AIR QUALITY MITIGATION.** All air quality mitigation actions to be taken, including programs to utilize existing or planned mass transportation systems, car pools, traffic and vehicle flow control techniques.
- H. EXISTING AND PLANNED MOTORIZED TRAFFIC FACILITIES.** Survey detailing existing and planned motorized traffic facilities.

SECTION 4-310: ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO DEVELOPMENT IN AREAS AROUND RAPID OR MASS TRANSIT FACILITIES

The following additional submittal requirements apply to applications for development in areas around Rapid or Mass Transit Facilities.

- A. MAPS OF PROJECT RELATED TO RAPID OR MASS TRANSIT FACILITIES.** Map or maps at sufficient scale showing the location of the proposed development and its relationship to the rapid or mass transit station or terminal and

the interchanges, streets, highways, parking lots and public facilities which are adjacent to or form an integral part of the operation of the Rapid or Mass Transit Facility.

- B. MAPS OF PEDESTRIAN/BIKE ROUTES BETWEEN DEVELOPMENT AND RAPID OR MASS TRANSIT FACILITY.** Maps and diagrams illustrating the pedestrian and bicycle routes that can be utilized to gain access between the proposed development and the adjacent Rapid or Mass Transit Facility.
- C. PROJECT-GENERATED TRAFFIC.** Narrative description of the motor vehicle, bicycle and pedestrian traffic likely to be generated by the proposed development, including traffic generation at various times of the day, potential congestion and potential demand for parking generated by the Proposed Project.
- D. PROJECT IMPACTS TO RAPID OR MASS TRANSIT FACILITY.** Narrative description of the impacts of the Proposed Project to the Rapid or Mass Transit Facility.

SECTION 4-311: ADDITIONAL SUBMITTAL REQUIREMENTS FOR SITE SELECTION FOR AIRPORT LOCATION OR EXPANSION

The following additional submittal requirements apply to applications for site selection for airport location or expansion.

- A. PROJECT DESCRIPTION.** Description of the Proposed Project including:
 - 1. LEGAL OWNER.** Identification of the legal entity(s) that will own and/or operate the airport.
 - 2. PROJECT COMPONENTS.** Identification of the project components, service area, airport area of influence, and users of the Proposed Project.
 - 3. AIRPORT OPERATION LIFESPAN.** Lifespan of the airport operation.
 - 4. SITE CHARACTERISTICS.** Description of general land and aeronautical features of each site including the area around the airport location, or expansion because of the airport:
 - a. EXPANSION AREAS.** Description of areas on which expansion would occur, including distance from Proposed Project site.
 - b. PRESENT LAND USES AND LAND VALUES.** Description of present use, assessed and actual value of land and future use and value of land.
 - 5. COST/BENEFIT ANALYSIS.** Cost/benefit analysis of the proposed new site demonstrating its advantages.
Description of alternatives (such as consolidation with or extension of existing airports) analyzed as alternates to obtain the proposed benefits or efficiencies.
 - 6. NECESSARY PROPERTY TO BE ACQUIRED.** Identification of any real or personal property that must be acquired for the proposed site; and a demonstration of the legal authority and financial ability to make the acquisition.
 - a. MAXIMUM DAILY AIRCRAFT CAPACITY.** Maximum daily capacity, by type and weight of aircraft, of the site.
 - b. DAILY AVERAGE USE.** The Average daily usage of the site.
 - c. ANCILLARY PURPOSES OF SITE.** Statement of any ancillary purposes of the site; including aircraft testing.
 - 7. PROHIBITIONS OF SITE.** Description of any legal or other prohibition of the proposed site.
 - 8. SITE WIND PATTERNS.** Description of the wind patterns of the site.
- B. LAYOUT PLAN FOR AIRPORT.** Lay-out plan for the Airport, that includes the following information:
 - 1. APPROACH AND CLEAR ZONE PLANS.** Approach and clear zone plans and profiles as determined according to current Federal Aviation Administration regulations, and illustrating obstructions, including both immovable terrain and removable obstructions, including but not limited to poles, trees, stacks, towers, houses, railroads, roads and identifying the most favorable glide angle obtainable throughout all approach zones when removable obstructions have been eliminated. Airport approach profiles shall depict the composite profile based on the highest terrain across the width and along the length of each RPZ.
 - 2. LAND FACILITIES ELEVATIONS.** Elevation of site and length of landing facilities required for recommended initial and future airport type. Total area available for initial and future landing and building area and ground transportation access shall be shown.

3. **AIRPORT REFERENCE CODE.** Airport design components as referenced in the FAA *Airport Reference Code* related to operational and physical characteristics of airplane types that will operate at the airport.
 4. **SITE TOPOGRAPHY.** Topography of site, including ground contours at 10' intervals.
 5. **RUNWAY AND IMAGINARY SURFACE LOCATIONS AND DIMENSIONS.** Location and dimensions of the runways and the Airport Imaginary Surfaces.
 6. **EXISTING AND PLANNED FACILITIES LAYOUT.** Layout of existing and planned facilities and features.
 7. **BUILDING RESTRICTION LINES.** Building restriction lines.
 8. **RUNWAY AND RPZ RELATIONSHIP TO LAND PARCELS.** Relationship of the runway(s) and RPZs to the land parcel(s) on which the Airport is to be located and to adjoining land parcels.
 9. **GEOLOGIC FEATURES AFFECTING SOILS AND FOUNDATIONS.** Geological features affecting soil and foundation conditions.
 10. **SOIL TYPES FOR FOUNDATIONS AND DRAINABILITY.** Types of soil for foundations and drainability.
 11. **CHARACTERISTICS SUPPORTIVE OF TURF AND VEGETATION.** Capacity to support turf, stability when turfed, and favorability of soil and climate to beneficial vegetative cover.
 12. **PAVEMENT OR OTHER STABILIZATION.** Necessity for pavement or for mechanical or other stabilization.
 13. **MATERIALS AVAILABLE FOR PAVEMENT.** Availability, types and sources of materials for pavement or for mechanical or other stabilization. Preliminary pavement design.
 14. **REQUIRED CLEARING OF OBSTRUCTIONS.** Required clearing of the area of trees, fences, and other obstructions.
 15. **GENERAL GRADING.** General grading of light or heavy rock, including removal of adverse materials.
 16. **DRAINAGE FEATURES.** Drainage features, including natural drainage course, total tributary acreage and method of estimating runoff, and a description of necessary drainage installation to address excessive, average, moderate flows.
- C. **DEFICIENCIES IN EXISTING AIRPORTS.** Identification of deficiencies in existing airports that reasonably require a new airport site.
- D. **AIRPORT'S EFFECT ON ECONOMIC AND TRANSPORTATION NEEDS.** Description of how the Airport will affect economic and transportation needs of the County.
- E. **NEW ELEMENTS SUPPORTING NEED FOR NEW AIRPORT.** Identification of the new regulations, technologies, engineering, finances and other requirements that support why, how, in what time period, and at what cost the proposed site is needed.
- F. **OPERATIONAL PLAN.** An operational plan including:
1. **OPERATIONS.** Description of operations.
 2. **STAFFING.** Description of supervision, personnel and routines.
 3. **RATES.** Description of rates.
 4. **EQUIPMENT.** Description of equipment located onsite and access to other equipment available, particularly for emergency services.
 5. **FIRE SUPPRESSION.** Description of fire suppression capacity, including equipment, materials and personnel.
- G. **WATER RIGHTS OR WATER DEVELOPMENT.** If land is irrigated, description of water rights available and if not, indicate possibility of water development.
- H. **ADVERSE EFFECTS ON WATER OF COMMUNITIES AND OTHER WATER USERS.** Description of the adverse effects of any development, fill, encroachment, alteration or relocation of watercourse on upstream, downstream, or adjacent communities and other water users.
- I. **EXISTING AND NEEDED EASEMENTS.** Description of existing easements, including those for power or telephone lines, drainage, disposal canals, mineral claims, roads, and avigation, and ability of the applicant to obtain needed those that don't currently exist.

- J. NATURAL RESOURCES THAT MAY BECOME UNAVAILABLE BECAUSE OF PROJECT.** Evaluation of natural resources that may be rendered unavailable as a result of the proposed airport development.
- K. AIRPORT ACCESS AND PARKING NEEDS.** Description of airport access considerations, including traffic impact survey, existing access routes, expansions or enlargements of access routes, and parking needs.
- L. SANITARY LANDFILLS AND DUMP STATUS.** Status of sanitary landfills and dumps.
- M. BIRD HAZARDS.** Description of bird hazards, including those in migrating or wintering areas.
- N. NEEDED AND AVAILABLE UTILITIES.** Description of needed and available utilities, including electricity, gas, telephone, water, sewage.
- O. RECREATION FACILITIES.** Description of recreational facilities, attractions in community, and possibility of recreational development at site.
- P. FAMILY AND BUSINESS RELOCATIONS.** Number of families and businesses requiring relocation.
- Q. AGRICULTURAL LAND.** Amount of agricultural land taken out of production, including the value of crop or livestock losses.
- R. AIRPORT EFFECT ON ENDANGERED SPECIES, OTHER NATURAL RESOURCES AND HISTORIC LANDMARKS.** Presence of endangered species of wildlife, other unique natural resources or historic landmarks at or near proposed site and effect of airport upon them.
- S. RELATIONSHIP OF SITE TO MASS TRANSIT SERVICE.** Relationship of site to mass transit service.
- T. AIRPORT OPERATIONS.** Airport operations for site:
 - 1. AIRCRAFT TRAFFIC VOLUME.** Description of volume of aircraft traffic expected, immediate and future, based on time of day.
 - 2. AIRCRAFT TRAFFIC TYPE.** Type of aircraft traffic expected, immediate and future.
 - 3. RUNWAY ALIGNMENT.** Runway alignment, immediate and future.
 - 4. VOLUME AND TYPE OF NON-AIRCRAFT TRAFFIC.** Expected volume and type of non-aircraft traffic related to operation of the airport, immediate and future.
 - 5. CNR NOISE LEVEL CONTOUR MAP.** A CNR contour map showing contours of expected noise levels generated by immediate and future airport operation and aircraft traffic in existing communities near the airport and in the expected or existing airport area of influence.
 - 6. ENGINEERING AND CONSTRUCTION.** Engineering and construction factors.
 - 7. AIRPORT LIGHTING.** Airport lighting requirements.
 - 8. ECONOMIC/FINANCIAL FEASIBILITY OF ALTERNATIVE SITES.** Economic/financial feasibility of each alternative site. Feasibility of development, including economic status of community, including but not limited to tax base, revenue bonds.
 - 9. DEVELOPMENT COST.** Total estimated development cost.
 - 10. FEDERAL EIS REPORT.** Environmental impact assessment report, if required by federal regulations or statutes, for each alternative site and the area around the airport which is likely to be developed because of the airport location or expansion.
 - 11. AIRSPACE DETERMINATION AND FAA LIGHT CHECK.** Copy of the filing of a portion of an airspace determination and copy of the Federal Aviation Administration light check of the proposed sites.
- U. MAP AND DESCRIPTION OF LAND USES.** Map and description of land uses, and the impact of a new airport on those land uses, property owners and residents from related noise and traffic.
- V. FLIGHT PATTERNS.** Map and description of flight patterns relative to other land uses, and effect on public safety.
- W. COMPLIANCE WITH FAA REGULATIONS.** Description of how the design, construction, operation and maintenance of the airport facility will comply with applicable Federal Aviation Administration regulations.
- X. EFFECT ON EXISTING AIRPORT OPERATIONS.** Description of how the airport will affect existing airport operations.

- Y. EFFECT ON COMMUNITY INFRASTRUCTURE.** Description of how the airport will impact existing community infrastructure, including that of municipal, County and other applicable district entities.
- Z. IMPACT ON TRANSPORTATION PLANS.** Description of how the airport will impact applicable county, regional and state transportation plans.

SECTION 4-312: ADDITIONAL SUBMITTAL REQUIREMENTS FOR RAPID OR MASS TRANSIT FACILITIES

The following additional submittal requirements apply to applications for Rapid or Mass Transit Facilities projects.

- A. NARRATIVE DESCRIBING PROJECT AND MITIGATION.** Maps and a narrative of the proposed site(s) of the proposed fixed guideways and locations of stations and terminals, including the following:
- 1. FACILITY CHARACTERISTICS.** Type, scale, and appearance of facilities of the Proposed Project.
 - 2. ADJACENT LAND USES.** Descriptions of land uses adjacent to the Proposed Project.
 - 3. COST ESTIMATES AND FUNDING RESOURCES.** Cost estimates and funding sources.
 - 4. FINANCING PLAN.** Financing plan.
 - 5. TIMETABLE FOR RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION.** Approximate timetable for right-of-way acquisition and construction.
 - 6. PLANS AND PROFILE.** Plans and profile for the Proposed Project.
 - 7. NOISE LEVELS AND RELATED IMPACTS.** Description of the noise levels and related impacts, with and without mitigation, resulting from the Proposed Project, including noise levels expressed in equivalent sound level metrics by expected defined time periods, as well as single event noise metrics.
 - 8. IMPACTS OF AIR POLLUTANTS.** Description of impacts, with and without mitigation, of the Proposed Project, including risks and/or benefits of the Proposed Project to human health and the environment posed by air pollutants.
 - 9. DESCRIPTION OF STATIONS OR TERMINALS.** Description of stations or terminals associated with a rapid or mass transit system.
 - a. PASSENGER TRANSPORTATION TO STATIONS OR TERMINALS.** Description of any type(s) of transportation proposed to carry passengers to and from the station or terminal, and a description of the means of access to and from the station or terminal including pedestrian, bicycle, automotive, bus, carpool, gondolas, lifts, and other intermodal connections either existing or reasonably foreseen to be developed in the area.
 - b. DESCRIPTION OF PASSENGER USE.** A description of passengers who are reasonably expected to use the proposed facility, including in the analysis:
 - 1. USE FOR EMPLOYMENT.** Whether the passengers will use the system to travel to and from employment or for some other purpose.
 - 2. NUMBER OF VEHICLES DRIVEN TO STATION OR TERMINAL.** Number of vehicles that passengers will drive to the station or terminal at or just before any scheduled departures.
 - 3. ONE-WAY RIDERS.** Number of passengers that will likely ride only one way on any given day.
 - 4. EXPECTED BAGGAGE AND EQUIPMENT.** Number of passengers that can be expected to bring baggage, recreational equipment, tools, or other material.
 - c. DEPARTURE AND ARRIVAL SCHEDULES.** Anticipated schedule of departures and arrivals at the station or terminal and the expected capacity of each transit unit. Separate figures shall be given for peak and off-peak hours, weekdays and weekends, and peak and off-peak seasons.
 - d. MAXIMUM LENGTH OF TRAIN.** Maximum length of any train that will serve the station or terminal, excluding propulsion units.
 - e. BUILDINGS AND STRUCTURES.** Basic floor plans and architectural sketches of each proposed building or structure together with a site map showing the relative location of each building or structure. Such plans and sketches shall show the location and length of platforms to be used to load and unload passengers.

- f. **PARKING NEEDS GENERATED BY PROJECT.** Description of the parking needs generated by the Proposed Project and how these parking needs will be met, including details of the location, design and layout of proposed parking.
 - g. **MAP OF ASSOCIATED ROADWAYS, PARKING AREAS, AND FACILITIES.** Map of all associated roadways, parking areas and other facilities. Design details such as width, layout, traffic flow, pavement markings and traffic control devices shall either be illustrated on the map or adequately described in supporting documents.
- 10. DESCRIPTION OF FIXED GUIDEWAYS.** Description of the fixed guideways (the rights-of-way or rail line for the exclusive use of rapid or mass transit vehicles) proposed to be part of the rapid or mass transit system.
- a. **MOTIVE POWER PROPELLING TRANSIT VEHICLES.** Description of the type of motive power that will be used to propel transit vehicles along the guideway.
 - b. **MINIMUM AND OPTIMUM RIGHT-OF-WAY WIDTHS.** Description of the minimum and the optimum width of the right-of-way necessary for the guideway and maps showing the proposed rights-of-way locations, and indications of proposed the maximum anticipated speeds of transit vehicles along the various segments of the guideway.
 - c. **PASSENGER CAPACITY OF TRANSIT VEHICLES.** Description of the minimum and maximum passenger capacity of the transit vehicles that will travel on the guideways and the anticipated frequency or scheduling of guideway use.
 - d. **MAXIMUM LENGTH OF TRAIN.** Description of the maximum length of any train that will travel upon the guideway with separate figures for the length of passenger-carrying units and for propulsion units. Self-propelled units shall be considered as passenger units.
 - e. **MAXIMUM PROPOSED GRADES OF GUIDEWAY.** Maps and descriptions of the maximum proposed grades of the guideway, maximum curvature and curves in excess of ten degrees.
 - f. **BUILDINGS OR STRUCTURES REQUIRING REMOVAL.** Description of any buildings or other structures that must be removed in order for the proposed guideway to be built.
 - g. **PLANS FOR PREVENTING COLLISIONS WITH OTHER TRANSPORTATION.** Description of methods planned to prevent collisions at points where the proposed guideway crosses other transportation corridors.
 - h. **NIGHT SCHEDULES.** Description of night schedules of operations that are reasonably anticipated to require exterior lighting, and plans to minimize dark sky impacts.

SECTION 4-313: ADDITIONAL SUBMITTAL REQUIREMENTS FOR INTERCHANGES, ARTERIAL AND COLLECTOR HIGHWAYS

The following additional submittal requirements apply to applications for Interchanges, Arterial and Collector Highway projects.

- A. **MAPS AND NARRATIVE.** Maps and a narrative of the proposed site(s) of the arterial or collector highway(s) or interchange(s), including the following:
 - 1. **GENERAL DESIGN DESCRIPTION.** General description of the design of the proposed corridor or interchange location(s) that includes the following:
 - a. **TYPE, SCALE AND APPEARANCE.** Type, scale, and appearance of the Proposed Project.
 - b. **DESCRIPTION OF ADJACENT LAND USES.** Description of land use adjacent to the proposed highways and/or interchanges.
 - c. **COST ESTIMATES AND FUNDING SOURCES.** Cost estimates and funding sources.
 - d. **FINANCING PLAN.** Financing plan.
 - e. **TIMETABLE FOR RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION.** Approximate timetable for right-of-way acquisition and construction.
 - f. **PLANS AND PROFILE.** Plans and profile for the Proposed Project.
 - g. **STRUCTURAL ELEVATION DRAWINGS.** Elevation drawings for proposed structures.

