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**ARTICLE VII  
USE AND DEVELOPMENT STANDARDS**

**DIVISION 1                    GENERAL DEVELOPMENT STANDARDS AND CRITERIA**

**Section 7-100                Purpose and Scope.**

The character and environment of the County will be greatly affected by the design of development and the layout of subdivisions. The residents within the area to be developed must have available to them safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours, protect the view, minimize the need to reshape and excavate the land, and afford privacy for the residents and protection from noise and vehicular traffic. Natural features and vegetation of the area must be preserved if at all possible. Environmental conditions and quality shall be protected. Every resident must have basic services reasonably available to their property, including a potable, adequate, and long-term supply of water, a means of wastewater discharge that is safe to the public and the environment, electricity, and other common public services.

**Section 7-101                Applicability.**

This Article shall apply to all applications for land use approval to the *greatest extent possible* based on the scope of the particular application review process.

**Section 7-102                General Site Design Standards and Guidelines.**

- A.     Conformance with Land Use Regulations Required. All development shall conform with all applicable standards of these Land Use Regulations, and, in particular, the standards of the zone district in which the property is located.
  
- B.     Conformance with Other Laws. Applicants shall demonstrate complete conformance with all applicable standards and procedures required by federal and state law, including but not limited to issuance of final or conditional permits or approvals from federal and state agencies such as the Environmental Protection Agency (EPA), state air quality control and state water quality control agencies, the United States Army Corps of Engineers, Federal Emergency Management Agency (FEMA), the Colorado Department of Transportation (CDOT), and the Colorado Public Utilities Commission. Applicants are strongly encouraged to obtain any necessary approvals or permits, or to secure written findings establishing exemptions from state and federal regulation, prior to submission of the Subdivision Design.
  
- C.     Minimum Alterations Required. Subdivision design shall minimize alteration of topographic and natural features of the site except where alteration is necessary to control surface drainage (e.g., creation of detention areas) and to ensure avoidance of hazardous traffic conditions (e.g., to align intersections at right angles).

## **DIVISION 2            LAYOUT, ROADS, AND DRIVEWAY IMPROVEMENTS**

### **Section 7-200            Block Design.**

- A.    The lengths, widths, and shapes of blocks shall be designed with regard to:
  - 1.    Provision of adequate building sites suitable to the special needs of the type of use(s) contemplated;
  - 2.    Lot sizes required by the property's zone district;
  - 3.    The need for convenience and emergency access, circulation, and traffic safety; and
  - 4.    Limitations and opportunities presented by the topography of the site.

### **Section 7-201            Lot Design.**

- A.    The lengths, widths, and shapes of lots shall be designed with regard to:
  - 1.    Provision of adequate building sites suitable to the type of uses permitted within the zone district;
  - 2.    Accommodation of necessary public utilities and parking facilities;
  - 3.    The provision of safe and efficient access based on the types of use(s) permitted within the zone district;
  - 4.    Lot sizes required by the property's zone district; and
  - 5.    Limitations and opportunities presented by the topography of the site.
- B.    Double frontage lots (lots bounded on two opposite sides by streets or roads) are prohibited except where the lot has a lot depth of not less than one hundred and thirty (130) feet and one of the following circumstances exist:
  - 1.    Where double frontage lot design is necessary to separate residential development from an adjacent highway or arterial street;
  - 2.    Where access to an adjacent highway or arterial street is prohibited from the lot(s); or
  - 3.    Where the subdivision design incorporates a fencing and/or landscaping plan that ensures a uniform and consistent design along the highway, arterial, or collector street.
- C.    All lots shall be designed to provide an adequate and usable building site following application of the requirements of these Land Use Regulations and the applicable zone district requirements. Where any portion of a lot includes a slope of more than 25%, a ridgeline, or lies within a floodplain or floodway area, any graphic depiction of the lot shall identify the allowable building area, building envelope, or building site resulting from the application of these Land Use Regulations and the applicable zone district requirements for the lot.

- D. The creation of a privately owned outlet<sup>1</sup> shall be prohibited except where such outlet will be subject to permanent and perpetual private maintenance through private covenants approved by the County at the time of subdivision review and approval and the outlet is expressly limited by the subdivision plat to use as a location for:
1. Private subdivision monument entry sign; or
  2. Private drainage detention or retention facilities; or
  3. Private open space, greenbelt, or parkland; or
  4. Undeveloped property (no buildings or structures) for the purpose of advancing traffic safety and/or road maintenance such as, but not limited to, land devoted to intersection visibility triangles and snow storage areas.
- E. Property lines of lots located at the corners of two intersecting public streets shall be rounded by an arc having a radius of not less than fifteen (15) feet.
- F. Property lines of lots located at a corner of a highway or arterial street shall be rounded by a radius of at least twenty-five (25) feet.

**Section 7-202 Access to Adequate Public Thoroughfare Required.**

- A. Public Access Required. All subdivisions shall be served by direct, uninterrupted, and permanent access to an existing public thoroughfare capable of safely and efficiently handling both the existing demand upon such thoroughfare and the estimated vehicular traffic volume generated by the proposed subdivision. Estimated traffic studies to be determined by using standard CDOT traffic models.
- B. Roads to Meet Standards. All lots within all subdivisions shall be accessible from an existing public street by a road system that meets all road standards for public or private streets provided by these Land Use Regulations. Where the existing roadway system providing access to the subdivision fails to meet the applicable standards, subdivision approval shall be denied until such time that the County's scheduled capital improvement plan brings the roadway system into conformance with these Land Use Regulations. In the alternative, the Applicant may upgrade the roadway system at the Applicant's expense as part of the public improvements necessary to serve the subdivision.
- C. Secondary Access Required. The street layout within a Major Subdivision<sup>2</sup> shall be designed to provide at least two (2) means of public access to lots within the subdivision. This secondary access requirement shall not apply to lots within a subdivision that obtains access from a cul-de-sac street that is less than one thousand (1000) feet in length or cul-de-sacs greater than one thousand (1000) feet that are authorized by issuance of a Modification of Regulation pursuant to Division 8 of Article VI. Both primary and secondary access shall be provided by public streets meeting all design and construction standards applicable to such streets; provided, however, that the County may permit secondary access not meeting such standards where it is demonstrated that:
1. The secondary access is sufficient to permit access by emergency vehicles; and

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<sup>1</sup> See Article IV, Definitions, "Outlot"

<sup>2</sup> See Article IV, Definitions, "Major Subdivision"

2. The secondary access will be regularly maintained, and will remain permanently available for emergency vehicle use; and
3. The secondary access will not be detrimental to the public health, safety, and welfare.

The Board of County Commissioners may waive the requirement for secondary access to any Major Subdivision only upon a finding by the Board of County Commissioners that one or more physical conditions associated with the subdivision, such as topography, property ownership patterns, or existing development on adjacent property, prevent or preclude an opportunity for constructing secondary access and the absence of secondary access will not be detrimental to the public health, safety, and welfare.

**Section 7-203            Roads, Streets, and Bridges.**

- A. Design Standards. All roads, streets, and alleys shall meet the following design requirements:
1. Except for streets subject to ownership and control of the Colorado Department of Transportation, the layout and design of all public and private streets shall conform to the requirements of the Park County Standard Specifications for Road and Bridge Construction. See Appendix D.
  2. All streets and alleys shall be constructed and surfaced in accordance with the applicable construction standards for Park County.
  3. Alleys shall be open at both ends. Dead-end alleys are prohibited.
  4. Street layout shall be designed to connect and relate in a logical and efficient manner to existing and planned roads. Street layout and design shall consider topographic conditions, soil conditions (particularly considering drainage and erosion factors), and public convenience, safety, and aesthetics.
  5. Intersections of streets shall be made at approximately right angles unless topography of physical features prevents such an alignment.
  6. Not more than two (2) streets shall intersect at any one point.
  7. Intersection visibility shall be unobstructed for a minimum of one hundred (100) feet.
  8. The centerline of a new intersection along one side of an existing street shall reasonably align with the centerline of any existing intersection on the opposite side of such street.
  9. The center of two streets forming a three way intersection shall be spaced not less than one hundred fifty (150) feet from the centerline of any other three-way or four-way intersection.
  10. Streets shall be leveled, whenever possible, to a grade of four percent (4%) or less for a distance of at least one hundred (100) feet when approaching all intersections.

11. Access to a state highway shall occur only at intersections approved by the Colorado Department of Transportation in consultation with the County Road and Bridge Department.
12. A cul-de-sac shall not exceed one thousand (1000) feet in length as measured along the centerline from a point at the extended property lines of the adjacent lots at the open end and terminating at the farthest side of the circumference of the turnaround. Regardless of the shape of the cul-de-sac, all cul-de-sacs shall have an unobstructed turnaround diameter of at least one hundred twenty (120) feet unless otherwise approved by the Planning Commission and the Board of County Commissioners at the time of subdivision approval. A cul-de-sac shall not exceed 4% grade. Surface drainage of a cul-de-sac shall be directed toward the intersecting street; except that a drainage easement may be provided through abutting lots where topographic conditions preclude the direction of drainage toward the intersecting street and reasonable provision is made to ensure continuing and perpetual maintenance of the easement through covenants or other property restrictions approved by the County.
13. Dead-end streets, with the exception of cul-de-sacs, shall be prohibited unless approved by the County and are designed to connect with a future street in an adjacent unplatted parcel. If a dead-end street is approved, a temporary turnaround may be required by the Board of County Commissioners where it is determined by the Board that the temporary turnaround is desirable to facilitate the provision of emergency services and to promote the safe and efficient management of vehicular traffic. A temporary turn-around shall be established by the dedication of a public easement which shall burden the lots upon which the turnaround is located and which shall terminate upon the County's acceptance of the through street as a public improvement.
14. The dedication of less than the full width of a street within a subdivision plat shall not be accepted.
15. Street names may be proposed by the Applicant at the time of subdivision application. Street names shall conform to the requirements of Division 11 of this Article. Final approval of street names and changes in street names shall be subject to the discretion of the Board of County Commissioners.