2. **COMPARABLE ADVANTAGES AND DISADVANTAGES.** Discussion of the advantages and disadvantages of the Proposed Project compared to alternative locations, including tolling feasibility study, where applicable.
3. **IDENTIFICATION OF MAJOR TRAFFIC GENERATORS.** Identification of major traffic generators.
 - a. **TRAFFIC DEMAND MODELING STUDY.** Traffic Demand Modeling Study that describes the increased demand that the Proposed Project will place on other arterial highways, collector highways, frontage roads and interchanges, and, as applicable, showing consistency with the most current regional plan, the Colorado Department of Transportation.
 - b. **DESCRIPTION OF LEVELS OF SERVICE.** Description of existing level of service (LOS), the planned LOS in relationship to projected user demand in five-year increments for 50 years, and the capacity of impacted transportation facilities before and after the Proposed Project's completion.
4. **DESCRIPTION OF NUMBER OF USERS.** Description of the approximate number of users of the proposed highway or Interchange including existing and projected County residents and non-resident persons.
5. **DESCRIPTION OF PLANS FOR ALTERNATIVE TRANSPORTATION MODES.** Description of plans for designing and promoting the use of alternative modes of transportation.
6. **DESCRIPTION OF IMPACTS ON ACCESSIBILITY OF PUBLIC, COMMERCIAL AND INDUSTRIAL FACILITIES.** Description of impacts of the Proposed Project on accessibility to and from existing public facilities, commercial and industrial facilities and population centers.
7. **DESCRIPTION OF NOISE LEVELS AND RELATED IMPACTS.** Description of noise levels and related impacts, with and without mitigation, resulting from the Proposed Project, including noise levels expressed in equivalent sound level metrics by expected defined time periods, as well as single event noise metrics.
8. **DESCRIPTION OF IMPACTS AND MITIGATION.** Description of impacts, with and without mitigation, of the Proposed Project, including risks to human health and the environment posed by air pollutants, including, but not limited to, formaldehyde, benzene, 1, 3-butadiene, diesel particulates and other fuel combustion byproducts.
9. **DESCRIPTION OF USE OF CHEMICALS, SAND AND SIMILAR MATERIALS.** Description of intended use of applications of chemicals, sand or similar materials and resulting impacts of to highway surfaces, and proposed plans for initial and ongoing mitigation.
10. **PLAN FOR MITIGATION ADVERSE IMPACTS.** Proposed plan for mitigating adverse impacts of the Proposed Project including, but not limited to, impacts to public service providers including capacities to provide specific levels of service before, during and after the project; access to public services, impact to existing social capital of existing communities and their interaction; water quality, air quality, noise levels, and scenic, historical, recreational, archaeological, and natural resources. Mitigation alternatives to be considered include, but are not limited to:
 - a. **ALTERNATIVE LOCATIONS.** Alternative locations, configurations and access, including but not limited to grade separated interchanges and complete or partial construction below grade with cover and landscaping suitable for recreational use or for construction of streets, bike paths or pedestrian walkways.
 - b. **ALTERNATIVE SURFACES.** Alternative surface types.
 - c. **ALTERNATIVE HIGHWAY MAINTENANCE AND SNOW REMOVAL.** Alternative highway maintenance and snow removal methods.
 - d. **SOUND MITIGATION ELEMENTS.** Sound walls and other sound mitigating structures, such as transparent noise barriers
 - e. **LANDSCAPING TO LESSEN NOISE AND VISUAL IMPACTS.** Berms and/or other landscaping designed to lessen noise and visual impacts.
 - f. **SPEED LIMITS.** Speed limits.
 - g. **SPEED CONTROL DEVICES.** Speed control devices.
 - h. **LIMITS ON COMPRESSION BRAKES.** Limits on the use of compression brakes.
 - i. **WILDLIFE AND PEDESTRIAN CROSSINGS.** Wildlife crossings and pedestrian bridges.

SECTION 4-314: ADDITIONAL SUBMITTAL REQUIREMENTS FOR MAJOR FACILITIES OF A PUBLIC UTILITY

The following additional submittal requirements apply to applications for Major Facilities of a Public Utility.

- A. PLANS, INCLUDING SYSTEM CAPACITY.** Detailed plans for the facility including, but not limited to, the associated system capacity and proposed service area plans and maps.
- B. EXISTING AND PROPOSED SERVICE.** Description of existing and proposed service in the area to be served.
- C. DISTRIBUTION NETWORK.** Description of the distribution network for the area proposed to be served.
- D. LINE CAPACITIES AND LENGTHS.** Description of voltages/capacities and lengths of transmission lines.
- E. POWER RESOURCES AND GENERATING CAPACITIES.** Description of the power sources/resources and generating capacities.
- F. FUNCTIONS AND SIZES OF SUBSTATIONS.** Description of the functions and sizes of substations.
- G. DIAMETERS/LENGTHS OF LINES.** Description of the diameters and lengths of pipelines/transmission lines.
- H. STORAGE AREA LOCATIONS AND MATERIALS TO BE STORED.** As applicable, description of the capacities of the storage tanks/storage areas and types of petroleum derivative, natural gas, hydrogen or other product to be stored.
- I. SOURCES OF POWER OR PETROLEUM DERIVATIVE.** Description of the sources of power being generated or transmitted and/or the sources of petroleum derivative being transported.
- J. LOCATION OF LINES TO RESIDENTIAL OR COMMERCIAL STRUCTURES.** Map showing all points at which power transmission lines and/or pipelines will pass with 45 feet of existing, approved, or proposed residential or commercial structures, and a projection of the exposure of inhabitants of such structures to magnetic fields of greater than two milligauss.
- K. MAP OF EXISTING MAJOR FACILITIES OF PUBLIC UTILITIES.** Map showing each existing major facility of a public utility within the County of the type proposed for development.
 - 1. DESCRIPTION OF DESIGN CAPACITY OF EACH FACILITY.** Description of the design capacity of each such facility, the excess capacity of each such facility, and the percentage of capacity at which each such facility operates.
- L. TYPES OF DEVELOPMENT PROPOSED TO BE SERVED.** Description of the predominant types of developments to be served by the Proposed Project.
- M. UPGRADE POTENTIAL OF EXISTING FACILITIES.** Description of the upgrade potential of existing facilities and projected capacity to meet demand-for-services-levels
- N. EXPLANATION OF EXCESS SERVICE CAPACITY.** If the Proposed Project is a new water or wastewater treatment system or public utility facility and that system exceeds a ten year projected increase in demand, a detailed explanation of the excess service capacity and the cost of the excess capacity.

SECTION 4-315: ADDITIONAL SUBMITTAL REQUIREMENTS FOR MAJOR NEW DOMESTIC WATER AND WASTEWATER TREATMENT SYSTEMS

The following additional submittal requirements apply to site selection and construction of major new domestic water and wastewater treatment systems, and major extension of existing domestic water and wastewater treatment systems.

- A. DESCRIPTION OF DOMESTIC WATER AND WASTEWATER TREATMENT FACILITIES IN VICINITY.** Description of existing domestic water and wastewater treatment facilities in the vicinity of the Proposed 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.
- B. DESCRIPTION OF PROPOSED PROJECT'S EFFECT ON URBAN DEVELOPMENT.** Description of how the Proposed Project will affect urban development, urban densities, and site layout and design of stormwater and sanitation systems.
- C. CONSIDERATION OF CONSOLIDATION WITH OTHER AREA WATER AND WASTEWATER AGENCIES.** Description of other water and wastewater management agencies in the Proposed Project area and reasons for and against consolidation with those agencies.

- D. DESCRIPTION OF HOW PROPOSED PROJECT MAY AFFECT ADJACENT COMMUNITIES.** Description of how the Proposed Project may affect adjacent communities and wells.

SECTION 4-316: ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO MUNICIPAL AND INDUSTRIAL WATER PROJECTS

The following additional submittal requirements apply to applications for Municipal and Industrial Water Projects.

- A. DESCRIPTION OF DEMANDS TO BE MET BY PROPOSED PROJECT.** Description of demands that the Proposed Project expects to meet and basis for projections of that demand.
- B. MAP AND DESCRIPTION OF OTHER MUNICIPAL/INDUSTRIAL WATER PROJECTS.** Map and description of other municipal and industrial water projects in the vicinity of the Proposed 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. VERIFICATION OF NO CONFLICT WITH OTHER REGULATIONS OR POLICIES.** Verification that the Proposed Project will not conflict with federal, state, regional or local planning policies or regulations applicable to land or water resources.
- D. DESCRIPTION OF EFFICIENT WATER USE.** Description of efficient water use, recycling and reuse technology the Proposed Project intends to use.
- E. DESCRIPTION OF PROTECTION FROM STORMWATER AND WASTEWATER CONTAMINATION.** Description of the proposed methods by which stormwater and wastewater will be prevented from contaminating aquifers, if municipal or industrial wastewaters or stormwater disposal methods are not subject to regulation by state and/or federal statutes or regulations.

SECTION 4-317: ADDITIONAL SUBMITTAL REQUIREMENTS FOR SITE SELECTION AND DEVELOPMENT OF SOLID WASTE DISPOSAL SITES

The following additional submittal requirements apply to applications for Site Selection and Development of Solid Waste Disposal Sites.

- A. CAPACITY ANALYSIS.** Analysis of capacity of existing landfills in the County, remaining life of existing landfill, and the need for a new major solid waste disposal site.
- B. WIND CONDITIONS REPORT.** Report on wind conditions for the site.
- C. DESCRIPTION OF POTENTIAL POLLUTION PROBLEMS.** Description of potential pollution problems related to the site.
- D. DESCRIPTION OF RECYCLING EFFORTS.** Description of efforts to recycle waste and conservation practices to be employed at the site.
- E. EXPECTED IMPACT ON NEARBY PROPERTY OWNERS.** Expected effect and impact on nearby property owners and on current land uses, compared with alternate locations.

SECTION 4-318: ADDITIONAL SUBMITTAL REQUIREMENTS FOR SITE SELECTION AND DEVELOPMENT OF A NEW COMMUNITY

The following additional submittal requirements apply to applications for Site Selection and Development of a New Community.

- A. MAP.** Map illustrating the location of land uses, the size, scale, density, traffic circulation, and open space provisions for the Proposed Project, at full build-out.
- B. INTERGOVERNMENTAL AGREEMENTS.** List of applicable intergovernmental agreements in effect for this area and intergovernmental agreements that may be required between the applicant and any related entities, or between any affected entities.
- C. POPULATION FORECASTS.** Population forecasts for the proposed community, including data and forecast methodology.

- D. NEED FOR NEW COMMUNITY.** Data and related support documentation that demonstrates the need for the new community in the proposed location.
- E. DESCRIPTION OF SUSTAINABLE DESIGN.** Description of how the new community is designed for sustainability, providing for commercial and industrial development area in reasonable proportion to the projected needs of the community's residential population; for functional internal pedestrian-friendly and vehicular circulation patterns linked to public transportation routes. Design may encourage and enable the use of alternative energy sources that are not detrimental to public health, safety or welfare.
- F. DESCRIPTION OF DESIGN TO PRESERVE NATURAL FEATURES.** Descriptions and illustrations of design provisions to preserve such natural features as water bodies, ridge lines, streambed meander limits, and steep slopes and to establish and maintain an accessible open-space network for conservation, natural beauty, and recreation, as well as to prevent environmental pollution, reduce potential natural hazards, and mitigate noise problems
- G. DEVELOPMENT CODE.** Development Code for the proposed new community, that defines mandatory and recommended standards of architecture, use of exterior materials and colors, building height, square footage and footprints, setbacks, and similar constraints to demonstrate and ensure compatibility between uses. Examples of building elevations and streetscape design shall also be included.
- H. FINANCIAL PLAN AND FUNDING SOURCES.** Financial plan and funding sources for the Proposed Project, including:
- 1. COSTS TO DEVELOP** services, infrastructure and facilities. Costs of developing public and publicly financed services, infrastructure and facilities.
 - 2. FINANCIAL RESOURCES.** Financial resources that will fund development costs, including revenues from the development, financial resources of the applicant, proposed funding sources, and any related special districts.
 - 3. PERIODIC UPDATING OF FINANCIAL PLAN.** Proposed procedure allowing for periodic updating of the financial plan to take into consideration changes in costs, revenues, market conditions, and other relevant changes affecting the development.
 - 4. MARKETING STRATEGY.** Marketing strategy for sale and/or construction of residential, commercial and industrial property.
- I. ECONOMIC PROFILE OF COMMUNITY AND AREA IT WILL IMPACT.** Description of the economic profile of the proposed new community and area it will impact, including the following:
- a. ELEMENTS OF ECONOMIC BASE.** Type of industrial, commercial and other enterprises contributing to the economic base of the proposed new community.
 - b. ANALYSIS OF EMPLOYMENT CHARACTERISTICS AND LABOR MARKET.** Analysis of employment characteristics and labor market of proposed new community.
 - c. ECONOMIC EFFECTS.** Description of economic effects of the proposed new community on existing industrial, commercial and other economic sectors.
- J. DESCRIPTION OF EXISTING AND PROPOSED INFRASTRUCTURE.** Description of existing or proposed governmental or quasi-governmental infrastructure in, or new infrastructure to be provided for, the proposed new community, including the following:
- 1. MAP AND DESCRIPTION OF GOVERNMENT NEEDED TO PROVIDE REQUIRED SERVICES.** Map delineation and narrative description of governmental institutions, special district and other similar jurisdictions necessary to provide the required services to the new community.
 - 2. METHOD OF GOVERNMENT.** Description of the method by which the new community will be governed to ensure provision and funding of services and protection of the public safety and welfare shall be defined and demonstrated to be in compliance with Colorado statutory requirements.
 - 3. AVAILABILITY OF NECESSARY UTILITIES.** Documentation that electric, gas, telephone, water supply and treatment, wastewater treatment, and other utilities exist or can be developed at required levels adequate to serve the land uses and forecasted population proposed to be served and to reside in the new community.
 - 4. DEMONSTRATION OF NO DETRIMENT TO EXISTING TRANSPORTATION SYSTEMS.** Description demonstrating that the Proposed Project will not result in detrimental impacts to the existing or planned transportation system, and that adequate access has or will be constructed, including any external roadways,

interchanges, and railroad crossings necessitated by the build-out of the development, and is not in conflict either with requirements of the Colorado Department of Transportation or the Gunnison County Transportation Plan.

5. PROPOSED REVENUE GENERATION. Proposed revenue-generating methods and capacities and expenditures of existing and proposed governmental jurisdictions, and forecasted rates of generation to parallel growth of the new community.

6. ESTIMATES OF PUBLIC DEBT. Estimates of public debt expected as a result of development of new public and publicly funded services, infrastructure and facilities.

K. SPECIAL DEVELOPMENT PROJECT APPROVAL REQUIRED PRIOR TO APPROVAL OF DEVELOPMENT PERMIT APPLICATIONS. If any department of Gunnison County receives a development permit application (such as an application for subdivision, building permit or other land use change permit, reclamation or access permit) which it determines is an application in connection with an otherwise unpermitted new community as defined pursuant to this *Resolution* the application shall be held in abeyance until the Special Development Project Permit for the new community is obtained.

DIVISION 4-400: REVIEW AND APPROVAL OR DENIAL OF SPECIAL DEVELOPMENT PROJECT PERMIT APPLICATION

SECTION 4-401: PLANNING DEPARTMENT REVIEW

- A. TECHNICAL REVIEW.** The Planning Department shall conduct a technical review of the submitted draft application to determine completeness of the application with each submittal requirement; to recommend which review agencies would appropriately be contacted to review and provide expertise and comments about the application; and to identify physical characteristics of the location of the Proposed Project, based upon information available on maps used by the County pursuant to Section 1-114: *Use of Maps*.
- B. DETERMINATION OF COMPLETENESS.** An application shall not be accepted unless it is complete. Within 30 calendar days of receipt of the application materials, the Planning Director shall determine whether the application is complete based on compliance with the submittal requirements set forth in Division 4-300: *Application*.
- 1. APPLICATION IS NOT COMPLETE.** If the application is not complete, the Planning Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within 60 calendar days, the application shall be considered withdrawn and returned to the applicant.
 - 2. APPLICATION IS COMPLETE.** If the application is complete, the Planning Director shall certify it as complete and stamp it with the date of Determination of Completeness.
 - 3. EXTENSION OF TIME FOR DETERMINATION OF COMPLETENESS.** The Planning Director may authorize one extension of time to complete review for Determination of Completeness, up to an additional 60 working days. The extension of time for Determination of Completeness shall be based upon the following considerations:
 - a. SCOPE OF APPLICATION WARRANTS EXTENSION OF TIME.** The scope of application is sufficient to require additional time for the Planning Director to review the application for a Determination of Completeness.
 - b. DEPARTMENT WORKLOAD WARRANTS EXTENSION OF TIME.** The Department's workload due to the volume and scope of pending land use change applications justifies the need for an extension of time to review the application for a Determination of Completeness.
 - 4. DETERMINATION OF COMPLETENESS NOT A DETERMINATION OF COMPLIANCE WITH STANDARDS.** A determination of completeness is not a determination of the Proposed Project's compliance with approval standards.
- C. TOTAL NUMBER OF COPIES REQUIRED.** Once the Planning Department has determined the application to be complete, it shall determine the number of copies necessary for review by the Planning Commission and Board and other review agencies and County departments, and shall notify the applicant of the number of digital and hard copies of the complete plan that are required to be submitted.
- D. PUBLICATION OF NOTICE OF APPLICATION.** Not later than 30 days after the Department determines the application is complete, the Department will publish a notice identifying the Proposed Project, stating that an application has been filed, and identifying the location where copies of the application may be obtained or examined. Such notice will be published once in a newspaper of general circulation in the County. Failure to publish a notice of application pursuant to this paragraph D is not a jurisdictional defect.
- E. DISTRIBUTION OF APPLICATION TO BOARD AND PLANNING COMMISSION.** The Department will distribute a copy of the application to each member of the Board and the Planning Commission, and to the County Attorney's Office.
- F. DISTRIBUTION OF APPLICATION TO APPLICABLE REVIEW AGENCIES.** Upon determination that the application is complete, the Department shall distribute the application for referral agency and consultant review. Applications shall be referred to the review agencies that the County determines necessary or appropriate for the Proposed Project.
- 1. REVIEW AGENCIES.** Review agencies include:
 - a. COLORADO DIVISION OF WATER RESOURCES.** Any application shall be referred to the Colorado State Engineer, Division of Water Resources, subject to statutory requirements for that agency.

- b. **COLORADO GEOLOGIC SURVEY.** Any application that proposes development on a parcel identified as being in an area of geologic hazard or mineral resource area shall be referred to the Colorado Geologic Survey.
 - c. **U.S. ARMY CORPS OF ENGINEERS.** Any application for Projects proposed for areas that have been mapped for wetlands, or about which there is an appearance of wetlands, shall be referred to the U.S. Army Corps of Engineers for review.
 - d. **COLORADO PUBLIC UTILITIES COMMISSION.** Any application that proposes development related to major facilities of a public utility shall be referred to the Colorado Public Utilities Commission.
 - e. **COLORADO DEPARTMENT OF TRANSPORTATION.** Any application that proposes the construction of roads, interchanges, connections to the Colorado or federal highway system, or that impacts such facilities shall be referred to the Colorado Department of Transportation.
 - f. **FEDERAL AVIATION ADMINISTRATION.** Any application proposed for an airport or in an area around an airport that would be regulated by the Federal Aviation Administration shall be referred to that agency for review.
 - g. **COLORADO DIVISION OF WILDLIFE.** Any application proposed on a parcel identified as being in wildlife habitat pursuant to the Gunnison County Wildlife Habitat Maps shall be referred to the Colorado Division of Wildlife, and as applicable to the Gunnison County Sage-Grouse Coordinator.
 - h. **COLORADO STATE FOREST SERVICE.** Any application that proposes development in a wildfire hazard area shall be referred to the Colorado State Forest Service and the applicable fire protection district.
 - i. **COLORADO DIVISION OF RECLAMATION AND MINE SAFETY.** Any application that proposes mineral extraction and/or reclamation of land disturbed by mineral extraction shall be referred to the Colorado Division of Reclamation and Mine Safety.
 - j. **FEDERAL LAND MANAGEMENT AGENCIES.** Any application for a Proposed Project on or affecting federal lands shall be referred to the applicable federal land management agency.
 - k. **COLORADO CONSERVATION BOARD AND THE COLORADO NATURAL RESOURCES CONSERVATION SERVICE.** All applications shall be referred to the Colorado Conservation Board and the Colorado Natural Resources Conservation Service.
 - l. **SCHOOL DISTRICT.** All applications shall be referred to the school districts likely to be affected.
 - m. **MUNICIPALITIES AND UNINCORPORATED COMMUNITIES.** All applications shall be referred to any community or municipality likely to be affected by the Proposed Project.
 - n. **SERVICE DISTRICTS AND DITCH COMPANIES.** All applications shall be referred to any utility, local improvement and service districts, and ditch companies likely to be affected by the Proposed Project.
 - o. **LOCAL NATURAL RESOURCE CONSERVATION OFFICE OR SOIL CONSERVATION SERVICE BOARD.** All applications shall be referred to Local Natural Resource Conservation Office or Soil Conservation Service Board.
 - p. **COLORADO DEPARTMENT OF PUBLIC HEALTH AND THE ENVIRONMENT.** All applications shall be referred to the Colorado Department of Public Health and the Environment.
 - q. **GUNNISON COUNTY TRAILS COMMISSION.** All applications shall be referred to Gunnison County Trails Commission.
 - r. **GUNNISON COUNTY HISTORIC PRESERVATION COMMISSION.** All applications shall be referred to Gunnison County Historic Preservation Commission.
 - s. **COLORADO CONSERVATION BOARD AND THE COLORADO NATURAL RESOURCES CONSERVATION SERVICE.** All applications shall be referred to the Colorado Conservation Board and the Colorado Natural Resources Conservation Service.
 - t. **OTHER AGENCIES DEEMED APPROPRIATE.** The Planning Department or Board of County Commissioners may submit any application to any other agency as it deems appropriate.
2. **ADDITIONAL APPLICATION REFERRALS.** The Planning Department may request the professional analysis and recommendations of other review agencies, organizations, or technical consultants appropriate and necessary to complete the review, including other County offices and departments; municipal, state, or federal agencies having

an interest in or authority over all or part of the Proposed Project; utility companies; the applicable school district and special service districts serving the Proposed Project; and engineers, designers, and legal consultants.

3. **TIMELINE FOR REVIEW AND COMMENT BY REVIEW AGENCIES AND DEPARTMENTS.** Review agencies and departments that are sent a copy of the application shall be requested to make comments within 21 days of mailing by the Planning Department. The County shall have the discretion to extend the review period upon good cause shown. The failure of any agency to respond within 21 days or within the period of extension shall not be deemed an approval of the application by the agency.
4. **REVIEW OF AGENCY AND DEPARTMENT COMMENTS BY APPLICANT.** The applicant shall have the right to review the comments and recommendations received from the review agencies. The applicant may submit additional information and make changes in the Proposed Project to respond to the comments of the review agencies; provided, however, that if those changes are substantial or if they significantly alter the nature, character or extent of the application, the Planning Department may, after the changes, refer the application again to some or all review agencies, to obtain additional comments.
5. **APPLICANT RESPONSIBLE FOR CONSULTANT AND REFERRAL AGENCY REVIEW FEES.** The costs of consultant and referral agency review are the responsibility of the applicant.
 - a. **DEPOSIT OF PAYMENT.** The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated review costs, at the time of application and in addition to the application fees.
 - b. **REVIEW MAY BE SUSPENDED FOR FAILURE TO PAY FEES.** The County may suspend the application review process pending payment of review fees. Suspension shall toll all deadlines imposed on the County by this Section.
- G. **PREPARATION OF STAFF REPORT AND RECOMMENDATION.** The Planning Department shall review the application to evaluate if the Proposed Project satisfies the applicable standards for Permit approval set forth in Article 5: *Standards for Approving or Denying a Permit*.
 1. **STAFF REPORT ANALYZING APPLICATION FOR COMPLIANCE WITH STANDARDS.** Staff shall evaluate the application against each one of the applicable approval standards. The Planning Department shall prepare a staff report analyzing the application against the approval standards, identifying issues that remain unresolved, summarizing staff and referral issues, evaluating mitigation requirements and recommending potential conditions that would be necessary to ensure that approval standards are satisfied.
 2. **SUBMITTAL OF STAFF REPORT BEFORE PUBLIC HEARING.** Seven calendar days before the date of a public hearing, the Planning Department shall submit the staff report to the applicant and to the Board. A copy of the staff report shall also be available for public review seven calendar days before the hearing.

SECTION 4-402: JOINT PUBLIC HEARING AND DECISION ON APPLICATION

- A. **JOINT PUBLIC HEARING.** The Special Development Project Permit Application shall be considered by the Planning Commission and Board at a joint public hearing, after proper notice, conducted pursuant to Section 1-110: *Public Hearings*.
- B. **RECOMMENDATION BY PLANNING COMMISSION.** Following the joint public hearing, the Planning Commission shall recommend that the application for Special Development Project Permit be approved, approved with conditions or denied, based upon the Proposed Project's compliance with the approval standards set forth in Article 5: *Standards for Approving or Denying a Permit*.
- C. **DECISION BY BOARD.** Following the joint public hearing, the Board shall approve, approve with conditions or deny the application for Special Development Project Permit based upon all information on the record and whether the Proposed Project complies with the approval standards set forth in Article 5: *Standards for Approving or Denying a Permit*.
 1. **APPROVAL OF APPLICATION.** If the Proposed Project satisfies all of the applicable standards, the Board of County Commissioners shall approve the application.
 2. **DENIAL OF APPLICATION.** If the Proposed Project fails to satisfy all of the applicable standards, the Board of County Commissioners shall deny the application; or
 3. **APPROVAL OF APPLICATION WITH CONDITIONS.** If the Proposed Project fails to satisfy all of the applicable standards, the Board of County Commissioners may approve the Proposed Project with whatever conditions it deems are necessary to ensure that the Proposed Project satisfies all of the applicable standards.

SECTION 4-403: REVIEW OF APPLICATION FOR MAJOR REVIEW OF APPLICATIONS FOR MAJOR ELECTRICAL OR NATURAL GAS FACILITY

Any application for Permit which relates to the location, construction or improvement of a Major Electrical or Natural Gas Facility as contemplated by Section 29-20-108, C.R.S., as amended, shall be subject to the following special requirements imposed by state law, pursuant to Section 29-20-108, C.R.S.

- A. NOTICE.** A public utility or power authority shall notify the Planning Director of its plans to site a Major Electrical or Natural Gas Facility before submitting the permit application, but in no event later than filing a request for a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or an annual filing with the public utilities commission that proposes or recognizes the need for construction of a new facility or the extension of an existing facility. If a public utility or power authority is not required to obtain a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or file annually with the public utilities commission to notify the public utilities commission of proposed construction of a new facility or the extension of an existing facility, then the public utility or power authority shall notify the County of its intention to site a Major Electrical or Natural Gas Facility when such utility or authority determines that it intends to proceed to permit and construct the facility.
- B. CONSULTATION WITH COUNTY.** The public utility or power authority shall consult with the County to identify the specific routes or geographic locations under consideration and attempt to resolve land use issues that may arise from the contemplated permit application.
- C. ALTERNATIVES ANALYSIS.** In addition to the alternative described within its permit application, the public utility or power authority shall consider and present reasonable siting and design alternatives or explain why no reasonable alternatives are available.
- D. PRELIMINARY APPLICATION.** Any application submitted by a public utility or power authority which relates to the location, construction or improvement of a Major Electrical or Natural Gas Facility as contemplated by Section 29-20-108, C.R.S. and which is required to be presented to the Planning Commission for recommendation shall be considered to be a "preliminary application" pursuant to Section 29-20-108, C.R.S., on which final County action shall be taken within 120 days from Determination of Completeness.
- E. APPEAL OF DENIAL OF APPLICATION FOR MAJOR ELECTRICAL OR NATURAL GAS FACILITY.** If the County denies a Permit or application of a public utility or power authority that relates to the location, construction, or improvement of Major Electrical or Natural Gas Facilities, or if the County imposes requirements or conditions upon such Permit or application that will unreasonably impair the ability of the public utility or power authority to provide safe, reliable, and economical service to the public, the public utility or power authority may appeal the County action to the public utilities commission for a determination under Section 40-4-102, C.R.S., so long as one or more of the following conditions exist:
 - 1. UTILITY OR AUTHORITY HAS COMPLIED WITH 40-5-101, C.R.S.** The public utility or power authority has applied for or has obtained a certificate of public convenience and necessity from the public utilities commission pursuant to Section 40-5-101, C.R.S., to construct the Major Electrical or Natural Gas Facility that is the subject of the local government action;
 - 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NOT REQUIRED.** A certificate of public convenience and necessity is not required for the public utility or power authority to construct the Major Electrical or Natural Gas Facility that is the subject of the local government action; or
 - 3. P.U.C. PREVIOUSLY ENTER ORDER PURSUANT TO 40-4-102, C.R.S.** The public utilities commission has previously entered an order pursuant Section 40-4-102, C.R.S., that conflicts with the local government action.

ARTICLE 5: STANDARDS FOR APPROVING OR DENYING A PERMIT

DIVISION 5-100: GENERAL STANDARDS FOR SPECIAL DEVELOPMENT PROJECTS

SECTION 5-101: STANDARDS FOR SPECIAL DEVELOPMENT PROJECTS ON PUBLIC AND PRIVATE LANDS

The following standards shall apply to *all* applications for Special Development Projects.

- A. PROPOSED PROJECT IS FINANCIALLY FEASIBLE.** The Proposed Project is financially feasible. The determination of financial feasibility may include but is not limited to the following considerations:
1. Amount of debt associated with the Proposed Project.
 2. Debt retirement schedule and sources of funding to retire the debt.
 3. Estimated construction costs and construction schedule.
 4. Estimated costs of annual operation, maintenance and monitoring costs.
 5. Market conditions related to the type of direct and indirect service(s) and/or product(s) to be generated by the Proposed Project.
 6. Estimated costs of developing public and publicly-financed services and facilities necessary for the Proposed Project.
 7. Amount of Proposed Project's development costs that will be met by financial resources of the applicant, borrowing and/or use of existing or new special districts, if any.
 8. Plan and sources for funding for construction and operations.
 9. Annual pro forma sources and uses of funds throughout the duration of construction and operations.
 10. Annual ratio of earnings before interest, taxes, depreciation and amortization (EBITDA); minus cash taxes; plus/minus working capital changes; minus total capital expenditure; minus exceptional charges; divided by amortization of debt (to include finance leases) plus total cash interest.
 11. Plan to fund mitigation, cessation of operations, environmental and permit violations and proposed sources of funds.
 12. Time horizon for the business plan and key assumptions.
 13. Construction costs and key assumptions.
 14. . Pro forma of annual revenues, operational costs and cash flow, and key assumptions.
- B. PROPOSED PROJECT IS TECHNICALLY FEASIBLE.** The Proposed Project is technically feasible.
- C. APPLICANT HAS EXPERTISE TO ACCOMPLISH PROPOSED PROJECT.** The applicant has the necessary expertise to develop and operate the Proposed Project consistent with all requirements and conditions. The determination of applicant's expertise may include but is not limited to the following consideration:
1. The technical and administrative expertise and experience of the applicant and personnel, particularly as demonstrated on projects similar to the Proposed Project.
- D APPLICANT HAS FINANCIAL CAPABILITY TO ACCOMPLISH PROPOSED PROJECT.** The applicant has the necessary financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.

- E. NO SIGNIFICANT ADVERSE EFFECT ON WATERSHED.** The Proposed Project shall comply with any duly adopted municipal watershed protection regulations.
- F. PROPOSED PROJECT IS NOT SUBJECT TO SIGNIFICANT RISK FROM SOILS OR GEOLOGIC HAZARDS.** The Proposed Project is not subject to significant risk from soils or geologic hazards. The determination of risk to the Proposed Project from soils and geologic conditions may include but is not limited to the following considerations:
1. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
 2. Changes to stream sedimentation, geomorphology, and channel stability.
 3. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
 4. Changes to avalanche areas, mudflows and debris fans, and other unstable and potentially unstable slopes.
 5. Exacerbation of seismic concerns and subsidence.
- G. PROPOSED PROJECT IS NOT SUBJECT TO SIGNIFICANT RISK FROM NATURAL HAZARDS.** The Proposed Project is not subject to significant risk from natural hazards. The determination of risk to the Proposed Project from natural hazards may include but is not limited to the following considerations:
1. Faults and fissures.
 2. Unstable slopes including landslides, rock slides and avalanche areas.
 3. Expansive or evaporative soils and risk of subsidence.
 4. Flood hazard.
 5. Wildfire hazard.
- H. PROPOSED PROJECT SHALL NOT AGGRAVATE HAZARDOUS CONDITIONS OR INCREASE RISK TO PUBLIC.** The Proposed Project shall not aggravate hazardous conditions or otherwise pose a significant risk to public health and safety or to property.
- I. PROTECTION OF WATER AND WASTEWATER TREATMENT SITES AND SYSTEMS.** Wells, solid waste disposal sites, water supply systems, wastewater treatment systems and individual sewage disposal systems shall be protected from any significant structural or functional risk caused by the Proposed Project.
- J. PROPOSED PROJECT SHALL NOT PRESENT SIGNIFICANT RISK OF RELEASES OF HAZARDOUS MATERIALS.** The Proposed Project shall not result in significant risk of releases of hazardous materials. The determination of risk may include but is not limited to the following considerations:
1. Plans for compliance with federal and state handling, storage, disposal and transportation requirements.
 2. Use of waste minimization techniques.
 3. Adequacy of spill prevention and response plans.
 4. Means by which secure outdoor storage facilities for fuel, raw materials, equipment and related items are adequately enclosed by a fence or wall, as required by state or federal law.
 5. Likelihood of hazardous materials or wastes being moved off the site by natural causes or forces.
 6. Proposed method of containment, disposal, and transportation of inflammable or explosive liquids, solids or gases, or other hazardous materials, pursuant to applicable federal, state and local regulations.
- K. NO SIGNIFICANT ADVERSE EFFECT ON HOUSING.** The Proposed Project shall not have a significant adverse effect on housing availability or cost. The determination of effects of the Proposed Project on housing may include but is not limited to the following considerations:
1. Changes in short or long term housing availability, location, cost or condition.
 2. Payments made under the Workforce Housing Fee.
- L. ALL PROPERTY RIGHTS HAVE BEEN OBTAINED.** Prior to site disturbance associated with the Proposed Project, the applicant can and will obtain all property rights, permits, and approvals necessary for the Proposed Project, including surface, mineral, and water rights. If the applicant has not obtained all necessary property rights, permits and approvals,

the Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.

- M. NO SIGNIFICANT DEGRADATION OF PROPERTY RIGHTS.** The Proposed Project shall not significantly degrade property rights held by others.
- N. NO SIGNIFICANT DEGRADATION OF VISUAL QUALITY OR NOISE, VIBRATION, DUST AND ODOR LEVELS.** The Proposed Project shall not significantly degrade existing visual quality, or cause excessive noise and vibration levels, dust, fumes, glare, exterior artificial light, heat, and odor. The determination of effects of the Proposed Project may include but is not limited to the following considerations:
- 1. VISUAL IMPACTS.**
 - a. Visual changes to ground cover and vegetation, waterfalls, streams, or any other natural feature, or interference with view sheds and scenic vistas.
 - b. Visual changes resulting from construction activities and from the existence and operation of the Proposed Project.
 - c. Significant changes in appearance of forest canopies.
 - d. Changes to unique or fragile areas, including geological formations, forested areas, critical view sheds or water bodies.
 - e. Compatibility of proposed building and structure design and materials with surrounding land uses.
 - 2. NOISES AND ODORS DURING CONSTRUCTION OR OPERATION.** Noises or odors generated during construction or operation of the Proposed Project in relation to the level of noises from existing uses.
 - 3. FUMES, GLARE, DUST AND HEAT.** Fumes, glare, dust and heat generated during construction or operation of the Proposed Project in relation to the level of fumes, glare, dust and heat from existing uses.
 - 4. DARK SKY.** The Proposed Project shall comply with the regulatory provisions of *Land Use Resolution* Section 13-114: *Exterior Lighting*.
- O. NO SIGNIFICANT DEGRADATION OF LOCAL GOVERNMENT SERVICES.** The Proposed Project shall not significantly degrade the capability of local government to provide services, or exceed the capacity of service delivery systems within the County. The determination of effects of the Proposed Project on the service delivery systems may include but is not limited to the following considerations:
1. Existing and potential financial capability of local governments to accommodate development related to the Proposed Project.
 2. Current and projected capacity of roads, schools, infrastructure, housing, and other services necessary to accommodate development, and the impact of the Proposed Project upon the current and projected capacity.
 3. Changes caused by the Proposed Project in the cost of providing education, transportation networks, water treatment and wastewater treatment, emergency services, or other governmental services or facilities.
 4. Changes in short or long term housing availability, location, cost or condition.
 5. Need for temporary roads to access the construction of the Proposed Project.
 6. Change in demand for public transportation.
 7. Change in the amount of water available for future water supply in the County.
- P. DESIGN AND OPERATION INCLUDE RESOURCE CONSERVATION, RECYCLING AND REUSE.** The planning, design and operation of the Proposed Project shall reflect state of the art principles of resource conservation, energy efficiency and recycling or reuse.
- Q. PROPOSED PROJECT SHALL BE DESIGNED FOR SUSTAINABILITY.** The Proposed Project shall be designed for sustainability, providing for commercial and industrial development area in reasonable proportion to the projected needs of the community's residential population; for functional internal pedestrian-friendly and vehicular circulation patterns linked to public transportation routes. Design shall also encourage and enable the use of alternative energy sources that are not detrimental to public health, safety or welfare.