**Section 7-204 Private Driveways.**

- A. Private driveways shall serve no more than two (2) residential Lots. Driveways shall not provide service or access to commercial or industrial zoned property unless approved by the Road & Bridge Authority Team.
- B. All private driveways serving or located on more than one Lot shall be created by written and recorded easement, plat, deed, or other legally accepted documentation, which ensures perpetual and permanent access and which demonstrates consent and approval of all fee owners of property upon and through which the driveway is located.
- C. Private driveways shall meet the following requirements:

	Minimum Width of Access	Minimum Centerline Curve Radius	Maximum Linear Distance from Public Access	Maximum % of Grade Within 50 Feet Of Public Road	Maximum % of Grade More Than 50 Feet From Public Road
Driveway serving only one dwelling unit	18 feet	30 feet	Per Zone District	1 <sup>st</sup> 10 feet flat, then 8%	10%
Driveway serving two or more dwelling units	20 feet	40 feet	1000 feet	1 <sup>st</sup> 10 feet flat, then 8%	10%

- D. All driveways shall be designed to match as nearly as possible to natural and existing topography of the site. Earth disturbance shall require mitigation measures designed to prevent rock-fall, southing, erosion, or other adverse soil conditions.
- E. All driveways greater than two hundred (200) feet in length shall be constructed of and shall maintain an all weather surface.<sup>3</sup>
- F. All driveways shall be maintained in a condition, which permits reasonable emergency vehicle access to the principal structures on the property.
- G. Cross culverts shall be installed at locations where driveways cross natural drainage-ways.
- H. Switchbacks on driveways shall maintain a maximum of 8% grade through the length of the switchback.

**Section 7-205 Driveway Paving.**

- A. Paving of driveways that meet public roads shall obtain a \$50 paving permit from the Road & Bridge Department.
- B. Existing driveways that will be paved shall comply to current driveway standards including but not limited to grades, culverts, widths, and drainage (refer to Section 7-204 appendix D Article IV 4.5)
- C. Meet all requirements as described on the paving permit.
- D. The County is not liable for any damages to paved driveways.

<sup>3</sup> See Article IV, Definitions, "All Weather Surface"

**Section 7-206            Snow Removal from Driveways**

- A.     Homeowners and residents are responsible for maintaining their own driveways and parking area.
- B.     Snow must be disposed of on the homeowner's property.
- C.     Colorado Revised Statute C.R.S. Part 3 43-3-301 states: "No person or corporation shall place upon a road, street or highway any object so as to damage the same or to cause a hazard to vehicular traffic." Under the law a person can be fined if found guilty, and held liable to any person, unit of government, or corporation in civil action for any damages resulting there from.

## **DIVISION 3            PARKING STANDARDS**

### **Section 7-300            Parking Standards Generally.**

- A.     The purpose of these regulations is to ensure that adequate off street parking is provided to meet the parking needs of uses located in Park County. It shall be the responsibility of the developer, owner, or operator of a specific use to provide and maintain adequate off street parking for that use. All parking areas shall be designed and situated so as to: (i) ensure their usefulness; (ii) mitigate adverse impacts on adjacent uses; (iii) allow for convenient access by the handicapped; and (iv) protect the public health, safety, and welfare.
- B.     Applicability. The requirements of this Section shall apply to the following:
1.     New Major Subdivisions.
  2.     New Minor Subdivisions.
  3.     New Structures and New Uses proposed for any subdivided or platted property.
  4.     Enlargements and Additions of Existing Structures, which would result in an increased need for parking.
  5.     New Conditional Uses.
  6.     Section 7-300 and 7-301 shall not apply to individual single-family dwellings.

### **Section 7-301            Minimum Parking Design Standards.**

- A.     Minimum Size Standards for Parking Area.
1.     Parking Space Size.
    - a.     Angled or perpendicular parking spaces (spaces positioned between 30 and 90 degrees to the adjacent access driving lane) shall be a minimum of 10 feet in width and 20 feet in length, measured rectangularly.
    - b.     Parallel parking spaces shall be a minimum of 10 feet in width and 22 feet in curb length.
  2.     Aisle Widths.
    - a.     Aisle widths between parking rows for outdoor parking shall be a minimum of 24 feet in width.
    - b.     Aisle widths between parking rows for covered parking lots shall be a minimum of 22 feet in width.
    - c.     Driveway widths (private access lanes leading to parking areas) shall be a minimum of 20 feet in width.

3. Handicapped Parking. Handicapped parking shall comply with the "Americans with Disabilities Act of 1990", and the Uniform Federal Accessibility Standards, or such other applicable state or federal standard.
4. Loading and Unloading Areas. Loading and unloading areas shall:
  - a. Be provided in a safe and convenient manner for all developments whose normal operations require routine shipments or deliveries;
  - b. Be of sufficient size to accommodate the number and type of vehicles likely to use the loading and unloading areas; and
  - c. Shall not be used to satisfy area requirements for off street parking or parking spaces.

B. Design Requirements for Parking Areas.

1. Location of Parking Spaces.
  - a. For all non-residential land uses, required parking shall be provided in the same site as the use served by the parking area. Exceptions to this requirement may be approved by the Board of County Commissioners where it is demonstrated that off-site parking is available through the shared and coordinated use of another parking area reserved for and suitable for access by the proposed use.
  - b. For all residential land uses, required parking shall be provided on the same site as the use served by the parking area.
  - c. No parking area shall be located on any portion of the site which is reserved for or identified as open space; greenbelt, wildlife habitat, forage area, or corridor, wetland, riparian area, or aquifer recharge area.

C. Design and Arrangement of Parking. Parking area design and arrangement shall achieve the following requirements:

1. Vehicles shall not extend beyond the perimeter of the parking area onto adjacent properties or public right-of-ways.
2. Parking spaces, aisles, and turning areas are entirely within lot lines and shall not encroach on any road or other public right of way.
3. Vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
4. Each required parking space shall have unobstructed access from road or alley, or from an aisle or drive connecting with a road or alley, without moving another vehicle.
5. Driving lanes shall enable vehicles to proceed without posing a danger to pedestrians or other vehicles.
6. Parking areas shall permit vehicles to exit without backing into a public street.

7. Parking areas shall provide adequate access for emergency, sanitation, and other public service vehicles which enables such vehicles to avoid backing unreasonable distances or making difficult, dangerous, or hazardous turning movements.

D. Other Requirements of Off Street Parking.

1. No driveway shall exceed a maximum slope of 10 percent within 50 feet from the edge of the public or private road.
2. Sheet drainage of parking areas shall be minimized and parking areas wider than 64 feet shall contain some mechanism for concentrating flow of drainage (swales or underdrains).
3. An all weather surface<sup>4</sup> is required for all parking areas, excluding driveways serving two or fewer dwellings.
4. Parking spaces shall be graded to ensure drainage does not create any erosion, flooding or water quality problems.
5. All paved parking areas serving commercial or industrial land uses shall be striped and painted.
6. All handicapped parking spaces shall be designated in accordance with the Manual of Uniform Traffic Control Designs.

**Section 7-302 Minimum Parking Ratios.**

- A. Parking Plan. A plan to accommodate projected parking demand ("Parking Plan") may be proposed by an owner or applicant in order to satisfy the requirements of this Division. Where such Parking Plan is administratively determined by the Planning Director to provide safe and sufficient parking for the projected parking demand and such Parking Plan is found to comply with the intent of this Division, the Planning Director may approve such Plan as an alternative to meeting specific minimum off-street parking requirements.
- B. Minimum Off-Street Parking Requirements. All developments shall to conform with the following off-street parking standards, which are deemed minimum standards to accommodate parking demand:

Use	Required Minimum Parking Ratio/Requirement
<b>Residential</b>	
Single Family Dwelling	2 spaces/dwelling unit
Duplex Dwelling Unit	2 spaces/dwelling unit
Multifamily Dwelling Unit	2 spaces/dwelling unit
Home Occupation	1 space/employee plus 1 customer space
<b>Commercial</b>	
Agriculture & Ranching	2 spaces/dwelling unit
Amusement Center	1 space/400 square feet floor area
Bar	1 space/100 square feet floor area
Bed & Breakfast	1 space/guest room plus 1 space

<sup>4</sup> See Article IV, Definitions, "All Weather Surface"

Use	Required Minimum Parking Ratio/Requirement
Campground, Commercial	1 space/campsite
Car Wash	1 space plus stacking area for 1 car/bay
Cemetery	In accordance with Parking Plan
Community Center	1 space/300 square feet floor area
Construction Dwelling	3 spaces
Conference Retreat Facility	In accordance with Parking Plan
County Facilities	In accordance with Parking Plan
Day Care, Commercial	1 space/employee plus 2 spaces and suitable drop-off/loading area
Day Care, Home	2 spaces plus suitable drop-off/loading area
Golf Course	In accordance with Parking Plan
Group Home, Residential	In accordance with Parking Plan
Group Home, Special	In accordance with Parking Plan
Guest House	1 space
Health Care Center	In accordance with Parking Plan
Hospital	In accordance with Parking Plan
Hotel or Motel	1 space/guest room plus 0.5 space/employee
Jail	In accordance with Parking Plan
Kennel	1 space/300 square feet floor area
Landfill	In accordance with Parking Plan
Mining	In accordance with Parking Plan
Mortuary	In accordance with Parking Plan
Park and Ride	In accordance with Parking Plan
Personal Services	1 space/300 square feet floor area
Private Club	1 space/200 square feet floor area
Professional Office	1 space/300 square feet floor area
Recreational Facility, Indoor	1 space/200 square feet floor area
Recreational Facility, Outdoor	1 space/500 square feet of lot area
Recycling Facility	In accordance with Parking Plan
Religious Institution	1 space/4 seats in main assembly area
Religious Center	1-space/4 seats in main assembly area plus additional parking spaces adequate to serve other uses at the Center in accordance with this section. A Parking Plan is strongly encouraged.
Restaurant	1 space/100 square feet floor area
Retail Store	1 space/300 square feet floor area
Salvage Yard	1 space/700 square feet of yard
Stable (Private and Commercial)	In accordance with Parking Plan
Telecommunication Facility	1 space suitable for service vehicle
Utility Facility, County	In accordance with Parking Plan
Utility Facility, Major	In accordance with Parking Plan
Utility Facility, Minor	In accordance with Parking Plan
Vehicle Center	1 space/250 square feet floor area
Vehicle Repair Service	1 space/250 square feet floor area
Vehicle Sales	1 space/250 square feet floor area (not including vehicle display areas)
Vehicle Service Station	1 space/100 square feet floor area
Vehicle Storage Yard	1 space/700 square feet of yard
Veterinarian, Small Animal	1 space/250 square feet floor area
Veterinarian, Large Animal	1 space/250 square feet floor area
Warehouse	1 space/employee plus customer visitation