- R. PROPOSED PROJECT SHALL COMPLY WITH COUNTY'S CARBON NEUTRAL POLICY OR STANDARD.** The Proposed Project shall be in compliance with each Gunnison County carbon neutral policy and/or standard existing at the time the formal application for a Special Development Project is filed with Gunnison County.
- S. PROPOSED PROJECT SHALL PRESERVE NATURAL FEATURES.** The Proposed Project shall preserve such natural features as water bodies, ridge lines, streambed meander limits and steep slopes, and shall establish and maintain an accessible open-space network for conservation and natural beauty.
- T. NO SIGNIFICANT DEGRADATION OF THE ECONOMY.** The Proposed Project shall not significantly degrade any current or foreseeable future sector of the county economy. The determination of effects of the Proposed Project on the economy may include but is not limited to the following considerations:
1. Changes to projected revenues generated from each economic sector.
 2. Changes in the value or productivity of any lands.
 3. Changes in opportunities for economic diversification.
 4. Potential for boom/bust cycles.
- U. PROPOSED PROJECT SHALL NOT CREATE UNDUE FINANCIAL BURDEN ON RESIDENTS.** The Proposed Project shall not create an undue financial burden on existing or future residents of the county. The determination of effects of the Proposed Project may include but is not limited to the following considerations:
1. Changes in assessed valuation.
 2. Tax revenues and fees to local governments that will be generated by the Proposed Project.
 3. Changes in tax revenues caused by agricultural lands being removed from production.
 4. Changes in costs to water users to exercise their water rights.
 5. Changes in costs of water treatment or wastewater treatment.
 6. Effects on wastewater discharge permits.
 7. Inability of water users to get water into their diversion structures.
 8. Changes in total property tax burden.
- V. PROPOSED PROJECT SHALL COMPLY WITH DESIGN STANDARDS.** The Proposed Project shall comply with the following design standards.
1. **ENERGY AND RESOURCE CONSERVATION.** *Land Use Resolution Section 13-106: Energy and Resource Conservation.*
 2. **SOLID FUEL BURNING DEVICES.** *Land Use Resolution Section 13-107: Installation of Solid-Fuel-Burning Devices.*
 3. **SNOW STORAGE.** *Land Use Resolution Section 13-112: Snow Storage.*
 4. **EXTERIOR LIGHTING AND DARK SKY.** *Land Use Resolution Section 13-114: Exterior Lighting.*
 5. **RECLAMATION AND NOXIOUS WEED CONTROL.** *Land Use Resolution Section 13-115: Reclamation and Noxious Weed Control.*
 6. **GRADING AND EROSION.** *Land Use Resolution Section 13-116: Grading and Erosion Control.*
 7. **DRAINAGE AND STORMWATER RUNOFF.** *Land Use Resolution Section 13-117: Drainage, Construction and Post-Construction Stormwater Runoff,*
 8. **WATER IMPOUNDMENTS.** *Land Use Resolution Section 13-118: Water Impoundments.*
 9. **WATER IMPOUNDMENT STRUCTURES SUBJECT TO COLORADO WATER CONSERVATION BOARD REQUIREMENTS.** Impoundment structures subject to Colorado Water Conservation Board and State Engineer's requirements shall also comply with the engineering requirements specified by the Colorado Water Conservation Board and the Office of the State Engineer.
 10. **WATER SUPPLY.** *Land Use Resolution Section 12-105: Water Supply.*

11. SEWAGE DISPOSAL AND WASTEWATER TREATMENT. *Land Use Resolution Section 12-106: Sewage Disposal/Wastewater Treatment.***12. UTILITIES.**

- a. **APPROVAL OF LOCATION AND ENGINEERED PLANS.** Utility location and final engineered plans shall be approved by each utility company that will provide service to the Proposed Project.
- b. **UTILITY PLACEMENT.** Utilities serving the Proposed Project shall be placed underground, in existing or proposed road rights-of-way unless such placement would cause significant disturbance to a sensitive natural area or feature.
- c. **UTILITY EASEMENT LANDSCAPING.** Underground utility easements shall have vegetation established and growing within two growing seasons, and the natural environment disturbed by installation shall be restored to its condition before the utilities were installed.
- d. **UTILITY EASEMENT WIDTH.** The width of any required easement shall satisfy the reasonable requirements of the applicable utility provider and the County, pursuant to the design standards of the utility provider or the County, as applicable.

W. LEAST ENVIRONMENTAL DISTURBANCE. The Proposed Project will shall cause the least practicable environmental disturbance. Satisfying this standard does not eliminate the need to satisfy all other applicable standards for Permit approval.

X. NO SIGNIFICANT DEGRADATION OF TERRESTRIAL ANIMAL LIFE AND HABITAT. The Proposed Project shall not significantly degrade the terrestrial animal life and habitat. The determination of effects of the Proposed Project on terrestrial animal life and habitat may include but is not limited to the following considerations:

1. Alterations in population size that threaten population viability, disrupt community dynamic, or affect ecosystem processes.
2. Continued provision of historical access or agreed upon new access other than the historical access, for the Colorado Division of Wildlife to manage wildlife and to monitor wildlife activities.
3. Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.
4. Changes to the terrestrial food webs.
5. Compliance with the standards of *Land Use Resolution Section 11-106: Protection of Wildlife Habitat Areas.*
6. Compliance with the terms of the 2005 *Gunnison Sage Grouse Rangewide Conservation Plan.*

Y. NO SIGNIFICANT DEGRADATION OF AQUATIC ANIMAL LIFE AND HABITAT. The Proposed Project shall not significantly degrade aquatic animal life and habitat. The determination of effects of the Proposed Project on aquatic animals and habitat may include but is not limited to the following considerations:

1. Alterations in population size that threaten population viability, disrupt community dynamics, or affect ecosystem processes.
2. Continued provision of historical access or agreed upon new access other than the historical access, for the Colorado Division of Wildlife to manage wildlife and to monitor wildlife activities.
3. Changes that result in loss of oxygen for aquatic life.
4. Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species.
5. Changes to the aquatic food webs.
6. Changes in turbidity.

Z. NO SIGNIFICANT DEGRADATION OF TERRESTRIAL AND AQUATIC PLANTS. The Proposed Project shall not significantly degrade terrestrial and aquatic plants. The determination of effects of the Proposed Project on terrestrial and aquatic plants may include but is not limited to the following considerations:

1. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
2. Changes in advancement or succession of desirable and less desirable plant species, including noxious weeds.

AA. NO SIGNIFICANT DEGRADATION OF WETLANDS AND RIPARIAN AREAS. The Proposed Project shall not significantly degrade wetlands and riparian areas. The determination of effects of the Proposed Project on wetlands and riparian areas may include but is not limited to the following considerations:

1. Changes in the structure and function of wetlands.
2. Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.
3. Changes to areal extent of wetlands.
4. Changes in species' characteristics and diversity.
5. Transition from wetland to upland species.
6. Changes in function and areal extent of floodplains.

BB. NO SIGNIFICANT DEGRADATION OF WATER QUALITY. The Proposed Project shall not significantly degrade surface water quality or groundwater quality.

1. **SURFACE WATER.** The determination of effects of the Proposed Project on surface water quality may include but is not limited to the following considerations:
 - a. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.
 - b. State and federal narrative and numeric water quality standards.
 - c. Changes in point and nonpoint source pollution loads.
 - d. Increase in erosion.
 - e. Changes in sediment loading to waterbodies.
 - f. Changes in stream channel or shoreline stability.
 - g. Changes in stormwater runoff flows.
 - h. Changes in trophic status or in eutrophication rates in lakes and reservoirs.
 - i. Changes in the capacity or functioning of streams, lakes or reservoirs.
 - j. Changes in flushing flows.
 - k. Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.
2. **GROUNDWATER QUALITY.** The determination of effects of the Proposed Project on groundwater quality may include but is not limited to the following considerations:
 - a. Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
 - b. Changes in capacity and function of wells within the impact area.
 - c. Changes in quality of well water within the impact area.

CC. NO SIGNIFICANT DEGRADATION OF AIR QUALITY. The Proposed Project shall not significantly degrade air quality. The determination of effects of the Proposed Project on air quality shall include but is not limited to the following considerations:

1. **AMBIENT AIR QUALITY.** Changes to seasonal ambient air quality.
2. **VISIBILITY.** Changes in visibility.
3. **MICROCLIMATES.** Changes to microclimates.
4. **AIR QUALITY STANDARDS.** Applicable air quality standards.

DD. DEVELOPMENT OF LAND BEYOND SNOWPLOWED ACCESS. The Proposed Project shall comply with *Land Use Resolution Section 11-110: Development Beyond Snowplowed Access.*

EE. PROPOSED PROJECT SHALL BE COMPATIBLE WITH PRESERVATION OF PALEONTOLOGICAL, HISTORIC, ARCHAEOLOGICAL AND CULTURAL RESOURCES. Proposed Project shall be conducted in a manner which will be compatible with the preservation of the resource and minimize damage to the resource.

FF. PROPOSED PROJECT SHALL COMPLY WITH COUNTY PRESERVATION RESOLUTIONS. The Proposed Project shall comply with Board of County Commissioners of Gunnison County Resolution No. 93-32: *A Resolution Providing for the Preservation of the Cultural, Historic and Architectural History Within Gunnison County* and Board of County Commissioners of Gunnison County Resolution No. 05-28: *A Resolution Regarding the Historic Preservation Commission and, Specifically, Establishing Criteria for Designation, Alteration, Relocation and Demolition of Historic Landmarks.*

GG. NO SIGNIFICANT DEGRADATION OF SCIENTIFIC RESEARCH ACTIVITIES AND FACILITIES. The Proposed Project shall not significantly degrade present and potential areas of scientific research activities and facilities.

SECTION 5-102: STANDARDS FOR SPECIAL DEVELOPMENT PROJECTS ON PRIVATE LAND

The following standards shall only apply to applications for Special Development Projects on private land.

A. PROPOSED PROJECT SHALL PRACTICABLY COMPLY WITH MUNICIPAL THREE-MILE PLANS. The Proposed Project shall to the extent practicable comply with any Municipal Three-Mile Plan.

B. PROPOSED PROJECT SHALL CONSIDER THE COUNTY COMPREHENSIVE PLAN AND SHALL COMPLY WITH INTERGOVERNMENTAL AGREEMENTS.

- 1. CONSIDERATION OF COMPREHENSIVE PLAN.** The Proposed Project shall to the extent practicable consider the County Comprehensive Plan.
- 2. COMPLIANCE WITH INTERGOVERNMENTAL AGREEMENTS.** The Proposed Project shall comply with any applicable Intergovernmental Agreement.

D. NO SIGNIFICANT ADVERSE EFFECT ON LAND USE AND COMMUNITY PATTERNS. The Proposed Project shall not have a significant adverse effect on land use and community patterns. The determination of effects of the Proposed Project on land use and community patterns may include but is not limited to the following considerations:

- Likelihood that the Proposed Project will/will not cause or contribute to urban sprawl or “leapfrog” development.
- Contiguity of development associated with the Proposed Project to existing population centers.
- Changes to unique land forms.
- Changes in the amount or character of open space.
- Changes to traffic patterns, road capacity and congestion.

E. NO SIGNIFICANT ADVERSE EFFECT ON EXISTING LAND USE AND NEIGHBORHOOD CHARACTER. The Proposed Project shall not have a significant adverse effect on existing land use and the neighborhood character.

F. BENEFITS OUTWEIGH THE LOSS OF RESOURCES. The benefits accruing to the County and its citizens from the Proposed Project after mitigation outweigh the losses of any natural-resources within the County, or the losses of opportunities to develop such resources.

G. NEED IS DEMONSTRATED. The Proposed Project is needed within the County and/or area to be served by the Proposed Project.

H. PROPOSED PROJECT SHALL COMPLY WITH DESIGN STANDARDS. The Proposed Project shall comply with the following design standards.

- 1. SETBACKS.** *Land Use Resolution Section 13-104: Setback from Property Setbacks and Road Rights-of-Way.*
- 2. BUILDING SIZES AND LOT COVERAGE.** *Land Use Resolution Section 13-105: Residential Building Sizes and Lot Coverages.*
- 3. OPEN SPACE AND RECREATION.** *Land Use Resolution Section 13-108: Open Space and Recreation.*
- 4. SIGNS.** *Land Use Resolution Section 13-109: Signs.*

- a. **DESIGN AND DISPLAY MAY BE INCORPORATED INTO PERMIT APPROVAL.** Sign design and display may be different from the *Land Use Resolution* requirements if such designs and displays are incorporated into the submittals and approved in a Special Development Project Permit.
5. **PARKING AND LOADING.** *Land Use Resolution* Section 13-110: *Off-Road Parking and Loading*.
6. **LANDSCAPING AND BUFFERING.** *Land Use Resolution* Section 13-111: *Landscaping and Buffering*.
7. **FENCING.** *Land Use Resolution* Section 13-113: *Fencing*.
8. **ROAD SYSTEM.** *Land Use Resolution* Section 12-103: *Road System*.
9. **TRAILS.** *Land Use Resolution* Section 12-104: *Trails*.
- I. **NO SIGNIFICANT DEGRADATION OF RIDGELINES.** The Proposed Project shall not significantly degrade ridgelines. The Proposed Project shall comply with *Land Use Resolution* Section 11-108: *Standards for Development on Ridgelines*.
- J. **NO SIGNIFICANT DEGRADATION OF AGRICULTURAL LANDS.** The Proposed Project shall not significantly degrade agricultural lands. The Proposed Project shall comply with *Land Use Resolution* Section 11-109: *Development That Affects Agricultural Lands*.
- K. **DEVELOPMENT ON INHOLDINGS IN THE NATIONAL WILDERNESS.** The Proposed Project shall comply with *Land Use Resolution* Section 11-111: *Development On Inholdings in the National Wilderness*.
- L. **DEVELOPMENT ON PROPERTY ABOVE TIMBERLINE.** The Proposed Project shall comply with *Land Use Resolution* Section 11-112: *Development On Property Above Timberline*.
- M. **NO SIGNIFICANT DEGRADATION OF RECREATION OPPORTUNITIES AND EXPERIENCES.** The Proposed Project shall not significantly degrade the quality or quantity of recreation opportunities and experiences. The determination of effects of the Proposed Project on recreation opportunities and experiences may include but is not limited to the following considerations:
 1. Changes to existing and projected visitor days.
 2. Changes to duration of kayaking and rafting seasons.
 3. Changes in quality and quantity of fisheries.
 4. Changes to instream flows or reservoir levels.
 5. Changes in access to recreational resources.
 6. Changes to quality and quantity of hiking trails.
 7. Changes to the wilderness experience or other opportunity for solitude in the natural environment.
 8. Changes to access to and availability of wild game.
 9. Changes to the quality of the skiing experience

DIVISION 5-200: ADDITIONAL STANDARDS

SECTION 5-201: ADDITIONAL STANDARDS FOR PROJECTS IN MINERAL RESOURCE AREAS

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to development in Mineral Resource Areas.

- A. EXTRACTION AND EXPLORATION SHALL RESULT IN LEAST PRACTICABLE ENVIRONMENTAL DISTURBANCE.** Extraction and exploration of minerals shall be accomplished in a manner which causes the least practicable environmental disturbance. Surface area disturbance associated with the Proposed Project shall be reclaimed in accordance with the provisions of Article 32 of Title 34, C.R.S.
- B. ADMINISTRATION OF CONSTRUCTION MATERIALS SUBJECT TO STATUTORY REQUIREMENTS.** Areas containing only sand, gravel, quarry aggregate or limestone used for construction purposes shall be administered as provided by Part 3 of Article 1 of Title 34, C.R.S.
- C. EXTRACTION AND EXPLORATION SHALL NOT ENDANGER PUBLIC SAFETY.** Extraction and exploration of minerals shall not cause significant danger to public health and safety.
- D. ECONOMIC VALUE OF MINERALS RELATIVE TO ECONOMIC VALUE OF OTHER USES.** If the economic value of the minerals present is less than the value of another existing or requested use, preference shall be given to the other use. Other uses which would not interfere with the extraction and exploration of minerals may be allowed.

SECTION 5-202: ADDITIONAL STANDARDS FOR PROJECTS IN FLOOD HAZARD AREAS

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to development in Flood Hazard Areas.

- A. PRESERVATION OF INTEGRITY OF FLOOD HAZARD AREA.** Land use shall preserve the integrity of the flood hazard area by not altering or impacting it in any way which is likely to pose a significant threat to public health or safety or to property (including the subject property, other impacted properties, or the environment).
- B. SIGNIFICANTLY THREATENING LAND USE PROHIBITED.** Land use which, in time of flooding, will likely pose a significant threat to public health or safety or to property (including the subject property, other impacted properties, or the environment) shall be prohibited. In determining whether there will likely be a significant threat, the following factors shall be considered:
 - 1. OBSTRUCTIONS DURING FLOODING.** Obstructions created from the Proposed Project during times of flooding, and vulnerability of the Proposed Project to flooding.
 - 2. FLOOD PROTECTION DEVICES.** Use of flood protection devices or flood proofing methods.
 - 3. NATURE AND INTENSITY OF PROPOSED PROJECT.** Nature or intensity of the Proposed Project.
 - 4. INCREASES IN IMPERVIOUS SURFACES.** Increases in impervious surface area caused by the Proposed Project.
 - 5. INCREASES IN SURFACE RUNOFF FLOW RATE.** Increases in surface runoff flow rate and amount caused by the Proposed Project.
 - 6. INCREASES IN FLOOD WATER FLOW RATE.** Increases in flood water flow rate and amount caused by the Proposed Project.
 - 7. PROXIMITY AND NATURE OF OTHER LAND USES.** Proximity and nature of adjacent or nearby land uses.
 - 8. DOWNSTREAM IMPACTS.** Impacts to downstream properties or communities.
 - 9. IMPACTS ON WELLS, DISPOSAL SITES, WATER SUPPLY AND WASTEWATER TREATMENT SYSTEMS.** Impacts on shallow wells, waste disposal sites, water supply systems, individual sewage disposal systems and wastewater treatment systems.
- C. COMPLIANCE WITH LAND USE RESOLUTION.** The Proposed Project shall comply with *Land Use Resolution* Section 11-103: *Development in Areas Subject to Flood Hazard*.

SECTION 5-203: ADDITIONAL STANDARDS FOR PROJECTS IN WILDFIRE HAZARD AREAS

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to development in Wildfire Hazard Areas.

- A. **STRUCTURES PROHIBITED ON SLOPES WITH GRADIENT OF 30PERCENT OR MORE.** Structures shall not be located on slopes having a gradient of 30percent or greater.
- B. **STRUCTURES PROHIBITED WITHIN FIRE CHIMNEY.** Structures shall not be located within a fire chimney.
- C. **PROHIBITION AGAINST BEING A SOURCE OF FIRE IGNITION.** Proposed Project shall not constitute a probable source of fire ignition.
- D. **PROTECTION AGAINST INTENSITY OR ADVERSE EFFECT OF WILDFIRE.** Proposed Project shall not increase the potential intensity or duration of a wildfire, or adversely affect wildfire behavior or fuel conditions so as to increase the wildfire danger and potential for damage to others.
- E. **FIRE PROTECTION AND SUPPRESSION.** Proposed Project shall provide reasonable fire protection and suppression facilities.
- F. **PROVISIONS TO CONTROL SLASH.** Proposed Project shall include reasonable provisions for keeping developed areas continuously free of slash.
- G. **AVOIDANCE, ELIMINATION OR REDUCTION OF WILDFIRE HAZARD.** Proposed Project shall take the necessary precautions or steps to avoid, eliminate or reduce the wildfire hazard, or otherwise provide for maximum fire prevention and safety. Consideration shall be given to the following factors affecting the Proposed Project, and the construction and operational activities associated with it: slope, aspect, dominant wind patterns, fuel conditions and any combination of these.
- H. **COMPLIANCE WITH STATE FOREST SERVICE WILDFIRE SAFETY GUIDELINES.** Structures intended for human occupation, habitation or congregation shall comply with the wild fire safety guidelines and standards contained in the *Wildfire Safety Guidelines and Standards for Subdivisions and Developments*, September 1974, Colorado State Forest Service.
- I. **COMPLIANCE WITH LAND USE RESOLUTION.** Proposed Project shall comply with the requirements of *Land Use Resolution* Section 11-105: *Development in Areas Subject to Wildfire Hazards*.

SECTION 5-204: ADDITIONAL STANDARDS FOR DEVELOPMENT OF AREAS AROUND KEY FACILITIES

In addition to the standards in Division 5-100: *Standards for All Special Development Projects*, the following standards shall apply to development in areas around Key Facilities:

- A. **PROJECT SHALL NOT IMPEDE KEY FACILITY.** The Proposed Project shall not impede the development or operation of the affected key facility.
- B. **DESIGN SHALL MITIGATE DANGER TO PROPERTY AND PUBLIC.** The area around the key facility shall be designated and administered so as to mitigate any danger to property or to public health and safety.

SECTION 5-205: ADDITIONAL STANDARDS FOR DEVELOPMENT IN AREAS AROUND AIRPORTS

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to development in areas around Airports:

- A. **COMMUNICATIONS FACILITIES AND ELECTRICAL INTERFERENCE.** No use shall cause or create electrical interference with navigational signals or radio communications between an airport/heliport and aircraft.
 - 1. **FACILITIES AND LINE LOCATIONS COORDINATE WITH BOARD AND FAA.** Location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within the Airport/Heliport Influence Area Overlay shall be coordinated with the Board of County Commissioners and the FAA before approval.
 - 2. **REMOVAL OF TOWERS AFTER LEASE AGREEMENT EXPIRATION.** Approval of cellular and other telephone or radio communication towers on leased property located within Airport Imaginary Surfaces shall be conditioned upon their removal within 90 calendar days following the expiration of the lease agreement. A bond or other security shall be required to ensure this requirement.

- B. OUTDOOR LIGHTING.** Lighting other than that associated with airport/heliport operations shall comply with the following standards.
- 1. PROHIBITED LIGHT PROJECTION ONTO AIRPORT OPERATIONS.** Lighting shall not project directly onto an existing heliport, runway or taxiway or into existing Airport Approach Surfaces.
 - 2. SHIELDING REQUIRED.** Lighting shall incorporate shielding to reflect light away from Airport Approach Surfaces.
 - 3. IMITATION OF AIRPORT LIGHTING PROHIBITED.** Lighting shall not imitate airport lighting or impede the ability of pilots to distinguish between airport/heliport lighting and other lighting.
- C. USE OF REFLECTIVE MATERIALS PROHIBITED.** No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an Airport Approach Surface or on nearby lands where glare could impede a pilot's vision.
- D. INDUSTRIAL EMISSIONS THAT OBSCURE VISIBILITY PROHIBITED.** No development shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within Airport Approach Surfaces.
- E. HEIGHT RESTRICTIONS.**
- 1. HEIGHT RESTRICTIONS IN UNDERLYING ZONE DISTRICTS.** When height restrictions of the underlying zone district are more restrictive than those of the overlay district, the underlying zone district height limitations shall control.
 - 2. NATURAL OBJECT PENETRATION INTO IMAGINARY SURFACE.** No structure or tree, plant or other object of natural growth shall penetrate an Imaginary Surface except as follows:
 - a. 35' HEIGHT ALLOWED IN CERTAIN AREAS.** For areas within Airport or Heliport Imaginary Surfaces but outside the Approach and Transition Surfaces, where the terrain is at higher elevations than the Airport runway or Heliport surfaces such that existing structures and permitted development penetrate or would penetrate the Airport Imaginary Surface, structures up to 35 feet in height may be allowed.
 - b. HEIGHT EXCEPTIONS ALLOWED BY AGREEMENT.** Written agreement by the Airport Sponsor and the FAA shall be provided for other height exceptions requested.
- F. WETLAND CONSTRUCTION, ENHANCEMENT, RESTORATION OR MITIGATION.** Proposed wetland construction, enhancement, restoration or mitigation within area around an Airport or Heliport shall comply with the following approval standards.
- 1. AVOIDANCE OF WILDLIFE HAZARDS IN WETLAND PROJECTS.** Wetland projects shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or Approach Surfaces.
 - 2. CREATION OF WETLANDS AROUND AIRPORTS AND HELIPORTS.** Wetlands projects that create, enhance or restore wetlands that are proposed to be located within an area around an Airport or Heliport facility and that would result in the creation of a new water impoundment or expansion of an existing water impoundment shall demonstrate the following:
 - a. WETLANDS PROVIDE UNIQUE ECOLOGICAL FUNCTIONS.** The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge.
 - b. WETLANDS WILL NOT INCREASE HAZARDS FROM BIRDS.** The resulting wetlands are designed, and shall be maintained in perpetuity, in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.
 - 3. REQUIREMENTS FOR EXPANSION OF WETLAND MITIGATION PROJECTS.** Expansion of existing wetland mitigation projects and new wetland mitigation projects located within areas around an Airport or Heliport shall demonstrate at least one of the following:
 - a. OFF-SITE MITIGATION NOT PRACTICABLE.** Off-site mitigation is not practicable; or
 - b. PROVISION OF UNIQUE ECOLOGICAL FUNCTIONS.** The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an Approach Surface; or

- c. **EXISTING WETLANDS HAVE RESULTED IN NO PROBLEMATIC WILDLIFE.** The mitigation involves existing wetland within areas around an Airport or Heliport that have not been associated with attracting problematic wildlife to the Airport or Heliport vicinity.
 - 4. **COORDINATION OF WETLAND PROJECT.** Proposed wetland project shall be coordinated with the Airport Sponsor, the Board, the FAA and FAA's technical representative, the Colorado Department of Fish & Wildlife (CDFW), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.
 - 5. **MEASURES TO PREVENT INCREASE IN HAZARDOUS BIRD MOVEMENTS.** Proposed wetland construction, enhancement, restoration or mitigation within areas around an Airport or Heliport shall include measures deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and Approach Surfaces.
 - 6. **ESTABLISHMENT OF WETLAND BANKS.** Establishment of wetland mitigation banks in the vicinity of Airports or Heliports but outside Approach Surfaces and areas around Airports or Heliports subject to this *Resolution* shall be encouraged.
- G. WATER IMPOUNDMENTS WITHIN APPROACH SURFACES AND AIRPORT DIRECT AND SECONDARY IMPACT BOUNDARIES.** Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the following standards.
- 1. **WETLANDS ONE-QUARTER ACRE OR LARGER PROHIBITED.** New or expanded water impoundments of one-quarter acre in size or larger shall be prohibited in the following areas:
 - a. **WITHIN APPROACH SURFACE AND END OF RUNWAY.** Within an Approach Surface and within 5,000 feet from the end of a runway.
 - b. **LAND OWNED BY AIRPORT SPONSOR.** On land owned by the Airport or Heliport Sponsor that is necessary for Airport or Heliport operations.

TABLE 2: USE RESTRICTIONS, RPZ, APPROACH SURFACE, AND DIRECT IMPACT AREAS

P = Use is Allowed				
L = Use is Allowed Under Limited Circumstances (see footnotes)				
N = Use is Not Allowed				
	RPZ	APPROACH SURFACE ¹	DIRECT IMPACT AREA	SECONDARY IMPACT AREA
PUBLIC AIRPORT	L	L	P	P
RESIDENTIAL	N	L ²	L	P
COMMERCIAL	N	L	L	P
INDUSTRIAL	N	L	P	P
INSTITUTIONAL	N	L	L	P
ROADS/PARKING	L ³	P	P	P
PARKS/OPEN SPACE	L	P	P	P
ATHLETIC FIELDS	N	L	L	P
MINING	N	L	L	L

- 1. Within 10,000 feet from the end of the primary surface of a non-precision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway.
- 2. Residential densities within approach and transitional surfaces shall not exceed: (1) within 500 feet of the outer edge of the RPZ, 1 unit per acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units per acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units per acre.
- 3. Roads and parking areas are allowed in the RPZ only upon demonstration that there are not practicable alternatives. Lights, guardrails, and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.

Source: *Model Public Use Airport Safety And Compatibility Overlay Zone (Visual and Instrument Approach Airports)*, Oregon Department of Aviation

H. USE RESTRICTIONS, AREAS AROUND AIRPORTS.

1. **RUNWAY PROTECTION ZONE (RPZ).** No structures shall be allowed within the Runway Protection Zone (RPZ). Exceptions shall be made for structures accessory to airport operations whose location within the RPZ has been approved by the FAA.
 - a. **CERTAIN ITEMS NOT STRUCTURES.** For purposes of this *Resolution*, tee markers, tee signs, pin cups and pins are not considered to be structures.
 - b. **UNDERGROUND UTILITIES AND LINES.** Utilities, power lines and pipelines located in the RPZ must be underground.
2. **APPROACH SURFACES.**
 - a. **PUBLIC ASSEMBLY FACILITIES.** Public assembly facilities may be allowed in an Approach Surface if the potential danger to public safety is minimal.
 - b. **HIGH DENSITY USES.** High density uses and residential structures shall be located outside Approach Surfaces unless no practicable alternatives exist.
3. **USES PROHIBITED IN AREAS AROUND AIRPORTS OR HELIPORTS.**
 - a. **SANITARY LANDFILLS PROHIBITED.** Sanitary landfills are not allowed.
 - b. **WATER TREATMENT PLANTS.** Water treatment plants are not allowed.
4. **USES ALLOWED IN AREAS AROUND AIRPORTS OR HELIPORTS.**
 - a. **GOLF COURSES.** Golf courses may be allowed upon demonstration that satisfactory management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of the approval.
 - b. **FARMING PRACTICES.** Farming practices complying with the recommendations of FAA Advisory Circular 150/5200-3A, *Hazardous Wildlife Attractants on or Near Airports* shall be encouraged.
 - c. **UTILITY HEIGHTS.** Proposed height of utilities located in Approach Surfaces and Airport Direct and Secondary Impact Areas shall be coordinated with the Airport Sponsor.
5. **RESTRICTIONS IN RPZ, APPROACH SURFACE, AND DIRECT AND SECONDARY IMPACT AREAS.** The land uses restrictions in the RPA, Approach Surface, Direct Impact Areas and Secondary Impact Area are identified in Table 2: *Use Restrictions, RPZ, Approach Surface and Direct Impact Areas*.
6. **SEPARATION OF NOISE-SENSITIVE LAND USE.** Areas around Airports and Heliports shall be administered to encourage land use patterns that will separate uncontrollable noise sources from residential and other noise-sensitive areas.
 - a. **LAND USES RESTRICTED BASED ON NOISE LEVELS.** Within Airport or Heliport Noise Impact Boundaries, land use restrictions shall apply based upon noise levels illustrated in Table 3: *Use Restrictions Based on Noise Levels*.

TABLE 3: USE RESTRICTIONS BASED ON NOISE LEVELS

LAND USE	YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (LDN) IN DECIBELS					
	<65	65-70	70-75	75-80	80-85	>85
	P = USE IS ALLOWED L = USE IS NOT RECOMMENDED BUT MAY BE ALLOWED UNDER CERTAIN CIRCUMSTANCES N = USE IS NOT ALLOWED					
RESIDENTIAL EXCEPT MOBILE HOMES & TRANSIENT LODGING	P	L	L	N	N	N
MOBILE HOME PARKS	P	N	N	N	N	N
TRANSIENT LODGING	P	L	L	L	N	N
SCHOOLS, HOSPITALS & NURSING HOMES	P	L	L	N	N	N
CHURCHES, AUDITORIUMS & CONCERT HALLS	P	L	L	N	N	N
GOVERNMENT SERVICE	P	P	L	L	N	N
TRANSPORTATION	P	P	L	L	L	L
PARKING	P	P	L	L	L	N
COMMERCIAL USE	P	P	L	L	N	N
WHOLESALE & RETAIL – BUILDING MATERIALS, HARDWARE & FARM EQUIPMENT	P	P	L	L	L	N
RETAIL TRADE - GENERAL	P	P	L	L	N	N

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UTILITIES	P	P	L	L	L	N
COMMUNICATION	P	P	L	L	L	N
MANUFACTURING & PRODUCTION	P	P	L	L	L	N
PHOTOGRAPHIC & OPTICAL	P	P	L	L	L	N
AGRICULTURE (EXCEPT LIVESTOCK) & FORESTRY	P	L	L	L	L	L
LIVESTOCK RAISING & BREEDING	P	L	L	N	N	N
MINING & FISHING	P	P	P	P	P	P
OUTDOOR SPORTS ARENAS & SPECTATOR SPORTS	P	L	L	N	N	N
OUTDOOR MUSIC SHELLS, AMPHITHEATRES	P	N	N	N	N	N
NATURE EXHIBITS & ZOOS	P	P	N	N	N	N
AMUSEMENTS, PARKS, RESORTS & CAMPS	P	Y	Y	N	N	N
GOLF COURSES, RIDING STABLES & WATER RECREATION	P	P	L	L	N	N

Source: U.S. Dept. of Transportation Federal Aviation Administration Advisory Circular No. 150/5020-1: Noise Control and Compatibility Planning for Airports

ADDITIONAL STANDARDS FOR DEVELOPMENT IN AREAS AROUND RAPID OR MASS TRANSIT FACILITIES

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to development in areas around Rapid or Mass transit Facilities.

- A. PROPOSED PROJECT PROMOTES EFFICIENT FACILITY USE.** Proposed Project promotes the efficient utilization of the rapid or mass transit facility.
- B. PROPOSED PROJECT FACILITATES TRAFFIC CIRCULATION PATTERNS.** Proposed Project facilitates traffic circulation patterns of the roadways serving the mass transit facility.
- C. PROPOSED PROJECT PROMOTES BIKE AND PEDESTRIAN PATHS.** Proposed Project promotes development that will include bike and pedestrian paths providing access to the rapid or mass transit facility.
- D. PROPOSED PROJECT CONSIDERS CHARACTER AND SUITABILITY OF AREA.** Proposed Project shall promote development with reasonable considerations to the character of the area and its peculiar suitability for particular uses
- E. PROPOSED PROJECT PRESERVES EXISTING BUSINESS AND RESIDENTIAL DEVELOPMENT.** Proposed Project shall promote development that preserves the value of buildings at the site and avoids demolition of businesses or residences to the extent possible.
- F. PROPOSED PROJECT PROMOTES APPROPRIATE LAND USE.** Proposed Project shall promote development that encourages the most appropriate use of land through the affected corridor.
- G. PROPOSED FACILITIES SERVE TO REDUCE TRAFFIC AND AIR POLLUTION.** Rapid or Mass Transit Facilities shall be designed and located in a manner that will reduce traffic congestion and resulting air pollution.

SECTION 5-207: ADDITIONAL STANDARDS FOR DEVELOPMENT IN AREAS AROUND INTERCHANGES INVOLVING ARTERIAL HIGHWAYS

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to development in areas around Interchanges, Arterial Highways and Collector Highways:

- A. PROPOSED PROJECT SHALL NOT POSE DANGER.** Proposed Project shall not pose a danger to public health or safety or to property and the environment.
- B. COMPATIBILITY OF PROJECT TRAFFIC.** Volume of traffic to be generated by the Proposed Project shall be compatible with the traffic-handling characteristics of the interchange, the access road, and existing traffic roads affected by the Proposed Project.
- C. COMPATIBILITY WITH EXISTING DEVELOPMENTS.** Proposed Project shall be compatible with existing developments and with the character of the neighborhood, and shall not significantly impact an area or resource of special scenic, historical, or cultural significance.
- D. PRESERVATION OF DESIRABLE COMMUNITY PATTERNS.** Proposed Project shall preserve desirable existing community patterns.

- E. **COMPATIBILITY WITH NON-MOTORIZED TRAFFIC.** Proposed Project shall encourage compatibility with non-motorized traffic.
- F. **LOCAL BENEFIT DOES NOT JUSTIFY PROJECT.** Land use that proposes burdens or deprivations on the communities of a region shall not be justified on the basis of local benefit alone

SECTION 5-208: ADDITIONAL STANDARDS FOR DEVELOPMENT IN AREAS AROUND MAJOR FACILITIES OF A PUBLIC UTILITY

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to development in areas around Major Facilities of a Public Utility.

- A. **PRESERVATION OF DESIRABLE EXISTING COMMUNITY PATTERNS.** Proposed Project shall preserve the desirable existing community patterns.
- B. **MINIMIZATION OF SERVICE DISRUPTION.** Proposed Project shall be designed and operated in a manner that minimizes any disruption in the service provided by the public utility.
- C. **NO DANGER TO PUBLIC HEALTH, PROPERTY OR ENVIRONMENT.** Proposed Project shall not pose a danger to public health or safety or to property and the environment.

SECTION 5-209: ADDITIONAL STANDARDS FOR RAPID OR MASS TRANSIT FACILITIES

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to Rapid or Mass Transit Facilities:

- A. **NO CONFLICT WITH MUNICIPAL MASTER PLAN.** Location of Rapid or Mass Transit Facilities shall not conflict with the County Comprehensive Plan, municipal master plans, and regional or state plans.
- B. **CONSIDERATION OF CHARACTER OF AREA.** Activities involving Rapid or Mass Transit Facilities shall be conducted with reasonable considerations to the character of the area and its peculiar suitability for particular uses
- C. **PRESERVATION OF VALUE OF BUILDINGS AT SITE.** Rapid or Mass Transit Facilities shall be located so as to preserve the value of buildings at the site and avoid demolition of businesses or residences to the extent possible.
- D. **PROJECTS REQUIRING NO DEMOLITION PREFERRED.** Proposed locations of Rapid or Mass Transit Facilities which will not require the demolition of residences or businesses shall be given preferred consideration over competing alternatives.
- E. **ENCOURAGEMENT OF MOST APPROPRIATE USE OF LAND.** Rapid or Mass Transit Facilities shall be located in a manner that encourages the most appropriate use of land through the affected corridor.
- F. **LOCAL BENEFIT DOES NOT JUSTIFY PROJECT.** Proposed location of a rapid or mass transit terminal, station, or fixed guideway 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.
- G. **STATION LOCATIONS TO MAXIMIZE RIDERSHIP.** Stations, shelters and terminals shall be appropriately located to meet transit needs and to attract maximum ridership.
- H. **PASSENGER PLATFORM LENGTHS.** Length of passenger platforms shall equal or exceed the maximum length of any train or other conveyance that will load and unload passengers at the station.
- I. **SAFE FACILITY INGRESS AND EGRESS.** Rapid or Mass Transit Facilities shall have adequate and safe ingress and egress for all transit modes.
- J. **MAXIMIZATION OF JOINT RIGHT-OF-WAY USE.** Location of fixed guideways shall maximize joint use of rights-of-way for trails and bikeways and other transportation alternatives.
- K. **FACILITY LOCATIONS TO MINIMIZE CONGESTION AND POLLUTION.** Rapid or Mass Transit Facilities shall be designed and located in a manner that will reduce traffic congestion and resulting air pollution.
- L. **FACILITY LOCATIONS TO MINIMIZE NOISE AND PROTECT AMENITIES.** Rapid or Mass Transit Facilities shall be located and designed so as to minimize noise and to protect and preserve unique natural and cultural factors and visual amenities.