Use	Required Minimum Parking Ratio/Requirement
	parking in accordance with Parking Plan
Industrial Uses	
Light & Heavy Industrial	In accordance with Parking Plan

## **DIVISION 4            UTILITY LAYOUT AND EASEMENT REQUIREMENTS**

### **Section 7-400            Public Easements.**

- A. Public easements sufficient to provide reasonable service facilities for public utilities (water, sewer, electricity, gas, telephone, cable, etc.) shall be designated and dedicated to the County for public use on each subdivision plat and shall meet the following minimum standards:
1. At least fifteen (15) feet in width when located on one side of a rear lot line; or
  2. At least a total of twenty (20) feet (10 feet on each side) when centered on a rear lot line; and
  3. At least and fifteen (15) feet (7.5 feet on each side) along side lot lines.
- B. Other Easements Required. Drainage easements shall be identified and dedicated on the plat or plan suitable to maintain the historic flow and pathways of surface waters.
- C. The use or uses for each public easement shall be designated on the plat. Where undesignated, the easement shall be available for all public uses. Whenever possible, easements should permit co-location of uses to minimize the need for multiple easements. The Applicant is encouraged, in lieu of providing easements on each and every lot line, to propose a public easement layout plan for providing the necessary utilities in order to reduce the number and complexity of easements. The layout plan is subject to approval by the utility providers and by the County.
- D. Sanitary sewer lines shall not be located along side lot lines or extend between lots except where such location is determined by the Board of County Commissioners as the only reasonable alternative due to topographic or physical features of the property and a twenty (20) foot wide easement for both the line location and future maintenance is provided on the plat.
- E. Lot layout shall be designed to ensure that surface water drains away from structures. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to prevent increases in historic flow, volume, frequency, and concentration of storm drainage water from each lot to adjacent lots.
- F. Drainage easements shall be established for all drainage ways, channels, streams, or irrigation ditches traversing a subdivision. The location of such easements shall conform substantially to the natural and historic lines of such watercourse and shall include additional reasonable width for maintenance purposes. Where a third party holds an ownership interest in a drainage way, channel, stream, or irrigation ditch, the Applicant shall obtain the owner's written consent to any modification or re-location of the drainage system.
- G. If a proposed drainage system or plan will convey water across private land located outside of the development or subdivision, the Applicant shall secure the legal and permanent right to such use of land outside of the development or subdivision.
- H. Emergency access easements (publicly-dedicated easements reserved for use by fire protection equipment access and other emergency service access such as ambulances and law enforcement) shall be required where determined by the County as reasonably

necessary to gain access to and protect the development and immediate area. When required, all emergency access easements shall be at least sixteen (16) feet in width, have an all weather surface<sup>5</sup> acceptable to the County and shall remain free of obstructions and available for access at all times.

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<sup>5</sup> See Article IV, Definitions, "All Weather Surface"

## **DIVISION 5            LANDSCAPING**

### **Section 7-500            Purpose.**

The purpose of this Division is to provide standards for landscaping to maintain the character of residential neighborhoods and commercial areas.

### **Section 7-501            Applicability.**

The standards of this Division shall apply to all development within the County, except as follows:

- A.    Exemptions. Development in the Agricultural, Conservation/Recreation, and Mining District are exempt from the standards of this Division.
- B.    Single-Family or Duplex Dwelling. The construction, reconstruction, modification, structural alteration or relocation of one single family or duplex dwelling shall not require compliance with this Division.

### **Section 7-502            Landscape Plan.**

A landscape plan containing the following information shall be submitted as part of the preliminary plan for all Major Subdivisions. The landscape plan shall contain the following:

- A.    Site Plan/Drawing. A plan drawn to scale identifying all groups of existing and proposed types of vegetation and all significant topographic features.
- B.    Maintenance Plan. A plan for how water is to be supplied and how the landscaping is to be maintained.
- C.    Landscaping Requirements. Landscape improvements described within an approved landscaping plan shall be installed in accordance with the requirements of the Subdivision Improvement Agreement (SIA) or, if no SIA is required, completion of landscaping for each lot in accordance with the landscape plan shall be a requirement of the issuance of a certificate of occupancy for the lot.

### **Section 7-503            Landscaping Standards.**

- A.    Plant Type. Plants shall be compatible with local climate and soils. All areas disturbed by construction shall be re-vegetated with native vegetation.
- B.    Site Clean Up. All slash materials, vegetative residues, fallen trees, limbs, roots and other rubbish shall be removed from the site, or in the case of large limbs and trees, cut and stacked on the site for firewood.
- C.    Slopes. All disturbed slopes shall be landscaped or re-vegetated to ensure stability. Slopes of 3:1 or greater shall be netted after seeding or otherwise treated to ensure stability. Retaining walls may be required on slopes where necessary to ensure stability.

## DIVISION 6            NATURAL RESOURCE PROTECTION

### Section 7-600            Steep Slope Protection.

- A.    Steep Slope Defined. A steep slope shall include any land area greater than two hundred fifty (250) square feet with an average slope greater than twenty-five percent (25%).
- B.    Identification of Steep Slopes Required. Any application for land use approval (including rezoning, conditional uses, and all forms of subdivision) shall graphically identify all steep slopes on the property.
- C.    Steep Slope Mitigation and Reduction of Impact. Subdivision design shall prevent and avoid the location of any development or improvement within an area of a steep slope. Where such location of development or improvement cannot otherwise be reasonably avoided, the following mitigation measures shall be required:
  - 1.    Preparation and submission to the County with the application of a soils and geologic study prepared by a geologist<sup>6</sup> containing recommendations for appropriate structure design.
  - 2.    Minimization of the extent of disturbed areas and a plan for the re-vegetation of all disturbed areas immediately after development within the area or within the next growing season.
  - 3.    Minimization of road cuts, retaining walls, and road grades to avoid scarring of the steep slope area.
  - 4.    Design of structures appropriate for the steep slope area, which may include reducing the footprint of the structure, construction or walk-out or garage-under structures, use of foundation walls as retaining walls, or the location of structures as close to an access road as permitted or possible.
  - 5.    Other reasonable conditions or safeguards deemed necessary by the Board, Commission, or administrative staff person with final authority to approve the subdivision plat or application.

### Section 7-601            Ridgeline Protection.

- A.    Ridgeline Defined. A ridgeline shall include any point or line within the property described in the subdivision where the top of a ridge meets the sky. A ridgeline is commonly considered the crest, peak, or top of a hillside or knoll. Development of a structure upon a ridgeline would cause the structure to protrude above the ridgeline and result in the structure having a backdrop of the sky.
- B.    Identification of Ridgelines Required. Any application for subdivision for property having more than fifty (50) feet of elevation change between the lowest and highest elevation points within the property shall identify all ridgelines within the property.
- C.    Ridgeline Development and Mitigation of Impact. All development shall avoid the location of structures on ridgelines so that the highest point of any structure shall not protrude above

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<sup>6</sup> See Article IV, Definitions, "Geologist"

the ridgeline. Where the location of structures on ridgelines cannot be avoided because no other alternative building site is available on the lot or property, all of the following mitigation measures shall be implemented to reduce impacts to ridgelines:

1. Avoiding or reducing to the greatest degree possible the amount of development on or above the ridgeline.
2. Minimizing the height of structures that protrude above a ridgeline. No structure shall protrude above the ridgeline by more than one story or a maximum of twenty-five (25) feet.
3. Use of building colors and building materials that reduce the visibility of the structure. All exterior siding and roofing materials shall be non-reflective.
4. Limiting the use of artificial lighting on the property and structure to reduce the nighttime visibility of the structure. Exterior lighting shall be directed, sited, and shielded in such a manner that the light source is not directly visible from adjacent properties.
5. Installation of screening such as large trees, shrubs, and berms that effectively reduces the visibility of the structure.
6. Design of structures in locations, which utilize natural vegetation and terrain to minimize visual impacts.
7. Other reasonable conditions or safeguards deemed necessary by the Board, Commission, or administrative staff person with final authority to approve the subdivision plat or application.

## **Section 7-602            Drainage.**

A. Design Standards for Drainage. In order to preserve the integrity of existing and natural drainage patterns, all development and use of land shall satisfy the following design standards:

1. Existing natural drainage ways should, in virtually all circumstances, be maintained in their natural state and shall be incorporated in site development as aesthetic amenities, open space/trail corridors, and wildlife areas. Channelization or installation of structures is discouraged unless such activity is required to prevent erosion or is requested by governmental agencies to accommodate other public purposes such as roadways, bridges, and public access.
2. Drainage systems should be approached in a regional context that encourages nonstructural systems, whenever possible. A nonstructural strategy accentuates natural onsite drainage, percolation, open channeling, and groundwater recharge. Natural overland flows, open channels, swales, and large ponds are viewed as important drainage control elements, which may also mitigate pollution, soil erosion, and provide open space and trails used for recreation. Some nonstructural control techniques that should be considered include:
  - a. Limiting land disturbance and grading;
  - b. Maintaining vegetated buffers and natural vegetation;

- c. Minimizing impervious surfaces;
  - d. Integrating terraces, contoured landscapes, runoff spreaders, grass or rock-lined waterways into development plans;
  - e. Using infiltration devices; and/or
  - f. Use of recharge basins, seepage pits, dry wells, seepage beds, porous pavement or Dutch drains.
3. The County may require enhancement of existing natural drainage ways if such drainage ways are damaged or modified in a manner that impedes natural flow of surface water.
  4. All new drainage channels shall be planted with local plant species that are adapted to the localized environment in which they will be used.
  5. Whenever feasible, drainage systems should be designed and constructed to recharge onsite groundwater resources by using swales and surface systems, rather than piped or engineered storm-water sewer systems.
  6. Runoff volumes and peaks within a development site and in areas affected by runoff from a site shall not exceed the runoff levels attributable to a site in its natural condition as determined by a Colorado Registered Professional Engineer. Additional runoff on-site shall be retained and absorbed, evaporated, or released from the site at a rate not exceeding the pre-development rate of release.
  7. All drainage improvements shall be owned and maintained by the owner or an association of owners within the subdivision unless the ownership and maintenance obligation is specifically accepted by a public agency that agrees to maintain the drainage improvements and any buildings, structures or other related improvements. The County may require written and enforceable agreements or other mechanisms to ensure that maintenance of drainage improvements is permanently and adequately undertaken.
  8. All drainage systems shall provide for reasonable accessibility to allow for maintenance of drainage facilities.
  9. Utilization of irrigation ditches for storm-water discharge is discouraged. Any owner or sub-divider who proposes to utilize existing irrigation ditches as a means of collecting and conveying storm-water runoff shall submit a written agreement from the irrigation company to utilize their irrigation ditches as a collection and conveyance system. The agreement shall guarantee a perpetual right to discharge the specified volume to the irrigation company's irrigation water collection and conveyance system. When developing a drainage plan that utilizes irrigation ditches to collect and convey storm-water, the entire irrigation system shall be analyzed to determine the impacts of the proposed storm-water discharges. No discharge to irrigation ditches shall be permitted to increase the potential flooding to any area downstream of the site.

- B. Drainage Control Plan. When a drainage control plan is required as part of any application for land use approval, such plan shall evidence compliance with the above design standards and shall:
1. Be prepared by a Colorado Registered Professional Engineer;
  2. Show historic proposed drainage, necessary easements, and proposed methods for erosion and sedimentation control;
  3. Describe the effect of off-site flows on the development, how they are affected by the development, and what control measures will be necessary for their proper conveyance;
  4. Define the system that will convey the on-site flows throughout the development and how they will be dispersed off-site;
  5. Describe on-site detention and retention facilities that will be provided and will store the difference between the 100 year historic and developed storm runoff, and shall limit the rate of runoff from the site to the 100 year historic flow rate; and
  6. Show how any direct discharge of storm water to a lake, stream, or intermittent stream shall be prevented.

**Section 7-603 Erosion and Sedimentation.**

Land development (all lots platted after August 28, 2003) shall include erosion, sediment and runoff control best management practices using the guideline as described in the most current publication of "Erosion and Sediment Control During Construction" prepared by Brian Lorch and Lane Wyatt, July 2000, for Summit Water Quality Committee.

- A. Design Standards. All land uses and design of development shall comply with the standards of this section.
1. Land use and site development shall be designed to minimize disturbance of natural vegetation and soil cover and to prevent erosion or sedimentation.
  2. Land use and site development shall retain all soil and sediment on-site or provide other adequate sedimentation control throughout all phases of construction and development.
  3. Land use and site development shall not result in ponding of water other than within designed detention or retention areas.
  4. Land use and site development shall incorporate permanent and/or temporary erosion and sediment control measures at the earliest practicable time in order to control erosion and stabilize disturbed areas during development.
  5. Land use and site development shall preserve natural vegetation and soil cover adjacent to rivers, streams, lakes, and reservoirs; and
  6. Land use and site development shall be undertaken to protect mature and healthy trees and tree stands from damage during construction.

- B. Erosion and Sedimentation Control Plan. Any plan required to address erosion and/or sedimentation control and management required by these Land Use Regulations shall specifically address and recommend methods and techniques to ensure that development conforms to the requirements of this Section. A Colorado registered professional engineer shall prepare such plan.

**Section 7-604 Irrigated Areas, Irrigation and Mining Ditches.**

- A. Land uses and development design shall not adversely impact the adequacy of water supplies available for existing irrigation and mining systems.
- B. Land uses and development design shall not adversely impact the exercise of any existing and decreed irrigation and mining water rights.
- C. Land uses and development design shall not permit surface waters to be directed or collected to active and legally recognized irrigation and mining ditches without the consent of the ditch owner as evidenced by written easement or other documentation.

**Section 7-605 Wildlife Habitat.**

- A. Applicability. The standards in this section apply to all wildlife habitat, from low through very high impact areas, as shown by the *Park County Regulations for Special Development Projects Designated as Matters of State Interest – Wildlife Habitat Regulations* ("See 1041 Wildlife Regulations" found at Appendix E of these Land Use Regulations).
- B. General Standards.
1. For Major Subdivisions<sup>7</sup>, a permit shall be obtained in accordance with the 1041 Wildlife Regulations prior to approval of the preliminary plan (See Appendix E). Any conditions or requirements imposed as a condition of the 1041 Wildlife Regulation permit shall be incorporated into the preliminary plan.
  2. For all subdivision applications other than a Major Subdivision, any permit required by the 1041 Wildlife Regulations shall be obtained prior to final approval of the subdivision application.
  3. For any subdivision or development for which a 1041 Wildlife Regulation permit is not required, the subdivision or development shall demonstrate conformance with the following:
    - a. The removal of existing vegetation shall be minimized. Disturbed areas shall be promptly re-vegetated with native plant species deemed beneficial to wildlife forage and cover.
    - b. Water holes, springs, seepage, marshes, ponds and other areas suitable as water sources for wildlife shall be preserved.
    - c. Wildlife corridors and other known routes of travel for wildlife shall be preserved.

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<sup>7</sup> See Division 4 of Article VI of these Land Use Regulations for Major Subdivisions.

C. Wildlife Plan. Any plan required by these Land Use Regulations (not including studies and plans required by the 1041 Wildlife Regulations) to address wildlife impacts and to identify wildlife habitat shall specifically address and recommend methods and techniques to ensure that development conforms to the requirements of this Section. Such plan shall be prepared by a professional biologist or other professional with education, training, and experience in evaluation of wildlife, wildlife habitat, and impacts of development upon wildlife resources.

#### **Section 7-606 Natural Hazards.**

A. Applicability. The standards in this section of the Land Use Regulation are applicable to all land uses and development within a particular natural hazard area, as identified below.

B. General Standards.

1. Land uses shall be restricted to a hazard-free area if such an area exists on a site.
2. If no adequate hazard-free area exists on a site, the diversity of permitted uses in a zone district and permitted residential land use densities may be limited to minimize potential dangers to persons or wildlife.
3. Land use shall be prohibited if site planning and engineering techniques cannot completely mitigate potential hazards to public health, safety and welfare; land use shall also be prohibited if it subjects persons or the County to dangers or expenses required to mitigate hazardous conditions to respond to emergencies created by such conditions, or to rehabilitate improvements and lands.

C. Geological Hazards.

1. Definition. The term "Geological Hazards" means the list of geological hazards adopted in Colorado H.B. 1041 (C.R.S. §24-65.1-101, *et. seq.* and the *Guidelines and Criteria for Identification and Land-Use Controls of Geological Hazards and Mineral Resource Areas* prepared by the Colorado Geological Survey, including but not limited to, avalanche areas, landslide areas, potentially unstable slopes, mud-flow areas, rock fall areas, alluvial fans, talus slopes, fault areas, expansive soil and rock, high water table areas, ground subsidence areas and areas of natural radioactivity.
2. Geotechnical Report. Any application for development in a designated geological hazard area or other area determined by Park County to be potentially subject to geological hazards shall be accompanied by a geotechnical report evaluating the site and recommending appropriate mitigation measures. A geologist shall prepare all geological maps and reports.<sup>8</sup> A registered professional engineer shall prepare all engineering work.
3. Open Space Use. Reservation of geological hazard areas as privately owned open space, or other areas determined by Park County to be potentially subject to geological hazards, is encouraged. The acceptance by Park County of any geologic hazard area proposed for dedication to Park County as open space shall be subject to the discretion of the Board of County Commissioners and may require mitigation of hazards prior to, or as a condition of, County acceptance.

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<sup>8</sup> See Article IV, Definitions, "Geologist"

D. Wildfire Hazards.

1. Wildfire Defense for Individual Homes. Any dwelling located in an area with a wildfire hazard level of "B," "C," or "X," as determined using the wildfire hazard maps prepared by the Colorado State Forest Service, or otherwise determined by Park County to be potentially subject to wildfire hazards, shall provide a minimum of 30 feet of wildfire defensible space, around such dwelling. A defensible space is one in which trees are thinned so that crowns do not overlap or touch, woody brush is removed or substantially thinned, and dead fuel is removed. Maintenance of the defensible space shall be a requirement for continuing compliance with these regulations.
2. Wildfire Hazard Mitigation Plan. Any development located in an area with a wildfire hazard level "B," "C," or "X," as determined using the wildfire hazard maps prepared by the Colorado State Forest Service, or otherwise determined by Park County to be potentially subject to wildfire hazards shall implement a wildfire hazard mitigation plan. Such plans should be developed with the assistance of the Colorado State Forest or an experienced professional forester, and shall:
  - a. Show how special wildfire hazard areas, including "fire chimneys," will remain undeveloped, or how the wildfire hazard in such areas will be effectively mitigated;
  - b. Show how the wildfire hazard within the development will be reduced prior to occupancy by thinning and similar techniques, including clearing of road right-of-ways and removal of all combustible "slash" resulting from road construction from a strip of at least 100 feet on either side of each road;
  - c. Show how access adequate for fire fighting apparatus and evacuation of the development has been provided;
  - d. Show where wildfire safety areas, if any, have been designated;
  - e. Show how water supply adequate for wildfire fighting purposes will be provided; and
  - f. Show how an effective system of perimeter and internal fuel-breaks will be constructed prior to occupancy of the development. Fuel-breaks shall be designed, constructed, and maintained in accordance with the guidelines of the Colorado State Forest Service (see Dennis, Frank C., *Fuel-break Guidelines for Forested Subdivisions*, Colorado State Forest Service, 1983).

E. Wildfire Mitigation Plan. Any plan required by these Land Use Regulations to address wildfire potential and mitigation shall specifically address and recommend methods and techniques to ensure that development conforms to the requirements of this Section. Such plan shall be prepared by a professional with education, training, and experience in evaluation of the impacts of development upon the wildfire potential and methods to mitigate wildfire conditions.

1. **More Restrictive Intergovernmental Agreements (IGA) Will Supersede The Land Use Regulations**

## **DIVISION 7            WATER QUANTITY AND QUALITY.**

### **Section 7-700            General Provisions.**

- A. Intent. It is the intent of this Division to ensure that development in all areas of Park County provides for a water supply that is sufficient in terms of quantity, long-term dependability of supply, and quality without adversely affecting water supply systems of neighboring uses. In order to accomplish the intent, this section includes methods and provisions for:
1. Ensuring compliance with C.R.S. §30-28-133. This statute requires certain types of development applications to provide adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of development proposed. Such evidence may include, but shall not be limited to:
    - a. Evidence of ownership or right of acquisition of or use of existing and proposed water rights;
    - b. Historic use and estimated yield of claimed water rights;
    - c. Amenability of existing rights to a change in use;
    - d. Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area;
  2. Verifying water rights and adjudication of these rights;
  3. Specifying minimum water supply standards;
  4. Specifying minimum water quality standards; and
  5. Identifying the land-use process affected by these standards; and providing an appeal process to prove water supply and to reasonably address water quality issues.
- B. Report, Studies, and Plans. Any report, study, or plan required by these Land Use Regulations (not including studies and plans required by the 1041 Water and Wastewater Regulations found at Appendix F) to address water quantity and quality issues shall specifically address and recommend methods and techniques to ensure that development conforms to the requirements of this Division. Such plan shall be prepared by Colorado licensed professional engineers and other comparable professionals with education, training, and experience in evaluation of water supply, water quantity and quality, and the demand resulting from and impacts of development upon water resources.