- M. GUIDEWAYS AND SNOW REMOVAL.** Guideway design and location shall not permit snow plumes from snow removal equipment on the guideway to reach the travel surface of a plowed public road except at intersections, nor shall guideways be placed or designed so that snow plumes from snow removal equipment on public roads will reach the guideway.
1. **SNOW STORAGE REQUIREMENTS IN RIGHT-OF-WAY AND CORRIDOR.** In determining the right-of-way and corridor alignment for rapid transit, consideration shall be given to areas needed for snow storage along the guideway.
- N. PARKING AREA CAPACITIES.** Parking areas associated with a rapid or mass transit terminal or station shall be capable of holding a number of automobiles that equals the number of passengers expected to ride on peak periods multiplied by a factor of .75 unless the applicant can demonstrate through studies that a lesser number is sufficient.
1. **MODIFICATIONS OF STANDARD BASED ON OTHER PASSENGER LOADING.** The required capacity for parking areas associated with a terminal or station may be modified based upon sufficient evidence of passenger loading from other forms of intermodal transfer (such as Amtrak, tour busses, regional surface buses, carpools.).
2. **MODIFICATIONS BASED ON SUFFICIENT EXPANSION POTENTIAL AND FUNDING.** The applicant may initially provide a smaller number of parking spaces if the total area dedicated to potential parking expansion is shown to be large enough to accommodate the required number of parking spaces and the applicant provides financial security acceptable to the Board which guarantees that the required number can be built if actual need is shown after operation begins.
- O. TRAFFIC MOVEMENT AT STATIONS.** 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.
- P. INTERSECTION SAFETY DEVICES STANDARDS.** The *Manual on Traffic Control Devices* shall apply to safety devices at intersections of a fixed guideway and other transportation corridors.

SECTION 5-210: ADDITIONAL STANDARDS FOR ARTERIAL AND COLLECTOR HIGHWAYS AND INTERCHANGES

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to Arterial and Collector Highways and Interchanges:

- A. DEMONSTRATED REASONABLE NEED.** Highways and, as applicable, any interchanges shall be located so that community traffic needs are met, and where a clear and reasonable need for the facilities has been demonstrated.
- B. ALTERNATIVE TRANSPORTATION MODES TO BE INCORPORATED.** Facilities for alternative modes of transportation, such as transit and pedestrian/bicycle ways, shall be incorporated into the project design, and shall include a proposed plan for ongoing operational and maintenance funding.
- C. PROJECT LOCATION.** Location of Proposed Project shall:
1. **AVOIDANCE OF IMPEDIMENTS TO DELIVERY SERVICES.** Avoid impediment of the delivery of essential community services and goods to municipalities and other population centers.
2. **AVOIDANCE OF PUBLIC FACILITIES ACCESS RESTRICTIONS.** Avoid isolating or restricting access of established or developing residential areas to public facilities, including schools, hospitals, mass transit, pedestrian ways and bikeways, recreational areas and open space, or to local commercial services, businesses, and employment centers.
3. **AVOIDANCE OF CREATION OF SAFETY HAZARDS.** Avoid the creation of safety hazards by causing or contributing to overuse or congestion or cause unnecessary diversion of regional traffic onto local roadways or inappropriate or inadequate connections to pedestrian and bikeways.
- D. COMPATIBILITY WITH RESIDENTIAL NEIGHBORHOODS.** Design, function and related maintenance requirements of Proposed Project shall be compatible with the character of residential neighborhoods. Highways and interchanges shall be located so that desirable community patterns are not disrupted.
- E. AVOIDANCE OR MITIGATION OF VISUAL IMPACTS.** The Proposed Project shall be designed to avoid or mitigate visual impacts, including views of the highway or interchange from residential areas. The Proposed Project shall be

designed to mitigate the alteration of significant natural landforms and to preserve distinctive natural features, and align with existing land contours scale and characteristics of the site. Deciduous vegetation of adequate density in its non-foliage season to provide effective screening may be used in combination with other screening techniques. As applicable, the Proposed Project shall be compatible with the visual quality objectives and policies stated within any applicable Municipal Three-Mile Plan, and any further intergovernmental agreement between the County and the applicable municipal government.

- F. **ADHERENCE TO NOISE STANDARDS.** Noise levels caused by the location and use of the arterial highway and interchange shall not exceed applicable County, state or federal noise standards. Appropriate noise attenuation elements may be included within the design to ensure those standards are met, or to minimize unique traffic-related noise impacts.
- G. **AVOIDANCE OF CONFLICTS WITH MASTER PLANS.** Location of the Proposed Project avoids direct conflicts with adopted local government, regional, and state master plans.

SECTION 5-211: ADDITIONAL STANDARDS FOR MAJOR FACILITIES OF A PUBLIC UTILITY

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to Major Facilities of a Public Utility.

- A. **PROJECT SITING AND CONSTRUCTION RELATED TO EXISTING FACILITIES.** Facilities shall be sited and constructed in areas which will result in the proper utilization of existing facilities and associated systems within or serving the County.
- B. **FACILITIES SHALL BE ALLOWED WHEN GROWTH CAN BE ACCOMMODATED.** Facilities shall be allowed in those areas in which the anticipated growth and development that may occur as a result of such facility can be accommodated within the financial and environmental capacity of the area to sustain such growth and development and are in accordance with the applicable County land use plans.
- C. **EXISTING FACILITIES MUST BE AT OR NEAR OPERATIONAL CAPACITY.** Existing facilities and associated systems servicing the area must be at or near operational capacity.
- D. **EXTENSION OR REPLACEMENT OF EXISTING FACILITIES IS WARRANTED.** If a facility extension or replacement is proposed, the age of existing facilities and associated systems, their operational efficiency, and their state of repair or level of service are such that extension or replacement is warranted.
- E. **EXISTING FACILITIES FEASIBLY CANNOT BE UPGRADED.** If a new facility is proposed, existing facilities cannot be feasibly upgraded or expanded.

SECTION 5-212: ADDITIONAL STANDARDS FOR MAJOR NEW DOMESTIC WATER AND WASTEWATER/SEWER TREATMENT SYSTEMS AND MAJOR EXTENSIONS OF EXISTING DOMESTIC WATER AND WASTEWATER/SEWER TREATMENT SYSTEMS

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to applications proposing to locate and construct Major New Domestic Water and Wastewater Treatment Systems and major extensions of Existing Domestic Water and Wastewater Treatment Systems

- A. **PROJECT SITING AND CONSTRUCTION RELATED TO EXISTING FACILITIES.** New domestic water and wastewater/sewer treatment systems and major extensions of existing domestic water and wastewater/sewer treatment systems shall be designed and constructed in areas which will result in the proper utilization of existing treatment plants within the County and will ensure the orderly development of domestic water and wastewater/sewer treatment systems of adjacent communities within the County.
- B. **FACILITIES SHALL BE ALLOWED WHEN GROWTH CAN BE ACCOMMODATED.** Major extensions of domestic water and wastewater treatment systems shall be allowed 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.
- C. **PROJECT WILL NOT DUPLICATE NOR COMPETE WITH EXISTING SERVICES.** Proposed Project shall not compete with existing water and wastewater services or create unnecessary or duplicate services within the County.
- D. **CHARACTERISTICS REQUIRED OF EXISTING SYSTEMS.** Existing domestic water and wastewater treatment systems servicing the area include one or more of the following characteristics:

1. **SYSTEMS AT OPERATIONAL CAPACITY.** Existing systems are at or near operational capacity, or will be within ten years; or
 2. **AGE, OPERATIONAL EFFICIENCY, REPAIR AND LEVEL OF SERVICE.** Existing systems' age, operational efficiency, state of repair or level of service is such that replacement is warranted; or
 3. **EXISTING FACILITIES CANNOT BE UPGRADED.** Existing facilities cannot be upgraded or expanded to meet waste discharge permit conditions of the Colorado Water Quality Control Commission.
- E. **REMOVAL OF WATER FROM OPEN SPACE OR CONSERVED LANDS.** Proposed Project shall not remove water from open space or conserved lands in Gunnison County.
- F. **NEED FOR PROJECT CLEARLY DEMONSTRATED.** Area, community development and population trends clearly demonstrate a need for the Proposed Project within the County.

SECTION 5-213: ADDITIONAL STANDARDS FOR SOLID WASTE DISPOSAL SITES

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to Solid Waste Disposal Sites:

- A. **STATUTORY DESIGNATION REQUIRED.** Proposed Project shall obtain a certificate of designation pursuant to Section 30-20-100.5 C.R.S., *et seq.*
- B. **CONSERVATION AND RECYCLING ELEMENTS IN DESIGN.** Solid and/or hazardous waste disposal sites shall be developed in accordance with sound conservation practices and shall emphasize, where feasible, the recycling of waste materials. Considerations shall include, but not be limited to the following:
 1. Longevity and subsequent use of waste disposal sites.
 2. Soil and wind conditions.
 3. Potential problems of pollution inherent in the proposed site.
 4. Carbon dioxide equivalent emissions.
 5. Impact on adjacent property owners compared with alternate locations.

SECTION 5-214: ADDITIONAL STANDARDS FOR A NEW COMMUNITY

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to New Communities:

- A. **NEW COMMUNITY SHALL NOT REQUIRE NEW DISTRICT TO PROVIDE SERVICES OR FACILITIES.** The new community shall not require formation of a new special district to provide any services or facilities unless existing services or facilities do not have sufficient capacity and the County determines that the formation of the special district is essential to further County objectives.
- B. **NEED HAS BEEN DEMONSTRATED FOR ESTABLISHMENT OF NEW COMMUNITY.** There is a demonstrated need for the new community.
- C. **ANNEXATION, INCORPORATION OR MUNICIPAL SPECIAL DISTRICT REQUIRED.** The new community shall either be annexed to an existing municipality, incorporated, or be served by a municipal special district.
- D. **INFRASTRUCTURE AND FUNDING SOURCES.** Design shall provide for construction, installation and operation, maintenance, and a legal source of funding for governmental services, in a manner that will not overload facilities of existing communities of Gunnison County or any applicable adjacent county.
- E. **ADEQUATE UTILITIES.** The new community shall be served by adequate utilities. Electric, gas, telephone, water supply and treatment, wastewater treatment, and other utilities exist or shall be developed at required levels adequate to serve the land uses and forecasted population proposed to be served and to reside in the new community.
- F. **NEW COMMUNITY WILL NOT BE DETRIMENTAL TO TRANSPORTATION SYSTEM.** The new community will not result in detrimental impacts to the existing or planned transportation system, and it has been demonstrated that adequate access has or will be constructed, including any external roadways, interchanges, and railroad crossings necessitated by the build-out of the Proposed Project, and is not in conflict either with requirements of the Colorado Department of Transportation or the *Gunnison County Transportation Plan*.

- G. LOCATION AND FUNDING OF SCHOOL POPULATIONS.** The new community is in proximity to or will provide primary and secondary schools capable of serving the population forecasted to occupy the new community, and sufficient funding resources paralleling the forecasted school-age populations have been demonstrated.
- H. METHOD OF GOVERNANCE IS DEFINED.** The method by which the new community will be governed to ensure provision and funding of services and protection of the public safety and welfare shall be defined and demonstrated to be in compliance with Colorado statutory requirements.

SECTION 5-215: ADDITIONAL STANDARDS FOR EFFICIENT UTILIZATION OF MUNICIPAL AND INDUSTRIAL WATER PROJECTS

In addition to the standards in Division 5-100: *General Standards for Special Development Projects*, the following standards shall apply to Municipal and Industrial Water Projects.

- A. PROJECT SHALL EMPHASIZE MOST EFFICIENT WATER USE.** The Proposed Project shall emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling and reuse of water. Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.

ARTICLE 6: TECHNICAL MODIFICATIONS AND TAKINGS

SECTION 6-101: TECHNICAL MODIFICATIONS

- A. PURPOSE.** This Section sets forth the process and standards for obtaining a Technical Modification, in which the Board may grant a minor deviation of not more than ten percent from any minimum or maximum numerical standard required by this *Resolution*.
- B. PROCESS.** The following process shall apply to an application for a Technical Modification.
- 1. PRE-APPLICATION CONFERENCE.** Attendance at a Pre-Application conference is mandatory before submittal of a Technical Modification application, pursuant to Section 4-203: *Pre-Application Conference*.
 - 2. APPLICATION.** The applicant shall submit an application that includes the following materials:
 - a. SITE PLAN.** A site plan of the subject property, showing existing improvements and Proposed Project features that are relevant to the review of the proposed Technical Modification.
 - b. DESCRIPTION OF REQUESTED MODIFICATION.** A description of the requested modification, including how the request complies with Section 6-101: C: *Standards of Approval for Technical Modifications*.
 - c. OTHER MATERIALS.** As necessary, the applicant shall also submit written or graphic information necessary to describe the Proposed Project and to explain its compliance with the standards of this Section.
 - 3. PLANNING DEPARTMENT REVIEW.** The Planning Department shall review the application for completeness, determine whether it meets the requirements of this Section, and shall so indicate to the Board.
 - 4. ACTION BY BOARD.** A complete copy of the application shall be forwarded to the Board, together with a copy of the Planning Department Review and recommendation. The Board shall review the application, consider the standards of Section 6-101: C: *Standards of Approval for Technical Modifications*, and may approve, approve with conditions, or deny the application.
- C. STANDARDS OF APPROVAL FOR TECHNICAL MODIFICATIONS.** An application for a Technical Modification shall comply with all of the following standards:
- 1. TECHNICAL OR INSUBSTANTIAL.** The proposed modification shall be of a technical or insubstantial nature, and necessary to compensate for an unusual aspect or feature of the property or of the Special Development Project that is not shared by properties in general, or is necessary to address an unusual hardship associated with the application of the particular standard on the property.
 - 2. TEN PER CENT LIMIT.** The request shall be to increase a maximum numerical standard or to decrease a minimum numerical standard by 10 per cent or less.
 - 3. ADVERSE IMPACTS SHALL BE MITIGATED.** Any adverse impacts caused by the proposed modification shall be mitigated to the maximum extent practical, so the resulting effects on those properties are insubstantial.
 - 4. COMPLIANCE WITH PURPOSES OF STANDARD TO BE MODIFIED.** The applicant shall demonstrate that if the requested modification is granted, the proposed Special Development Project will still comply with the purposes of the standard for which the modification is requested, and will advance or protect the public interests as well or better than strict compliance with the standard.
 - 5. NO ADVERSE IMPACT ON PUBLIC HEALTH, SAFETY AND WELFARE, OR ON THE ENVIRONMENT.** The proposed modification shall cause no adverse impact on public health, safety and welfare, or on the environment.
 - 6. SUBSTANTIALLY SAME OR LESS IMPACT.** Approval of the proposed modification will result in the same or less actual impact due to unique site features, the nature of the equipment that will be used, the nature of the operations and activities proposed, or proposed mitigation measures, including buffering and screening.

SECTION 6-102: ADMINISTRATIVE TAKINGS PROCESS

- A. PURPOSE.** It is the intent of this *Resolution* that no private landowner be deprived of all reasonable economic use of real property. However, it is possible that certain regulatory decisions made pursuant to this *Resolution* may, in limited unique circumstances, potentially result in claims that all reasonable economic use of a parcel has been denied. This Section establishes an administrative appeal to attempt to resolve such claims, and to reduce the potential for litigation.
- B. APPLICABILITY.** Any landowner who believes that a the final decision made by the Board pursuant to this *Resolution* results in a denial of all reasonable economic use of all of a parcel of real property, must initiate and complete an appeal pursuant to this Section before initiating litigation against Gunnison County for such decision or action. This requirement is not a prerequisite to a landowner's filing a petition in the district court pursuant to *Colorado Rules of Civil Procedure*, Rule 106, or Section 29-20-201 C.R.S. *et seq.*
- C. DEADLINES FOR PETITION.** No later than 30 days after the final decision or final action has been made, the applicant shall file a written notice with the Planning Department that a Takings Relief Petition will be submitted. Within 30 days after filing that notice, the petitioner shall submit the Takings Relief Petition to the Planning Department.
- 1. CONTENTS OF TAKINGS RELIEF PETITION.** The Takings Relief Petition shall include the following:
- a. IDENTIFICATION OF PETITIONER.** Name, address, telephone number of petitioner.
 - b. IDENTIFICATION OF LANDOWNER.** Name, address, telephone number of current owner of the property, with notarized written approval of the current owner of the property to file the petition.
 - c. TERMS OF PURCHASE.** Price paid, and all other terms of sale, of the current owner's purchase of the subject property; the date of purchase; the name of the party from whom purchased; and the relationship, if any, between the current owner and the party from whom the property was purchased.
 - d. APPRAISALS.** Any appraisals of the property, prepared for any purpose, including financing, offers for sale, or ad valorem taxation, during the five years immediately preceding the date of the decision or action that is the subject of the petition.
 - e. FORM OF OWNERSHIP.** The form of ownership of the property (sole proprietorship, for profit or not-for-profit corporation, partnership, or joint venture), and the nature of the property interest (including fee simple, leasehold).
 - f. VALUE AND TAXES.** The assessed value of the property, and all real property taxes paid for the five years immediately proceeding the date of the decision or action that is the subject of the petition.
 - g. MORTGAGES OR LOANS.** A full description of current mortgages, loans, or other encumbrances on the property, including the name of the mortgagee or lender, the current interest rate, remaining loan balance, term of the loan, and other significant requirements, including the right of purchasers to assume the loan.
 - h. LISTINGS.** All listings of the property for sale or rent, the price asked, and any written offers received during the five years immediately proceeding the date of the decision or action that is the subject of the petition.
 - i. STUDIES.** Any studies undertaken by the petitioner or agents of the petitioner within the five years immediately preceding the date of the decision or action that is the subject of the petition concerning the feasibility of development or use of the property.
 - j. INCOME AND EXPENSE STATEMENTS.** For income-producing property, itemized income and expense statements for the prior three years.
 - k. IMPROVEMENTS AND EXPENSES.** Documentation of any improvements and investments made to the property, and any expenditures for professional and other services related to the property made during the prior three years.
 - l. STATEMENT.** A statement identifying the regulations that are alleged to result in the elimination of all reasonable economic use of the land and describing the use the landowner believes represents the minimum legally required reasonable economic use of the land, accompanied by any documentation, studies, or other supporting evidence.
 - m. ADDITIONAL INFORMATION.** The Planning Director or the Hearing Officer may request additional information that is reasonably necessary, in his/her opinion, to conclude that there has or has not been a denial of all reasonable economic use causing a substantial economic hardship.
 - n. WAIVER OF INFORMATION.** The Planning Director or the Hearing Officer may waive the submittal of information if in his/her opinion it is unnecessary or not applicable to the subject petition.