### **Section 7-701            Applicability.**

This Division applies to all development within all new proposed developments of Park County to the extent the standards of this Division can be reasonably applied during the development or permit review process.

## **Section 7-702            Definitions.**

In addition to words and phrases defined in Article IV of these Land Use Regulations, the following words and phrases shall have the meaning indicated for purposes of this Division:

**Appropriable Water Supply:** The volume of water in storage in the aquifer(s) beneath a parcel of land, exclusive of prior appropriated rights. The volume of appropriable water in storage is calculated based on overlying land area, aquifer saturated thickness, and the specific yield of the aquifer.

**Augmentation Plan:** If a tributary water right is sought to be appropriated, it is incumbent upon the applicant for these water rights to demonstrate non-injury to existing, vested senior water rights. If such analysis indicates that there is the potential for injury to existing vested senior water rights, an augmentation plan must be adjudicated in Water Court that defines the uses of the water sought in the appropriation, defines the extent of the injury that will occur due to this appropriation, and presents a plan that will fully mitigate injury to all existing vested senior water rights.

**Colorado System of Water Rights Administration:** Colorado operates under a “first in time, first in right” water rights administration for tributary waters of the state. This means that the most senior tributary water rights are wholly satisfied first, prior to any junior water rights diverting. If there is insufficient water to meet the water demands of all of the water rights, some water rights will be deemed “out of priority”, and will not be allowed to divert any water until sufficient supply is available for all rights senior to that right.

**Existing Special District:** A special district that, prior to the date of submission of a land use application for a development proposing to obtain water service from such special district: (1) was formed pursuant to the Special District Act, C.R.S. §32-1-101, et seq.; (2) was organized by final order of the District Court; (3) is lawfully authorized to offer and provide water services in accordance with a County-approved service plan prepared in accordance with C.R.S. §32-1-101 et seq.; and (4) that is authorized by any necessary voter approval to impose, assess, and collect taxes and incur debt as proposed by a County-approved service plan.

**Nonresidential Equivalent:** The quantity of water necessary for light industrial or office uses, which corresponds to the residential standard of .75 acre-foot per year. The nonresidential equivalent is equal to .75 acre-foot per year required for each 6,695 square feet of building space.

**Renewable Water:** Water that is annually recharged through the hydrologic cycle, such as streams, and alluvial aquifers associated with streams so that the water supply is sustainable over time.

**Special District or District:** For purposes of this Division only, a special district regardless of title or name formed pursuant to Title 32 of the Colorado Revised Statutes whose purpose is, in whole or in part, the provision of potable water for landowners within all or part of such district's boundaries.

**Tributary Water:** Water contained within the surface stream systems, or in groundwater that is hydraulically connected to the stream system. Tributary waters are considered waters of the state, are available for appropriation through the Colorado Water Rights System, and are subject to the Colorado System of Water Rights Administration. Tributary Water rights are

based on the priority of the rights to the extent that they can be relied upon as a water supply and meet the minimum water supply criteria, herein. This is a renewable water supply.

**Well-Field Analysis:** Evaluation required with proposed land-uses that plan to use basin water, to assess whether a new proposed well field associated with the proposed land use will create water level change impacts such that neighboring wells, either on or off the subject property, will have their ability to produce their water rights impaired. A change in water level at an adjacent well is not, in and of itself, considered to be an impact. This analysis is typically completed using an analytical ground water model.

**Section 7-703 Minimum Water Supply Service Standards.**

- A. Minimum Water Supply. Water provided to development from any source shall meet or exceed the minimum water service standards.
- B. Public Supply to be Evaluated. All subdivisions proposing the use of five (5) or more individual wells shall submit to the County an analysis prepared by a professional deemed qualified by the County to evaluate water delivery systems that compares the efficiency, cost effectiveness, and adverse impacts upon other wells of the proposed individual wells to the efficiency, cost effectiveness, and adverse impacts of a common or community water delivery system(s). Where common or community water delivery system(s) will be more efficient, cost effective, and present fewer adverse impacts upon other wells than individual wells, the County may require the use of a common or community water delivery system(s) as the source of water to such subdivision.

**Section 7-704 Sources of Water Supply.**

- A. Renewable Water Supply Required. A renewable water supply is required for all land uses proposed within Park County, except for existing approved land uses requiring only issuance of a building permit. The following methods of providing water supply are permitted, subject to compliance with the standards set forth below:
  - 1. Existing Special District. Water to new development may be served by an existing special district currently serving other property. No application for new development shall be approved unless the applicant provides sufficient and competent evidence to the County of the following, certified as correct and accurate by the special district:
    - a. The proposed development is currently within the district's service area or can be included within the service area prior to approval of the development by the County; and
    - b. The board of directors or other appropriate governing body of the district has adopted a resolution or taken other formal written action to declare the district's intent and desire to serve all property within the proposed development; and
    - c. The district currently owns and controls sufficient unallocated and available water that will and can be provided to the proposed development. Such evidence shall include an opinion letter from a Colorado-licensed attorney practicing in the field of water law representing to Park County that the

special district currently owns and controls sufficient legally established rights to water which water represented by such rights is unallocated to other development and is available to serve the proposed development; and

- d. The district has the current feasibility in terms of existing infrastructure and other physical improvements necessary to extend service to the proposed development. If the district must expand, improve, enlarge, or modify its current infrastructure and/or physical improvements in order to serve the proposed development, the district shall apply for and obtain a permit, if applicable, in accordance with Park County Regulations for Special Development Projects Designated as Matters of State Interest – Water and Wastewater Regulations (see Appendix F) prior to final approval of the development by the County; and
- e. An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated augmentation plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
  - i. An actual physical availability to supply as proven by a ten (10) year hydrograph analysis shall be required. Data for the ten (10) year hydrograph analysis may be obtained from such sources as Denver Water or United States Geological Survey
  - ii. Applicant has the burden to prove that proposed water supply is not over appropriated at the time of the application.

2. New Special District. The organization of a special district to provide water service is authorized by C.R.S. §32-1-201, *et seq.* The Board of County Commissioners is authorized by C.R.S. §32-1-203 to review and approve the district service plan. This section is not intended to supercede or amend any other applicable federal, state, or local regulations concerning the formation or operation of a special district providing water services to property. In the case of overlapping or conflicting requirements, the most restrictive provision shall apply. Approval of a new special district service plan shall be based on compliance with the following service and facility standards, in addition to any other requirement imposed by law for approval of a special district and district service plan:

- a. General Standards for All Districts:
  - i. The reliability of all water rights designated for use in the district is deemed sufficient in the County's opinion based upon priority date within the Colorado System of Water Rights Administration and the volume that can be extracted from the water right(s).
  - ii. The water storage capacity is deemed sufficient, by the County to ensure that no water supply shortages will occur due to variations in the hydrologic cycle. At a minimum, storage capacity sufficient to provide 1-year of additional carryover storage, on an average annual basis, beyond that necessary to meet all demands under all anticipated hydrologic conditions will be required.

- iii Delivery of the water supply to the development is deemed adequate by the County. If required, a permit obtained in accordance with the Park County Regulations for Special Development Projects Designated as Matters of State Interest – Water and Wastewater Regulations (see Appendix F) shall be a pre-condition to approval of any land use application.
  - b. Aquifer Standards:
    - i An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
    - ii The water rights are sufficient based on the minimum water- supply standards to serve all existing and projected property uses within the district. See Section 7-703.-
    - iii The proposed service plan shall include a well-field analysis that demonstrates that wells will not adversely impact existing water rights on adjoining lands, consistent with the provisions in C.R.S. §37-90-137(4)(c), as amended.
    - iv The proposed service plan shall require the district to install an acceptable water level measuring device in all new district wells to measure and record water levels on a monthly basis, whether the water level obtained is a static or pumping water level, and provide for an annual report of such data to Park County.
  - c. Surface Water Standards:
    - i An attorney's opinion letter must be provided stating ownership by the special district of, or an executed contract granting rights to the applicant for, all surface waters to be used for water supply and a copy of the court decree adjudicating those water rights, if those water rights have been adjudicated.
    - ii The water rights are sufficient based on the minimum water-supply standards. See Section 7-703.
- 3. Individual Well for Single Land Use/Property. A groundwater well may only be allowed as the source of water, when required for issuance of a building permit, for a principal or accessory use currently allowed by zoning on a legally created parcel as follows:
  - a. The landowner must submit documentation, including copies of driller's logs, that evidence the drilling and establishment of test well(s) which demonstrate compliance with the following:
    - i A minimum of one test well shall be drilled for each twenty lots within the development.

- ii Test wells shall be drilled at various elevations representative of all characteristics or existing conditions of the terrain and geological formations within the area of development.
- iii No test well shall be less than 100 feet in depth.
- iv Either:
  - (1) A minimum 4-hour, constant-discharge test that requires the well to be pumped at a constant rate commensurate with the ability of the aquifer to yield not less than 1 gallon per minute, with water level measurements being made throughout the duration of the test. To conduct an acceptable well test, the pump shall be valved to maintain a constant rate, a calibrated flow meter used to measure flow, and a means to obtain water levels from the pumped well provided. The well test results must be signed by a licensed water well contractor, or professional geologist or engineer; or
  - (2) A statement signed by a licensed well contractor that the average yield of the well is greater than 10 gallons per minute after 4 hours of airlifting.
- v If the water flow is less than 1 gallon per minute, the applicant shall install a cistern in compliance with the applicable Park County plumbing code, as amended. Further, if the water flow of the well is not sufficient to fill the cistern, as required by the plumbing code, the landowner shall submit an agreement with a water provider for the balance of the water, in a form acceptable to the County.
- vi A statement signed by a qualified water testing laboratory demonstrating compliance of water produced by the test well with the water quality standards of Section 7-705.

**Section 7-705 Drinking Water Quality Standards.**

A. Water proposed for delivery and use to property within Park County shall meet the following minimum water quality standards as evidenced by a water-testing laboratory or testing service deemed reasonably qualified and acceptable by the County.

Arsenic (As)	0.05mg/L	Selenium (Se)	0.01
Barium (Ba)	1.0	Silver (Ag)	0.05
Cadmium (Cd)	0.01	Nitrate (as N)	10.00
Chromium (Cr)	0.05	Mercury (Hg)	0.002
Fluoride (F)	1.7	Gross Alpha Radioactivity	15pc/L
Lead (Pb)	0.05	Gross Beta Radioactivity	50pc/L
		Radon Radioactivity	400pc/L

B. In the event that either Gross Alpha or Gross Beta radioactivity exceed the specified limit as set forth in (A) above, additional tests will be required for Uranium and Radium-266 for identification of the source.

C. The following substances listed below are to be analyzed for overall evaluation purposes and conformance with the specified standard (mg/L).

Iron (Fe)	0.30	Total Dissolved Solids	500
Manganese (Mn)	0.05	Sodium Bicarbonate	300

## DIVISION 8            WASTEWATER DISPOSAL

### Section 7-800            Wastewater Disposal Standards

A.     Preference for Public Systems. A public central wastewater system is the preferred method of sewage collection and treatment for all newly created lots in all zoning districts with a density greater than one dwelling unit for each 5 acres. Every reasonable effort should be made to provide this method of service.

B.     Permitted Methods of Service. New development must provide wastewater disposal service to each lot within such development by one of the following methods:

1.     Public Central Wastewater Systems. Each lot will be served by a sanitation district or municipal sewer system and comply with the following requirements:
  - a.     The sewer collection and treatment system is designed to comply with the Per Capita Flow Requirements the "Design Criteria Considered in the Review of Wastewater Treatment Facilities" of the Colorado Department of Public Health and Environment-Water Quality Control Commission or any more stringent standard as may be required by the special district or municipal wastewater service provider.
  - b.     The sewage treatment works complies with the applicable Colorado Wastewater Discharge Permit System Permit; and
  - c.     Capacity for the collection and treatment works is adequate to serve all lots within the development at the time of issuance of the first building permit within the development.
2.     On-Site Sewage Treatment Systems. The lots within the development will be served by on-site sewage treatment system(s) and shall conform with all the following requirements:
  - a.     No part of the development is located within the service area of a special district or municipality providing wastewater services;
  - b.     All proposed lots within the development are adequate in size to meet all applicable spacing and permitting requirements imposed by the Park County Individual Sewage Disposal System Regulations (See Appendix L).
  - c.     It is demonstrated by the applicant that it is both unreasonably expensive and not feasible to extend and connect lots within the development to a public central wastewater system. It shall be presumed that connection to a public central wastewater system is reasonable and feasible when the lot is located within a service area of a special district or municipality providing wastewater services. It shall be presumed that connection to a public central wastewater system is unreasonable and not feasible in the event that any special district(s) or municipalities capable of providing wastewater services to the lot refuse to extend the district or municipal service area to include the lot.
  - d.     The applicant provides to the County an inventory and analysis of site conditions relevant to the use of on-site sewer systems. Relevant site

conditions include but are not limited to soils; percolation rates; location of bedrock and groundwater; surface water bodies; slopes; rock outcrops; irrigation ditches; and wetlands; and

- e. The applicant provides to the County substantial evidence demonstrating that the design, layout and density of a development proposal incorporates the inventory and analysis of site conditions listed above. Applicants must show that site conditions are compatible with the use of on-site sewer systems and that the location of sewer systems will take advantage of favorable site conditions while avoiding significant constraints. Evidence of compatibility may include intrinsic suitability of soils and other site conditions; development design and density tailored to limits placed by site constraints; and the ability to meet future lot owner expectations for operation and maintenance.

3. Community Wastewater Systems. The development will be connected to a community wastewater system and complies with all the following requirements:

- a. It is demonstrated by the applicant that it is both unreasonably expensive and not feasible to extend and connect to a public central wastewater system. It shall be presumed that connection to a public central wastewater system is reasonable and feasible when the lot is located within a service area of a special district or municipality providing wastewater services. It shall be presumed that connection to a public central wastewater system is unreasonable and not feasible in the event that any special district(s) or municipalities capable of providing wastewater services to the lot refuse to extend the district or municipal service area to include the lot.
- b. The lots within the development will be provided service and management of the community system in accordance with one of the following criteria:
  - i. The lots within the development are located outside an existing or proposed sewer service area and the sewer system will be operated by a management entity determined by the County as legally and financially capable of providing permanent and ongoing maintenance, operation, and repair of the system; or
  - ii. The lots within the development are located within an existing or proposed sewer service area and the sewer system will be operated by the applicable sewer district or municipality under the terms of a state discharge permit issued to the district or municipality; or
  - iii. The lots within the development are located within an existing or proposed sewer service area and the applicable sewer district or municipality has informed the County in writing that it does not wish to manage the community wastewater system and the sewer system will be operated by a management entity determined by the County as legally and financially capable of providing permanent and ongoing maintenance, operation, and repair of the system; or
  - iv. The development will connect to an existing community wastewater system with adequate capacity to accommodate the additional flow,

and will be operated by the applicable authority under the terms of a state discharge permit issued to the authority.

- c. A site approval is approved by reviewing agencies with jurisdiction-regarding wastewater service and treatment and approval is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division;
- d. A plan for operation and maintenance of the community wastewater system is submitted for County approval. The plan must outline the legal, financial and staffing needs to:
  - i Provide for an incorporated management entity with power to compel all lot owners to participate;
  - ii Provide for initial construction and ongoing operation and maintenance;
  - iii Provide for system monitoring and evaluation;
  - iv Provide for system repairs and replacement; and
  - v Provide for ultimate connection to public sewer where applicable.
- e. Except for systems regulated under the Park County Individual Sewage Disposal System Regulations, the sewer collection and treatment system is designed to comply with per capita flow requirements in the "Design Criteria Considered in the Review of Wastewater Treatment Facilities" of the Colorado Department of Public Health and Environment-Water Quality Control Commission.

C. Report, Studies, and Plans. Any report, study, or plan required by these Land Use Regulations (not including studies and plans required by the 1041 Water and Wastewater Regulations found at Appendix F) to address wastewater service issues shall specifically address and recommend methods and techniques to ensure that development conforms to the requirements of this Division. Such plan shall be prepared by Colorado licensed professional engineers and other comparable professionals with education, training, and experience in evaluation of wastewater services and the demand resulting from and impacts of development upon wastewater services.

## **DIVISION 9            Wetland Regulations**

### **Section 7-900            Wetland Area**

Purpose: The purpose of this Section is to protect wetlands, their buffer areas and their water sources from encroachment that would adversely affect the wetlands' ability to maintain water quality, provide wildlife habitat, provide flood protection and maintain other critical environmental functions. When encroachment cannot be avoided, this Section provides for mitigation of the impacts resulting from the encroachment.

### **Section 7-901            Applicability, Other Regulations and Wetland Mapping**

- A. This Section applies to all Subdivisions (After August 28, 2003), Conservation Developments, Planned Land Divisions, Minor Land Divisions, Rezonings, Special Reviews, Special Exceptions and Site Plan Reviews. This Section does not apply to:
1. Agricultural activities such as soil preparation, irrigation, planting, harvesting, grazing and farm ponds
  2. Urban and rural drainage systems;
  3. Maintenance and repair of existing public roads, utilities and other public facilities within an existing right-of-way or easement;
  4. Maintenance and repair of flood control structures and activities in response to a bona fide flood emergency;
  5. Wetland and wildlife habitat restoration, creation and/or enhancement that improves the wetland's function if the activity proposed is approved by the appropriate agency, such as the army corps of engineers or Colorado Division of Wildlife, Federal Highway Administration or Park County;
  6. Building permit applications for single-family or duplex dwellings on existing legal lots.
  7. Conservation Developments
- B. When this Section imposes a higher or more restrictive standard than that imposed by a federal, state or local law, easement, covenant, deed restriction or other similar document, this Section will apply.
- C. Wetland mapping is intended for general planning purposes. The following sources of mapping shall be used to indicate the approximate location and/or extent of possible wetland areas. The following wetland maps and identification documents are available for reference in the Planning Department:
1. Park County Inventory of Critical Biological Resources April 2001.
  2. National Wetlands inventory prepared by the U. S. Department of the Interior, Fish and Wildlife Service.

3. The Interior, Fish and Wildlife Service;
4. Colorado Natural Heritage program maps; and
5. Other maps or information that may be identified by the Planning Director in cooperation with other agencies such as the army corps of engineers, fish and wildlife service or the Colorado Natural Heritage program.

**Section 7-902 Wetland Definition, Unmapped Wetlands and Wetland Boundary Disputes**

Two definitions are used in concert to identify mapped and unmapped wetlands under this Code:

- A. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated-soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas; and
- B. Wetlands are land transitions between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have the following attributes:
  1. At least periodically the land supports predominately hydrophytes;
  2. The substrate is predominately undrained hydric soil; and
  3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. This applies only to salt flats too saline to support hydrophytes, and the margins of lakes, reservoirs and streams where there is too much erosion to support either hydrophytes or hydric soils.

C. Unmapped Wetlands

Review of a development proposal may reveal a potential wetland on the site. The County Planning Department will cooperate with the applicant to identify boundaries of the wetland. The applicant is responsible for delineating the wetland's boundaries on maps, plats and Site Plans submitted as part of a development proposal.

D. Wetland Boundary Disputes

1. If the available information, such as the Soil Survey by the U. S. Natural Resources Conservation Service, referral comments from the U.S. Fish and Wildlife Service and the Army Corps of Engineers and/or vegetation on the site indicate the presence of a wetland and the applicant disputes the information, the applicant must demonstrate that the information is incorrect. Information submitted by the applicant will be reviewed by a qualified wetlands expert retained or employed by the County. The County Commissioners will make the final determination of the existence and boundaries of the wetland based on the expert's recommendation.
2. A request to delineate a wetland boundary shall be submitted as part of a development application.

**Section 7-903 Wetland Development Standards**

A. The following minimum buffer areas must be established from the boundary of a wetland:

1. Residential – fifty (50) feet
2. Commercial – five (5) feet
3. New subdivisions— fifty (50) feet

Note: The buffer widths stated above are based on recommendations from the County's wetland consultant. If credible and competent evidence, including the Site Inventory, is presented to show that the recommended buffer widths are not appropriate, the County Commissioners may approve increased or decreased buffer widths that are supported by the evidence.