- o. INFORMATION NOT AVAILABLE.** In the event that any of the information required to be submitted by the petitioner is not reasonably available, the petitioner shall file a statement identifying the information that could not be provided, explaining why the information is not available and, if it will become available, when it will become available.
- 2. APPOINTMENT OF HEARING OFFICER.** Within 30 days of receipt of the completed petition, the Board shall appoint a hearing officer to review the petition and conduct a hearing pursuant to this Section.
- 3. QUALIFICATIONS OF HEARING OFFICER.** The Hearing Officer shall have demonstrated experience in land use law, land development, real estate finance and appraisal, and in other disciplines related to land use or real estate development sufficient to perform the duties required by this Section. Before appointment, the Hearing Officer shall submit a statement to the parties of no actual or potential conflict of interest regarding the subject petition.
- 4. COMPENSATION FOR COSTS.** The Hearing Officer shall be compensated at his/her normal rate for professional services of a similar type, and any reimbursable expenses, including staff support if necessary. The petitioner shall deposit a fee in advance with the County to cover the reasonable cost of preparing and copying the record, the cost of the services of the hearing officer, the cost of the hearing, and the costs incurred for publication of public notice, as estimated by the Planning Director. At the conclusion of the hearing, the Hearing Officer shall award to the prevailing party all reasonable costs but not any attorney fees except if the Hearing Officer determines that the claim or defense is frivolous, groundless or vexatious.
- D. HEARING PROCESS.** The process for conducting the hearing shall be as follows:
- 1. RECORD.** Gunnison County shall expeditiously prepare the record and deliver a copy of the record to the petitioner and to the Hearing Officer.
- 2. NOTICE.** Notice of the hearing shall be given pursuant to Section 1-110: *Public Hearings*.
- 3. TESTIMONY.** The Hearing Officer shall review the record and shall allow an opportunity during the hearing for the petitioner, and Gunnison County, and any witness called by either party to offer written or oral testimony regarding the Takings Relief Petition. The burden of proof shall be on the petitioner to demonstrate, by the preponderance of the evidence, that the decision or action appealed from has denied all reasonable economic use of all of the subject property.
- E. DECISION AND FINDINGS.** Within 30 days after the close of the hearing, the Hearing Officer shall prepare and present to the Board and petitioner a decision on the merits of the appeal, based on the record and testimony. The decision shall be based on the evidence submitted and shall include the following findings and determinations:
- 1. ADEQUATE INFORMATION.** Whether the petitioner has fully presented the information required by this Section.
- 2. MARKET VALUE.** The fair market value of the property considering the decision or action for which an appeal has been submitted, and the fair market value if the proposed Special Development Project Permit were to be granted.
- 3. FEASIBLE DEVELOPMENT ALTERNATIVE.** Whether there exists a feasible alternative that could provide a reasonable economic use of the property.
- 4. FAIR MARKET VALUE OR REASONABLE ECONOMIC BENEFIT OF ALTERNATIVE DEVELOPMENT.** The fair market value or reasonable economic benefit available to the landowner from alternative development of the subject property including any opportunity to develop the property together with any other contiguous property owned by the landowner, or to use any other incentives available within this *Resolution*.
- 5. DEVELOPMENT FEASIBILITY.** Whether it was feasible to develop the property as of the date of the application, or shortly thereafter.
- 6. DEMONSTRATION OF TAKINGS.** Whether the petitioner has met its burden to prove that the decision appealed from has denied all reasonable economic use of all of the subject property.
- F. RECOMMENDATION FOR RELIEF.** If the Hearing Officer finds that the petitioner has been denied all reasonable economic use of all of the subject property, then the Hearing Officer shall recommend relief to remedy the denial of all reasonable economic use. The Hearing Officer shall recommend the minimum reasonable increase in use, density, intensity, or other possible chance to the decision or action that would permit a reasonable economic use of the subject property. The highest and best use, or even an average or generally reasonable expectation of use, is not required or intended as the appropriate remedy.
- G. BOARD ACTION.** Within 60 days, following receipt of the Hearing Officer's decision, the Board shall review it and shall approve, approve with modifications, or disapprove the decision of the Hearing Officer. The Board may, in its sole

discretion, conduct a public hearing before taking action. If the Board chooses to conduct a public hearing, it shall be conducted pursuant to Section 1-110: *Public Hearings*. The decision of the Board upon review of the Hearing Officer's decision shall be the final action necessary to complete an appeal pursuant to this Section.

- 1. IMPLEMENTATION OF RELIEF MEASURES.** The Board in its discretion may adopt any measure that is within the Board's authority to implement the Hearing Officer's recommendations, with or without further review by the Planning Commission.

ARTICLE 7: FINANCIAL SECURITY

SECTION 7-101: PURPOSE

The purpose of the financial guarantee is to assure that the project is completed, and, if applicable, that the development area is properly reclaimed; that the applicant performs all mitigation requirements and permit conditions in connection with the construction, operation and termination of the project; that increases in public facilities and services necessitated by the construction, operation, and termination of the project are borne by the permittee. .

SECTION 7-102: GENERAL

- A. CANCELLATION OF BOND AFTER BOARD CONSENT.** Any bond may be cancelled by a surety only on receipt of the Board's written consent, which may be granted only when such cancellation will not detract from or otherwise diminish the purposes of the security.
- B. ENSURED CONTINUATION OF COLLATERAL IF SURETY LICENSE SUSPENDED.** If the license to do business in Colorado of any surety on a bond filed pursuant to this *Resolution* is suspended or revoked by any State authority, then the applicant or permittee, within 60 days after receiving notice thereof, must substitute a good and sufficient surety licensed to do business in the State. Upon failure of the permittee to make substitution of the surety within the time allowed, the Board will suspend the permit until proper substitution has been made, and may initiate forfeiture proceedings against the financial guarantee.
- C. REVIEW OF PROJECT COSTS BY OUTSIDE CONSULTANTS.** At the cost of the applicant, the County may request a review of costs of the Proposed Project by technical consultants appropriate and necessary to ensure that the amount of surety will sufficiently and equitably address the applicable costs of the construction and reclamation of the Proposed Project.

SECTION 7-103: DEVELOPMENT IMPROVEMENT AGREEMENT REQUIRED

- A. DEVELOPMENT IMPROVEMENT AGREEMENT SHALL BE REQUIRED.** When public and/or private improvements are a required component of a Special Development Project Permit, the Board shall require as a condition of permit approval in addition to the guarantees identified in Section 30-28-137, C.R.S. that the applicant execute and fund with Gunnison County a Development Improvement Agreement acceptable to Gunnison County in form and substance, and amount and type of security. The Development Improvement Agreement shall constitute the Applicant's agreement to construct and maintain the public improvements and/or private improvements identified as requirements of project approval. The Development Improvement Agreement shall specifically identify such requirements including plans, drawings and schedules for completion and shall be substantially in the form referenced in Section 7-103: E.: *Form of Agreement*.
- B. FINANCIAL SECURITY.** The Development Improvement Agreement shall require the applicant to provide to the County a guarantee of financial security, acceptable to the County, in an amount established by the Board based on no less than 125 percent of the estimated cost of the project, and payable on demand to the County. The purpose of the guarantee of financial security is to assure that the public improvements and/or private improvements identified as requirements of project approval are timely and fully completed, that all mitigation requirements and permit conditions are timely and fully performed, and that the Proposed Project area is timely and reclaimed in compliance with conditions of the Special Development Project Permit.
- C. ENSURED COMPLETION OF IMPROVEMENTS.** The Development Improvement Agreement shall provide that if the Board determines that any of the required improvements are not timely and fully constructed or if any of the requirements of approval are not performed as provided in the Agreement, including reasonable requirements for the correction of deficiencies upon notice thereof, the Board may draw upon the financial security as may be necessary to complete the improvements in accordance with the specifications included in the Agreement and the Board may exercise any or all of the other remedies available to it pursuant to the Agreement and this *Resolution*.
- D. CERTIFICATION OF COMPLETION AND RELEASE OF SECURITY.** The Development Improvement Agreement may include requirements for certification of completion, partial releases of the security, hold-over of security to ensure repairs

or replacement, demonstrated performance of required facilities, substitution of security, and other requirements deemed appropriate by the Board.

- E. **FORM OF AGREEMENT.** A general form of the Development Improvement Agreement is available in the County Attorney's office. This form of agreement may be modified from time to time by the County in its discretion without formal amendment to this *Resolution*.
- F. **PERMITTEE OBLIGATED TO COMPLETE ALL WORK COVERED BY DEVELOPMENT IMPROVEMENT AGREEMENT.** The amount of the financial guarantee is an estimate of the costs of undertaking the work, and complying with the requirements and conditions of the Special Development Project Permit. It does not limit the permittee's obligation to undertake this work and comply with these requirements and conditions, the cost of which may exceed the amount of the financial guarantee.
- G. **APPROVED DEVELOPMENT IMPROVEMENT AGREEMENT WITHIN 30 DAYS OF PERMIT APPROVAL.** The Board shall require as a condition of permit approval that the Applicant execute and fund with Gunnison County a Development Improvement Agreement acceptable to Gunnison County in form and substance, within 30 days of Special Development Project Permit approval.

SECTION 7-104: ANNUAL REVIEW AND ADJUSTMENT

- A. **BOARD TO REVIEW AGREEMENT AND STATUS OF PROJECT ANNUALLY.** No less than one time each calendar year, the Board will conduct a public hearing review the financial guarantee to ensure that it remains adequate in both amount and form.
- B. **CONDUCT OF HEARING.** The Board will conduct the hearing pursuant to the requirements of Section 1-110: *Public Hearings*.
- C. **BOARD DECISION.** Within 15 days of the public hearing, the Board will issue its written determination.
- D. **MODIFICATION OF SECURITY IF BOARD FINDS IT INADEQUATE.** The permittee shall be required to modify the amount or form of the guarantee if the Board determines in writing that the current amount or form does not provide adequate security to the County. The permittee must modify the amount or form of the guarantee as required no later than 30 days after it receives written notice of the Board's determination. If the permittee fails to modify the guarantee within this period, the Board may suspend the permit until the guarantee is modified, and may initiate forfeiture proceedings against the guarantee.
 - 1. **AMOUNT OF SECURITY MAY BE INCREASED IF BOARD FINDS IT INADEQUATE.** The Board may require the permittee to increase the amount of the guarantee if the Board determines in writing that the current amount does not provide adequate security to the County. The permittee must increase the amount of the guarantee as required, no later than 30 days after it receives written notice of the Board's determination. If the permittee fails to increase the guarantee within this period, the Board may suspend the permit until the guarantee is increased, and may initiate forfeiture proceedings against the guarantee.
 - 2. **AMOUNT OF SECURITY MAY BE DECREASED IF BOARD FINDS IT EXCESSIVE.** The Board may decrease the amount of the guarantee if the Board determines in writing that the current amount is excessive because of events that have occurred since the Board established such amount or because of circumstances unknown to the Board when it established that amount.
 - 3. **FORM OF SURETY MAY BE MODIFIED.** The Board may require the form of the financial security to be modified if the Board determines in writing that the guarantee does not provide adequate and acceptable security to the County.

SECTION 7-105: RELEASE UPON SATISFACTION OF AGREEMENT OR ABANDONMENT OF PROJECT

- A. **BOARD'S REQUIRED FINDINGS BEFORE RELEASE OF PORTION OF GUARANTEE.** Upon written request of the permittee, and no more than one time each calendar year, and after a public hearing, the Board may release all or a portion of the financial guarantee to the extent that the Board finds in writing that one or more of the following events have occurred during the preceding year:
 - 1. **DEVELOPMENT HAS BEEN ABANDONED.** The project has been abandoned and the site has been returned to its original condition or to a condition acceptable to the County, or the project has been satisfactorily completed.

- 2. APPLICABLE MITIGATION HAS BEEN ACCOMPLISHED.** Applicable mitigation requirements and conditions, including the development of public facilities and the provision of public services, have been satisfied, and the financial obligations associated with implementing such requirements and conditions have been paid or adequately provided for.
- B. CONDUCT OF PUBLIC HEARING.** The Board will conduct the hearing pursuant to the requirements of Section 1-110: *Public Hearings*.
- C. BOARD'S REQUIRED FINDINGS BEFORE RELEASE OF GUARANTEE IN FULL.** Upon written request of the permittee, the financial guarantee may be released in full only if the Board finds that either of the following has occurred:

 - 1. ALL REQUIREMENTS OF THIS SECTION HAVE BEEN MET.** All of the events specified in Section 7-105: A.: *Board's Required Findings Before Release of Portion of Guarantee* have occurred; or
 - 2. PERMIT HAS BEEN SURRENDERED.** The permit has been surrendered to the Board before:

 - a. BEFORE PHYSICAL ACTIVITY HAS BEGUN.** Any physical activity has commenced in the Proposed Project area;
 - b. BEFORE MITIGATION HAS BEEN NECESSITATED.** Any mitigation has been necessitated by the project; and
 - c. BEFORE OBLIGATORY IMPLEMENTATION OF MITIGATION OR PERMIT CONDITIONS.** Any person, other than the permittee, has incurred any obligation for the implementation of mitigation requirements or permit conditions, including the development of public facilities and the provision of public services.
- D. BOARD DECISION.** Within 15 days after the hearing, the Board will send written notice of the Board's decision will be sent to the permittee.

ARTICLE 8: ENFORCEMENT

SECTION 8-101: GENERAL

- A. ENFORCEMENT SHALL COMPLY WITH ALL APPLICABLE LAW.** This *Resolution* shall be enforced in accordance with the requirements of Colorado law and as provided in this Article. Each enforcement remedy can be invoked by Gunnison County independently or in conjunction with any or all of the other enforcement remedies.
- B. OWNER HAS BURDEN OF PROOF OF COMPLIANCE.** The burden of proof that a project is in compliance with this *Resolution* lies with the owner of the land on which the project is occurring.
- C. ENFORCEMENT COSTS ARE OWNER/PERMITTEE RESPONSIBILITY.** The costs of any County investigation of the violation and the costs of the hearing and Board action, including incidental expenses of abating the violation, shall be the responsibility of the landowner and permittee, jointly and severally. The term "incidental expenses" shall include personnel costs, both direct and indirect; costs incurred in documenting the violation; the actual expenses and costs to the County in the preparation of notices, specifications and contracts, and in inspecting the work; and the costs of printing and mailing, and attorney's fees required. The County shall provide written notice of those costs to the permittee and landowner by first class mail at the last known address. If the landowner or permittee fails to pay those costs within 30 days of the County mailing, the costs shall become a lien against the subject land or any improvement on the subject land.
- D. IMPLEMENTATION OF MITIGATION DOES NOT RELIEVE PERMITTEE OF RESPONSIBILITY FOR COMPLIANCE WITH STANDARDS.** Implementation of mitigation does not relieve permittee's responsibility to comply with all County standards and criteria. Failure to conduct the project in compliance with standards and criteria at any time shall be deemed a permit violation and may result in enforcement and/or require a permit amendment to address whether standards and criteria can be satisfied with different mitigation or change in project operations.

SECTION 8-102: AUTHORIZATION TO ENFORCE

The Board, County Manager, County Planning Director, the Planning Director's designees, County Attorney, County Building Inspector, County Environmental Health Official, County Public Works Director and such other persons as the Board may designate are charged with and authorized to enforce all the requirements of this *Resolution*.

SECTION 8-103: RIGHT OF ENTRY AND INSPECTION

When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any project is being conducted or any condition exists on a tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution*, any person charged with enforcement of this *Resolution* may enter and inspect or cause to be entered and inspected, the tract, building or other structure at reasonable times to determine compliance with this *Resolution* or that permit, provided that if that tract, building or other structure is occupied, credentials shall be presented to the occupant and entry requested. If the tract of land, building or other structure is unoccupied, such person shall first make a reasonable effort to locate the owner or other person having charge or control of the tract, building or other structure and request entry. If entry is refused, or the owner or person having charge or control cannot be located after reasonable effort, the Board or its designee shall apply to the District Court, Gunnison County, for an order to permit entry. Nothing in this Section precludes or constrains any entry upon or into, or inspection of, any land or into a building otherwise permitted by law.

SECTION 8-104: NOTIFICATION TO CORRECTION VIOLATION

When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any project is being conducted or any condition exists on any tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* the County Attorney shall give written notice to the land owner or other person having charge or control of such tract, building or other structure, by certified mail, return receipt requested at the last known address. The notification shall state which requirements of this *Resolution* or of a permit are being violated, shall state the conditions that are to be satisfied for compliance, and shall state that the violator shall immediately initiate correction of the violation to be substantially complete within 30 days of receipt of the notification.

Such written notification is cumulative to, and not a prerequisite to, any other enforcement remedies available to Gunnison County. The Planning Director shall issue a written compliance letter only if the project or condition that is the basis of the notice has been remedied.

SECTION 8-105: STOP ORDER; IMMEDIATE COMPLIANCE

- A. PLANNING DIRECTOR MAY ISSUE ORDER.** When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any project is being conducted or any condition exists on any tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution* the Planning Director may, by written notice ("stop order"), order the activity or use stopped immediately or by a time certain. The stop order shall state the conditions that shall be satisfied for compliance. The stop order shall be served by delivering it to any person engaged in that activity or use, or to any person owning, leasing, or controlling the land, building or other structure, or by posting the order in a conspicuous location on the land, building or other structure.
- B. IMMEDIATE COMPLIANCE REQUIRED.** All persons shall comply immediately with the stop order upon its service or posting, as set forth above.
- C. STOP ORDER LIFTED ONLY BY COMPLIANCE ORDER.** The stop order shall remain in effect until the Planning Director determines that the activity or condition that is the basis for the stop order has been remedied, and the Planning Director issues a written compliance order that is served by Gunnison County.
- D. DISCRETIONARY BOARD REVIEW.** The Board may review and amend the stop order if the permittee or landowner demonstrates that such amendment is warranted and will not result in an amendment to the subject permit. Any proposed amendment to the subject permit must be approved pursuant to the provisions of Section 1-109: K. 2.: *Permit Amendments*.
- E. STOP ORDER NOT A PREREQUISITE TO OTHER REMEDIES.** The issuance of a stop order is cumulative to, and not a prerequisite to any other enforcement remedies available to Gunnison County.