B. Only wetland plant species being appropriate for riparian life zones can be introduced into any wetland or riparian area, including the required buffer area.

C. Development proposals that include the keeping of livestock adjacent to wetlands or their buffer areas must include provisions that protect the wetland and buffer area from damage due to such livestock such as, but not limited to alternate or seasonal grazing in wetland areas.

D. Utilities may be allowed in the buffer area only if the County's wetland delineation(s) determine there is no practical alternative. Any disturbance of the buffer area must be reclaimed by re-grading and re-vegetation. Provisions for reclamation of the disturbed area must be included in a SIA (Subdivision Improvement Agreement) project with adequate collateral to guarantee reclamation will be completed. Utility corridors in buffer areas must be located at the buffer's outside edge and access roads for utility maintenance must be located outside the buffer area. Access for utility maintenance in buffer areas should be at specific points rather than parallel to the utility corridor.

E. Structures and improvements are prohibited in any wetland except those for educational or scientific activities. Improvements, such as trails, fishing access and wildlife management and viewing, and cattle crossings are permitted in buffer areas with mitigation if any net loss exists.

F. The County Commissioners may allow roads and bridges across wetlands and buffer areas if they determine that:

1. No practical alternative exists;
2. All crossings minimize impact to the wetland and mitigation is provided for unavoidable impacts through restoration, enhancement or replacement;
3. Crossings do not change the overall wetland hydrology;
4. Crossings do not diminish the flood storage capacity of the wetland; and
5. Crossings do not negatively impact wildlife.

**Section 7-904            Protection of Wetland Water Sources**

- A.    Applications for developments must evaluate the impact of the proposed development on surface and ground water flows and design the project to ensure that the historic flow of surface and ground water needed to sustain an existing wetland will not be interrupted.
- B.    Surface and ground water flows intercepted by roads, utility trenches and other development improvements can not be diverted away from an existing wetland unless a mitigation plan is approved with the development to mitigate the impact on the existing wetland.
- C.    Activities below the seasonal high ground water table, decreases in infiltration and diversions of surface and ground water flows with drainage ditches or fill, must be avoided.

**Section 7-905            Wetland Mitigation Requirements**

- A.    Restoration and/or mitigation is required when a wetland or its buffer is altered in violation of law or without specific permission or approval of County Commissioners. The following standards apply to restoration of a wetland or buffer area to the maximum extent practicable:
  - 1.    The original wetland configuration must be restored including its width, depth, length and gradient at the original location;
  - 2.    The original soil type and configuration must be restored;
  - 3.    The wetland edge and buffer area must be restored to its original configuration;
  - 4.    The wetland and buffer must be replanted with species native or adaptive to Park County that restores the original vegetation in species composition, size and densities to the maximum extent practicable;
  - 5.    The original wetland functions must be restored including hydrologic and biologic functions; and
  - 6.    The restoration must be accomplished according to a plan prepared by a recognized wetland expert with demonstrated expertise in the field who is acceptable to Park County. The property owner is responsible for the expert's fee and cost of restoration. Restoration must be accomplished within 3 years after the alteration of the wetland or buffer area is discovered.
  - 7.    Replacement of a wetland is required when a wetland or buffer is altered or when a wetland is used for a regional retention or detention pond or other use approved by the County Commissioners.
- B.    Replacement, enhancement or restoration may be allowed when a wetland or buffer is altered under an approved development proposal but the wetland's biologic or hydrologic functions will be improved as demonstrated in a study by a recognized wetlands expert acceptable to Park County.

- C. All approved alterations of wetlands must be mitigated by replacement, enhancement or restoration on the site or within the same drainage basin on a one-to-one basis with equivalent or better biologic and hydrologic functions.
- D. Replacement and/or mitigation off-site may be allowed if the property owner shows in a study by a recognized wetlands expert acceptable to Park County that the off-site location is in the same drainage sub-basin as the original wetland; the replacement is on a one-to-one basis by area; and greater biologic and hydrologic functions can be achieved. Replacement sites must be located to avoid wildlife habitat fragmentation.

**Section 7-906 Wetland Mitigation Plan Requirements**

- A. A wetland mitigation plan must include at least the following information:
  - 1. A description of the ownership, location, type, size and classification of the wetland and its buffer area;
  - 2. An evaluation of the altered wetland's hydrologic and biologic functions and/or mitigation;
  - 3. The estimated cost of the proposed mitigation, its probability of success and a financial guarantee for completion. The financial guarantee may be included in the Subdivision Improvement Agreement;
  - 4. An evaluation of the suitability of the proposed mitigation site for establishing the restored and/or created wetland;
  - 5. An evaluation of the hydrology of the site proposed for restoration and/or mitigation of a wetland and a clear statement of the project's hydrologic and ecological goals;
  - 6. A maintenance program that includes weed control; litter and debris removal; erosion control; watering, repair of water-control structures; maintenance of vegetation and wildlife habitat; and cleaning of culverts.
  - 7. A description of the water source and evidence of ownership of water rights approved by the State Engineer;
  - 8. A description of the critical elements and potential problems that may influence the success of the mitigation effort;
  - 9. A timetable for construction and monitoring;
  - 10. A 3-year, post-construction monitoring program. The monitoring program must be included in the Landscaping and/or Drainage Plan; and
  - 11. A demonstration of fiscal, administrative and technical competence to successfully execute the plan.
- B. All maps and reports prepared under this Section must be prepared by or under the responsible direction of a person with demonstrated technical expertise in the field who is acceptable to Park County.

**Section 7-907 Mitigation Plan Review**

The Planning Director may refer proposed mitigation plans to a qualified wetlands expert retained by the County for review and recommendation.

**Section 7-908 Administrative Modifications**

The Planning Director may approve minor modifications of any standards in this Section that might prevent a reasonable use of property if he/she finds the following conditions exist:

- A. The administrative modification complies with this Section;
- B. The administrative modification has no appreciable adverse impacts on wetlands; and
- C. Any potential adverse impacts are mitigated or offset to the maximum extent practicable; and

The decision of the Planning Director can be appealed to the County Commissioners.

**Section 7-909 Application For Special Use Permit.**

- A. Application Authorized. Applications for a Special Use Permit to authorize an otherwise prohibited activity in a wetland shall include such plans, pictures, drawings and specifications as may be necessary for the County to determine that the application and the proposed facility is consistent with this Division, the Park County Land Use Regulations, and all state and federal regulations governing such use, if any.

Note: Stream (riparian) restoration and/or enhancement projects are exempt.

- B. Application Content. An application shall include, at a minimum, the following:
  - 1. A completed application in a form approved by the Planning Director setting forth general information deemed relevant to the Director to contact the Applicant and the Owner, and to identify the Applicant's authority to submit the application on behalf of the Owner.
  - 2. Payment of a non-refundable application fee in an amount established by resolution of the Board of County Commissioners to cover the administrative costs of processing the application.
  - 3. An executed Agreement for Payment of Development Review Expenses in the form required by Section 1-501 of these Land Use Regulations.
  - 4. Applicant's written request. A complete legal description of the property on which the otherwise prohibited wetland disturbance is proposed, prepared by a licensed registered Colorado land surveyor.
  - 5. Evidence of Ownership and Encumbrances as defined by this Division for the property on which the otherwise prohibited wetland disturbance is proposed.

6. A list of the names and mailing addresses of any owners of property within 750 feet of the property subject to the proposed Special Use Permit as this information appears of record with the County Assessor's Office.
7. A site plan containing a graphic representation of the property subject to the proposed Special Use Permit prepared at a scale of one inch equals fifty feet (1" = 50'). The site plan shall include or illustrate:
  - a. A general vicinity map of the property subject to the Special Use Permit illustrating the property's location within the County.
  - b. Date of preparation, map scale, north arrow, and revision box.
  - c. A title that prominently identifies the name of the Applicant and the phrase "Special Use Permit Site Plan."
  - d. Information identifying all setbacks, maximum heights, location of utility services and service lines, proposed conditions or restrictions upon use, and all other land use requirements or restrictions applicable to the zone district(s) in which the property subject to the proposed Special Use Permit is located, as identified in these Land Use Regulations.
  - e. A signature block that reads:

BOARD OF COUNTY COMMISSIONER APPROVAL: The Park County Board of County Commissioners by Resolution No. \_\_\_\_\_ approved this Site Plan and a Special Use Permit for the illustrated wetland disturbance on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chairperson

Attest: \_\_\_\_\_  
County Clerk (Seal)

- f. Location and type of natural features of the property subject to the Special Use Permit and for properties within 200 feet of the subject property including watercourses, lakes, topography, 100 year floodway and floodplain, rock outcrops/surface geology, wildlife corridors and known wildlife foraging areas, scenic vistas, and significant trees and vegetation.
- g. Location of all existing man-made structures, utilities, streets, driveways, ditches, fences, or other physical improvements on the property or within 200 feet of the property subject to the Special Use Permit.
- h. Approximate location of recorded or apparent easements or rights-of-way on the property and within 200 feet of the property.
- i. Any other data or information essential to the evaluation of the proposed special use as may be requested by the County.
- j. Special Use Proposal. Illustrations, maps, photographs, and textural descriptions which identify or provide the following information:
  - i The structures, buildings, and other improvements proposed for construction within the affected wetlands including, but not limited to

- the size, height, type, style, configuration, design, and architectural elevation drawings of the proposed structures, buildings, and other improvements.
- ii The extent and scope of the grading, filling, dredging, or draining of all or any part or portion of the wetland.
  - iii A description of measures that will be taken to reduce the impact of the proposed activity on the wetland or wetlands and measures proposed to compensate for any loss of wetland functions and values on acreage.
  - iv A site plan for the proposed activity, including a map at a scale of 1 inch equals 50 feet showing the location, width, depth, and length of all existing and proposed structures roads, sewage treatment and installation facilities, drainage facilities, utilities installations within 250 feet of the proposed activity;
  - v A general description of the extent and type(s) of vegetative cover of the wetland area; and
  - vi The purpose of the project and an explanation why the proposed activity cannot be located at other sites, including an explanation of how the proposed activity is dependent upon wetlands or water related resources; and
  - vii The boundaries of the wetland or wetlands, which may be affected by the proposed activity.
- k. The County may require additional information as needed, such as a study of flood, erosion, or other hazards at the site and the effect of, any protective measures that might be taken to reduce such hazards; and other information deemed necessary to evaluate the proposed use in terms of the goals and standards of these regulations.