SECTION 8-106: TEMPORARY SUSPENSION OR PERMANENT REVOCATION OF PERMIT

- A. TEMPORARY SUSPENSION OR PERMANENT REVOCATION OF PERMIT UPON VIOLATION.**
 - 1. BOARD ACTION AFTER WRITTEN NOTICE TO PERMITTEE.** The Board may temporarily suspend or permanently revoke an approved Permit if the provisions of any permit or the terms of any related Development Improvement Agreement have been violated. Before making such a temporary suspension or permanent revocation, the Board shall give the permittee written notice of the violation, by certified mail. The Board shall allow the permittee to correct the violation within 30 calendar days from the date of receipt of the notice.
 - 2. PERMITTEE OPPORTUNITY TO PROVIDE EVIDENCE IN RESPONSE.** If the permittee believes that the notice of violation has been issued in error, the permittee shall, within 15 calendar days from the date of receipt of the notice, provide evidence satisfactory to the County to show that the determination is in error.
- B. PUBLIC HEARING.** The Board shall conduct a hearing to determine if the permit shall be temporarily suspended, permanently revoked or that there is no demonstrated violation.
 - 1. NOTICE AND CONDUCT OF HEARING.** The Board shall give written notice of the hearing to the permittee by mailing notice, certified, return receipt requested at the last known address, postmarked at least 14 days before the hearing. The notice shall contain a summary of the grounds for the potential suspension or revocation.
 - 2. HEARING DATE MAY BE ADVANCED.** The County Manager shall make reasonable efforts to schedule an expedited hearing if requested by the permittee, and/or if irreparable harm may occur if the hearing process is not completed in an expedited manner.
 - 3. CREDIBLE EVIDENCE REQUIRED TO SUSPEND OR REVOKE.** At the hearing, the County shall have the burden to demonstrate, by credible evidence presented at the hearing, that the permit should be temporarily suspended or permanently revoked.
- C. GENERAL STANDARDS.** The permit shall be suspended or revoked if, after the close of the hearing, and based on credible evidence, either of the following findings is made by the Board:
 - 1. PERMIT ISSUANCE WAS BASED ON MISLEADING INFORMATION OR MISREPRESENTATION.** The permit was issued in reliance on materially erroneous or misleading information from the permittee or his/her representative; or

- 2. VIOLATION OF CONDITIONS OF PERMIT OR APPLICABLE REGULATION.** Activity is being conducted or a condition exists on the tract of land or in the building or other structure that is a violation of the subject permit, or any applicable regulation.
- D. DECISION OF BOARD.** Within five working days after the close of the hearing, the Board shall render a decision based upon its findings that there is no violation of the permit, or that there is a violation and the permit is temporarily suspended or permanently revoked, and the effective date of such suspension or revocation.
- E. NOTIFICATION.** Notification of the Board's decision shall be provided by the Planning Director to the permittee, by certified mail postmarked within five working days of the Board's decision.
- F. SUSPENSION LIFTED ONLY BY COMPLIANCE FINDING.** A suspension order shall remain in effect until, at a regular meeting of the Board, the Board finds that the activity or condition that is the basis for the suspension order has been remedied, and the Board issues a written compliance finding.
- G. CUMULATIVE REMEDY.** The Board's right to suspend or revoke a permit as provided in this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedies available to the Board.

SECTION 8-107: ABATEMENT OF VIOLATION

Any violation of this *Resolution* or of a permit issued pursuant to this *Resolution* may be abated under the process and standards of this Section.

A. PROCESS FOR ABATEMENT.

- 1. NOTIFICATION OF VIOLATION.** If, after investigation by any person charged with enforcement of this *Resolution*, or the Board determines that reasonable cause exists to believe that any activity is being conducted or any condition exists on any tract of land or in any building or other structure which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution*, the Board shall serve the permittee, by certified mail, return receipt requested, with a Notice to Abate, stating the grounds of the violation, and setting forth a reasonable time for the permittee to abate and correct the violation.
- 2. HEARING TO CORRECT VIOLATION.** If the permittee fails to comply with the Notice to Abate, the Board shall conduct a hearing on abatement to ascertain whether abatement should be conducted.
- 3. NOTICE OF HEARING.** The Board shall provide notice of the Hearing on Abatement to the permittee or landowner and any complainant by certified mail, return receipt requested at the last known address, a minimum of 14 days before to the date established for the hearing. Notice shall be substantially in this format:

*Notice of Hearing on Abatement of Violation of
Gunnison County Special Development Project Regulations*

This is a notice of hearing before the Board of County Commissioners of Gunnison County, Colorado, to ascertain whether certain activity being conducted on, or condition existing on, a tract of land, in any building or other structure situated in unincorporated Gunnison County, Colorado, known and designated as _____ (address) _____, in said County, and more particularly described as _____ (legal description) _____ with Tax Parcel No. _____, constitutes a violation of the Gunnison County Special Development Project Regulations and is subject to abatement pursuant to this *Resolution*. If the violation is not promptly abated by the permittee or landowner, such violation may be abated by Gunnison County, in which case the cost of that abatement will be assessed on such land, and the costs, together with interest thereon, shall constitute a lien on such until paid.

Said alleged violation does not comply with Section _____ of the *Gunnison County Special Development Project Resolution*, and consists of the following: _____.

The method(s) of abatement are: _____.

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this _____ day of _____, 20____.

Time and Date of Hearing: _____.

4. DECISION BY BOARD.

- a. **GENERAL.** At the time stated in the notice of the hearing on abatement, the Board shall conduct a hearing pursuant to the requirements of this Section, and shall hear and consider all relevant evidence, objections or protests, and shall hear testimony of the alleged violator, if desiring to testify, and all other persons having an interest in the hearing.
 5. **CONTINUANCE.** The Board may continue the hearing to a specific date and time for good cause.
 6. **RECOMMENDED ORDER.** If, after the conclusion of the hearing, the Board finds that a violation of the this *Resolution* does exist and there is sufficient cause to abate the violation, within five days after the close of the hearing the County Attorney shall prepare a recommended Order to Abate with findings of fact specifying the nature of the violation, the method of abatement and the time within which the abatement shall be commenced and completed. The recommended Order to Abate shall then be forwarded to the Board for adoption.
 7. **BOARD DECISION.** At its next regularly scheduled meeting, the Board shall take action on the recommended Order to Abate.
 8. **NOTIFICATION OF RECOMMENDED ORDER.** The County Attorney shall provide the permittee a copy of the recommended Order to Abate by certified mail, return receipt requested at the last known address, postmarked the day the recommended Order to Abate is forwarded to the Board for adoption.
 9. **BOARD DECISION.** At the next regularly scheduled meeting of the Board after receipt of the recommended Order to Abate, the Board shall approve the Order to Abate or a modified version of it, if there is competent evidence in the record that a violation of this *Resolution* does exist and there is sufficient cause to evict or relocate an illegal use or rehabilitate, demolish, remove or repair an illegal structure.
 10. **NOTICE OF ORDER.** The Board shall provide a copy of the decision to the landowner by certified mail, return receipt requested.
- B. EFFECT OF ORDER TO ABATE.** If an Order to Abate is issued it shall mean that the land, building or structure is in violation of this *Resolution*, and the illegal activity shall be discontinued and rehabilitated, repaired, removed, or demolished in the manner and means specifically set forth in the Order to Abate, including but not limited to the abatement being performed by Gunnison County.
- C. ABATEMENT BY COUNTY.** If the violation is not abated pursuant to the Order to Abate within the prescribed abatement period, the County Manager shall cause the violation to be abated by County employees or by private contract, or by any other means provided by Colorado law. The County Manager is authorized to enter upon land for those purposes. In addition to the costs regarding the Order to Abate, the landowner shall be responsible to pay all costs, including incidental expenses, of the abatement by the County. The County shall provide written notice of those costs to the landowner by first class mail at the last known address. If the landowner fails to pay those costs within 30 days of the County mailing, the costs shall become a lien against the subject land or any improvement on the subject land.
- D. CUMULATIVE REMEDY.** The Board's right to abate a violation of this *Resolution* or of any permit issued pursuant to this *Resolution*, as provided in this Section, shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

SECTION 8-108: NO PROCESSING OR APPROVAL FOR LAND OR PERMITTEE SUBJECT TO ENFORCEMENT ORDERS

No permit application shall be processed or approved pursuant to this *Resolution*, and no other Gunnison County Permit shall be issued by Gunnison County, for property or permittee that is the subject of an existing Stop Order, Suspension Order, or *Order of Abatement*. The enforcement remedy provided by this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

SECTION 8-109: NO ACTION FOR PERSONS SUBJECT TO ENFORCEMENT ORDERS

No application shall be processed or approved pursuant to this *Resolution*, and no other Gunnison County permit shall be issued by Gunnison County, for or to any person who is responsible for a violation that is the subject of an existing Stop Order, Suspension Order or *Order of Abatement*. The enforcement remedy provided by this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

SECTION 8-110: REVIEW OF POTENTIAL VIOLATION AND NECESSARY REMEDIATION BEFORE PERMIT APPLICATION ACCEPTED

- A. **PLANNING DEPARTMENT REVIEW.** When any activity has begun or any condition exists on a tract of land or in any building or other structure without the necessary permit having been obtained pursuant to this *Resolution* the Planning Director shall conduct a review to determine what remediation must occur before a permit application will be accepted to consider that activity or condition.
- B. **REVIEW FEE.** A review fee, in addition to the application fee, shall be collected whether or not a permit is issued based on the application. The review fee shall be equal to three times the amount of the application fee and payable at the time of the application.
- C. **FEE PAYMENT OR FILING OF APPLICATION DOES NOT PROVIDE EXEMPTION FROM OTHER REQUIREMENTS.** Neither the payment of the review fee nor the filing of an application shall exempt any person from compliance with all other requirements of this *Resolution* and all other applicable regulations or relieve any person from any other enforcement remedies available to Gunnison County.
- D. **CUMULATIVE REMEDY.** The requirement of a review pursuant to this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.

SECTION 8-111: OTHER REMEDIES

- A. **CIVIL REMEDIES.** Any person violating any provision of this *Resolution* shall be subject to all civil sanctions and penalties authorized by law, including Sections 30-28-124 C.R.S. and 124.5 C.R.S. as they may be amended. For purposes of civil sanctions the County may seek, this *Resolution* shall be considered to be a zoning resolution. A civil sanction and penalty may be assessed for each day the violation exists.
- B. **CRIMINAL REMEDIES.** Any person violating any provision of this *Resolution* shall be subject to all criminal sanctions and penalties authorized by law, including but not limited to Sections 30-28-124, 124.5, and 16-13-301 C.R.S., *et seq.* as they may be amended. For purposes of criminal sanctions the County may seek, this *Resolution* shall be considered to be a zoning resolution. A sanction and penalty may be assessed for each day the violation exists.
- C. **CUMULATIVE REMEDY.** The Board's right to seek civil and/or criminal remedies shall be exercised only by the Board and shall be cumulative to, and not a prerequisite to, any other enforcement remedies provided by this *Resolution*.
- D. **FEES.** The Board shall be entitled to recover from any person violating any provision of this *Resolution* all reasonable attorneys' fees as well as all reasonable costs including staff time incurred in enforcing requirements of this *Resolution*.

SECTION 8-112: NO PERSONAL LIABILITY

Any County official, employee or agent charged with the enforcement of this *Resolution* who acts in good faith in the discharge of the duties required by this *Resolution* or other pertinent law, ordinance, regulation or *Resolution* shall not thereby be rendered personally liable for any damages that may accrue to any person or property as a result of an act or omission to act in the discharge of those duties.

SECTION 8-113: NO COUNTY LIABILITY

This *Resolution* does not make, and shall not be construed to make, Gunnison County, or any of its officials, employees or agents responsible or liable for any injury to persons or property resulting from any action taken pursuant to this *Resolution*.

SECTION 8-114: RESPONSIBILITY NOT LESSENE

This *Resolution* does not and shall not be construed to relieve from or lessen the responsibility of any person owning or controlling any land for any damages to persons or property caused by use of such land for which a permit was issued pursuant to this *Resolution*.

SECTION 8-115: NO WAIVER BY GUNNISON COUNTY OF STATUTORY AUTHORITY

Nothing in this Article 8 is, or shall be construed to be, a waiver by Gunnison County of any statutory authority including the authority identified in Section 24-32-2109, C.R.S., *Local Disaster Emergencies*, as it may be amended.

SECTION 8-116: NO WAIVER BY GUNNISON COUNTY OF GOVERNMENTAL IMMUNITY

Nothing in this *Resolution*, and no act performed pursuant to this *Resolution*, is or shall be construed to be a waiver by Gunnison County, its officials, employees or agents of governmental immunity.

INDEX

Abandonment		Statutory	2
Of Project, release of financial guarantee related to.....	90	Extension of permit approval	5
Air quality		Fees	
Required maps and data	42, 50	Application	35
Standards for no significant degradation of	70	Attorneys', for enforcement action	97
Airports		Initial payment of	34
Standards for development around	74	Pre-Application	33
Use restrictions around	76	Financial feasibility	
Alternative energy sources		Submittal requirement for information about.....	38
Standard for approval.....	67	Financial security, required	89
Amendment		Flood hazard areas	
Application for Permit	6	Standards for development in.....	73
Board, of Technical Revision approval	7	Submittal requirements related to	41
Designation of Matter of State Interest as	26	Geologic hazards	
Of original permit approval	6	Required mapping and and data submittal	43
Of Permit, required.....	6	Governmental immunity	
Of this Resolution.....	12	No waiver of.....	98
Amendments of this Resolution	2	Ground water	
Appeal		Submittal requirements related to	41
Of denial of Major Electrical or Natural Gas Facility		Interpretation of Resolution.....	12
application	64	Key Facilities	
Application		Standards for development.....	74
General submittal requirements	35	Liability	
Permit amendment.....	6	Of county employees	97
Technical Revision	6	Related to administration of this Resolution.....	97
Carbon neutrality		Major Public Utility	
Compliance of project with County's policy of	68	Additional Standards for approval of.....	81
Conservation easement		Maps	11
Required notice to holders of	8	Matters of State Interest	
Considerations		Designated Activities in Gunnison County.....	4
Applicant's expertise	65	Designated Areas in Gunnison County.....	3
Dark skies	67	Mineral Resource Areas	
Economy	68	Standards for development in.....	73
Financial burden on county residents.....	68	Municipal and Industrial Water Projects	
Financial feasibility	65	Standards for approval of	83
Housing, no significant adverse effect on.....	66	Municipal watersheds	
Land use and community patterns	71	Standard of no significant adverse effect on.....	66
Natural hazards, no significant risk from	66	New community	
Release of hazardous materials, no significant risk of... 66		Standards for approval of	83
Soils or geologic hazards, no significant risk from.....	66	Noise levels	
Visual quality, noise, vibration, dust and odor	67	Consideration of for approval.....	67
Dark skies		Mapping of, required.....	43
Consideration of for approval	67	Restrictions for airport development impacting.....	77
Standards.....	68	Permit	
Definitions.....	15	Annual review of	90
Development Improvement Agreement.....	89	Extension of approval of	5
Emergency procedures plan		Option, of review under <i>Land Use Resolution</i>	30
Submittal requirement	38	Temporary suspension or permanent revocation of	94
Enforcement	93	Violation of.....	93
Environmental impact analysis		Permit amendment	6
Submittal requirement of	40	Planning Commission	
Ex parte communication.....	10	Initiative to amend this <i>Resolution</i>	12
Prohibited after closure of public hearing	10	Initiative to designate Area or Activity of State Interest... 25	
Required disclosure of.....	9	Recommendation for Special Development Project Permit	
Exemption		application	30
Of agricultural operations	3	Recommendation in Special Development Project permit	
Of existing water diversion structures.....	3	application review	63
Of projects regulated by Coal Special Area Regulations.. 3		Recommendation on amendment of this Resolution	12
Of wastewater facility maintenance and repair	3	Recommendation on designations of Areas or Activities of	
Of wastewater treatment facility maintenance or repair.... 3		State Interest	26
Of water supply facility maintenance or repair.....	3	Pre-Application	
Of water supply facility retrofits and upgrades.....	3	Conference for Special Development Permit.....	34

Conference, for Technical Modification	85	Related to development on National Wilderness inholdings	72
Fee	33	Related to existing land use and neighborhood character	71
Submittal requirements.....	31	Requiring offset of loss of resources.....	71
Prohibited activities	4	Resource conservation, recycling and reuse	67
Public hearing		Snow storage.....	68
Before temporary suspension or permanent revocation of Permit.....	94	Solid fuel-burning devices.....	68
Conduct of.....	9	Technical Modifications	85
For designation of Area or Activity of State Interest .	25, 30	Wildfire hazard areas, development in.....	74
Mailing notice requirements.....	8	Stop order	
Posting of notice for.....	8	Issuance of, in response to violation.....	94
Publication of notice for	7	Submittal requirements	
Timing of notice for.....	7	Air quality.....	42
Resource conservation		Aquatic animal life and habitat.....	42
Standard for approval.....	67	Determination of location beyond snowplowed access...	38
Review agencies in Special Development Project permit application review	61	Documentation of property rights, permits and other approvals	37
Revocation		Emergency procedures plan.....	38
Permanent, of Permit.....	94	Environmental impact analysis	40
Ridgeline		Financial feasibility of proposed project.....	38
Standard of no significant degradation of	72	Floodplain, wetlands and riparian areas	41
Right of entry		For all Special Development Projects	36
To conduct inspections.....	93	Geologic hazards.....	43
Special Development Project		Ground water.....	41
Definition of	1	Hazardous materials description.....	38
Standards		Noise, vibration and odor levels.....	43
Aggravation of hazardous conditions	66	Surface water.....	40
Design	71	Terrestrial and Aquatic Plants.....	42
Drainage and stormwater runoff	68	Terrestrial animal life and habitat.....	42
Efficient utilization of municipal and industrial water projects.....	83	Transportation analysis.....	39
Energy and resource conservation.....	68	Visual quality.....	43
Exterior lighting and dark sky	68	Water supply.....	39
Flood hazard areas, for development.....	73	Surface water	
For designating Areas and Activities of State Interest ...	26	Submittal requirements related to.....	40
For development above timberline	72	Suspension	
For development beyond snowplowed access	71	Temporary, of Permit.....	94
For development in areas around airports.....	74	Sustainability	
for development of areas around Key facilities.....	74	Standard for approval	67
For Major Public Utility.....	81	Takings Relief	
For no significant degradation of agricultural lands	72	administrative process for.....	86
For no significant degradation of air quality	70	Technical Modification	
For no significant degradation of ridgelines.....	72	For minor modifications to project.....	85
For no significant degradation of scientific research activities and facilities	71	Standards for approval of	85
For no significant degradation of terrestrial and aquatic plants.....	69	Technical Revision of Approved Permit.....	6
For no significant degradation of water quality	70	Terrestrial and aquatic plants	
For no significant degradation of wetlands and riparian areas	70	Standard of no significant degradation of	69
For no significant degradation to recreation opportunities	72	Transportation	
Grading and erosion.....	68	Submittal requirement for analysis of.....	39
Mineral Resource Areas, for development in.....	73	Violation	
Minimum, for designation of Area or Activity of State Interest	26	Abatement of	95
Municipal watershed, no significant adverse effect on...	66	Visual quality	
New community.....	83	Consideration of for approval.....	67
Of compatibility with paleontological, historic, archeological and cultural resources	71	Wastewater treatment systems	
Of need.....	71	Additional standards for approval of	82
Private land, specifically for development on.....	71	Water impoundment	
Property rights, no significant degradation of	67	Standards for approval of	68
Protection of water and wastewater treatment facilities..	66	Water impoundments	
Reclamation and noxious weed control.....	68	Standards for development of, around airports.....	76
Related to community patterns.....	71	Water quality	
		Standards for no significant degradation of	70
		Water supply	
		Submittal requirement for	39
		Water treatment systems	
		Additional standards for approval of	82
		Wetlands	

Development in, around airports	75	Aquatic animal, required information for	42
Submittal requirements related to.....	41	As natural resource of statewide importance.....	20
Wildfire		Colorado Division of Wildlife review of.....	62
Safety guidelines	74	Highway development and	56
Wildfire hazard areas		Maps of.....	12
Standard for development in	74	Standard of no significant degradation of	69
Wildlife habitat		Terrestrial animal, required information for.....	42
Airport development and	53		