## **DIVISION 10            FLOODPLAIN PROTECTION**

### **Section 7-1000            Intent and Methods to Protect Property in Floodplains.**

- A.    Intent. This Division is intended to regulate the location of structures within designated floodplain areas in order to minimize flood-related losses and hazards in the interest of the public health, safety and welfare. This Division is intended to accomplish the following:
1.    To ensure that landowners of areas of special flood hazards assume responsibility for their actions;
  2.    To minimize damage to public facilities and utilities such as water, gas, electric, telephone and sewer lines, and roads and bridges located in areas of special flood hazard;
  3.    To minimize expenditure of public money for costly flood control projects and the need for rescue and relief efforts associated with flooding;
  4.    To minimize prolonged business interruption;
  5.    To protect the hydraulic characteristics of the drainage ways, the storage capacity of floodplains and to assure retention of floodway area to convey flood flows which can reasonably be expected to occur; and
  6.    To comply with the program requirements of the Federal Emergency Management Agency (FEMA) in order that national flood insurance is available to County residents.
- B.    Methods. In light of this intent, this Division employs the following methods:
1.    Restricting or prohibiting uses, which would be hazardous to public health, safety and property;
  2.    Requiring permitted floodplain uses to be protected against flooding by providing general flood protection at the time of initial construction or reconstruction;
  3.    Requiring water supply and sanitation systems to be protected against flood damage at the time of initial construction so as to prevent disease, contamination and unsanitary conditions;
  4.    Delineating areas that could be inundated by flooding thereby protecting individuals from purchasing floodplain land for purposes, which are not suitable;
  5.    Regulating excavation, filling, dumping, dredging and channelization which may increase flood damage; and
  6.    Preventing or regulating the construction of flood barriers which will unnaturally divert floodwater or which may increase flood hazards in other areas.

## **SECTION 7-1001     Definitions**

For purposes of this Division and in addition to words and phrases defined in Article IV of these Land Use Regulations, the following terms shall have the following meanings:

**100-Year Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Areas of Special Flood Hazard:** The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

**Base Flood:** The 100-Year Flood.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the Floodplain Area.

**Flood (Flooding):** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of flood waters, the unusual and rapid accumulation or runoff of surface water from any source, or the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined herein.

**Floodplain Area:** The 100-year floodplain area as designated on mapping recognized by Park County.

**Floodplain Variance:** A grant of relief from the requirements of this Division, which permits construction in a manner that would otherwise be prohibited by this Division.

**Floodway:** The channel, river, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1/2 foot provided that hazardous velocities are not produced.

**Lowest Floor:** The lowest floor of the lowest enclosed area, including the basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Division.

**New Construction:** Structures, or any improvements thereto, for which the Start of Construction commenced on or after the effective date of this Division.

**Recreational Vehicle:** See Division IV, Definitions, of these Land Use Regulations.

**Start of Construction:** The date a building permit is issued for any Structure or Substantial Improvement, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent

construction does not include the following: land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations; erection of temporary forms; or installation of accessory buildings, such as garages or sheds not occupied as dwelling units nor part of the main structure. In the case of a Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**Structure:** See Division IV, Definitions, of these Land Use Regulations.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the Start of Construction of the improvement. This term includes structures, which have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued historic designation.

## **Section 7-1002 Floodplain Boundaries.**

- A. Boundary Determination. The boundary of the Floodplain Area is intended to be coterminous with the boundary of the 100-year floodplain. The Planning Director shall administratively make interpretations of the location of the boundary of the Floodplain Area. Such administrative interpretation shall be subject to appeal in accordance with Division 2 of Article III of these Land Use Regulations. The Planning Director's administrative interpretation shall be based upon the best available information including:
  - 1. If available, the current Flood Insurance Study for Park County and the accompanying series of Flood Insurance Rate Maps (FIRM) as prepared and amended by FEMA;
  - 2. Any Flood Hazard Area Delineation studies performed on areas within Park County; and/or
  - 3. Other 100-year floodplain studies as approved by the Planning Director and accepted by the appropriate county, regional, state or federal agencies.
- B. Site Specific Determination Before Construction. Base flood and floodway elevations must be determined and submitted to the Planning Director prior to New Construction, Substantial Improvements, or other Development in the Floodplain Area.

- C. Mapping to be Made Available. Floodplain maps will be kept on file at the Park County Planning Department. The boundary lines of the Floodplain Area shall be determined by the scale appearing on the map.

**Section 7-1003 Prohibited Structures and Uses.**

The following uses are strictly prohibited in the Floodplain Area:

- A. Storage or processing of materials that are buoyant, flammable, explosive, or that could be dangerous or cause injury in a time of flooding.
- B. Junk or salvage yards, solid waste disposal facilities, or landfills.

**Section 7-1004 Uses and Structures Permitted by Right**

The following are permitted by right in the Floodplain Area, provided such uses or structures comply with all other applicable local, state and federal laws and regulations, including the remaining provisions of this Division and of these Park County Land Use Regulations:

- A. Agricultural uses such as general farming, pasture, truck farming, sod farming, grazing and crop harvesting.
- B. Agricultural accessory buildings.
- C. Open Space.
- D. Recreational uses not requiring structures or fences, including, but not limited to parks, golf courses, driving ranges, picnic grounds, wildlife and natural reserves, game farms, target ranges, trap and skeet ranges, hunting, fishing, wildlife viewing stations and hiking areas.
- E. Recreational vehicles stored or located for a maximum of one hundred and eighty (180) consecutive days.
- F. Lawns, gardens, parking areas and other similar uses accessory to the residential use of the land.
- G. Other uses similar in nature to the above provided that such uses do not conflict with the intent of this Division.

**Section 7-1005 Uses and Structures Permitted with Engineer Certification.**

The following are permitted in the Floodplain Area only upon certification by a Colorado licensed and registered professional engineer that the use or structure(s) will not cause any increase in the base flood elevation and upon demonstrated compliance with all other applicable local, state and federal laws and regulations, including the remaining provisions of this Division and of these Park County Land Use Regulations.

- A. Single-family dwellings and customary accessory structures located *on nonconforming lots only*.
- B. Underground pipelines, water monitoring devices, and utility and flood control facilities, including flowage management areas, transmission lines, excluding aboveground support facilities.

- C. Streets or bridges.
- D. Utility and flood control facilities, including dams, flowage management areas, transmission lines, pipelines and water monitoring devices.
- E. Loading areas, parking areas, airport landing strips and storage yards for equipment or machinery easily moved or not subject to flood damage when firmly anchored to prevent flotation.
- F. Fish hatcheries, and water-related recreational facilities, including marinas, boat rentals, docks, piers, wharves.
- G. Extraction of topsoil, sand, gravel or other minerals.
- H. Public water and sewage treatment facilities and multiple-use water treatment facilities: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.
- I. Public water storage facilities, including, but not limited to ponds and reservoirs: All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- J. Channelization, bank stabilization, or any activity, which alters or relocates the configuration of the 100-year floodplain boundary. Any channelization, alteration, or relocation of a watercourse shall be subject to conformance with all other provisions of these Land Use Regulations.
- K. Reconstruction of a nonconforming structure or portion thereof which has been damaged or destroyed by any means or declared unsafe by the Building Department, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the damage occurred.

**Section 7-1006      Development Standards.**

- A. Standards. Proposed New Construction in the Floodplain Area must comply with the following development standards:
  - 1. New Construction or Substantial Improvements of any residential, commercial, industrial or other nonresidential structure must be located so that the lowest floor, including basement, lies one foot above the base flood elevation.
  - 2. New on-site sewage systems, including leach fields, must be located in areas above the base flood elevation, except the replacement of a failing system where no alternate location outside the 100-year floodplain is available.
  - 3. Adequate drainage to reduce exposure to flood damage must be provided.
  - 4. Public utilities and facilities, such as sewer, gas, electrical, or water systems, must be located to minimize flood damage.

5. Altered or relocated portions of watercourses must be maintained so that the flood-carrying capacity is not diminished, unless such maintenance responsibility has been accepted by a public entity and approved by the County.
6. Construction practices shall:
  - a. Use materials and utility equipment resistant to flood damage.
  - b. Locate and design electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - c. Anchor buildings and structures to prevent floatation, collapse, or lateral movement so that the building and structures are capable of resisting anticipated hydrostatic and hydrodynamic loads.
  - d. Fully enclosed areas below the lowest floor, that are subject to flooding, must be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following criteria:
    - i A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided;
    - ii The bottom of all openings shall be no higher than 1 foot above grade; and
    - iii Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**Section 7-1007 Administration and Appeal.**

- A. Authority. The Planning Director shall be responsible for administering, implementing, and enforcing the requirements of this Division.
- B. Administrative Appeals. Any administrative decision made by the Planning Director in accordance with this Division may be appealed to the Board of County Commissioners by requesting an appeal in writing delivered to the Planning Director not more than ten (10) days following the date of the Applicant's receipt of the written notice of denial. The Board of County Commissioners shall administratively consider an Applicant's timely request for an appeal at a regular meeting. Following consideration of the application, the Board of County Commissioners may affirm the Planning Director's decision or, upon a finding that the application meets all the standards set forth in this Division, the Board of County Commissioners may reverse the Planning Director's decision.

**Section 7-1008 Floodplain Variances.**

- A. Authority. The Board of Adjustment shall hear and decide applications for Floodplain Variances and appeals when it is alleged there is an error in any requirement, decision or determination made by the Planning Director in the enforcement or administration of this Division.
- B. Floodplain Variances. A Floodplain Variance may be granted for New Construction and Substantial Improvements pursuant to Division 3 of Article III of these Land Use Regulations provided that the Board of Adjustment finds:
  - 1. The application satisfies all approval standards for variances as set forth in Section 3-100(C) of these Land Use Regulations; and
  - 2. The New Construction or Substantial Improvement will not result in an increase in flood levels during the base flood discharge; and
  - 3. The danger that materials may be swept onto other lands and the danger to life and property due to flooding or erosion damage has been minimized; and
  - 4. There are no available alternative locations for the proposed use that are not subject to flooding or erosion damage; and
  - 5. The granting of a Floodplain Variance will not result in increased or additional threats to public safety, extraordinary public expenses, or conflict with existing laws or regulations other than the provisions of this Division for which the Floodplain Variance is sought.

**Section 7-1009 Disclaimer.**

The degree of flood protection intended to be provided by this Division is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Division is not intended to imply that areas outside of floodplain boundaries or land uses permitted within such areas will be free from flooding or flood damages, nor shall this Division create a liability on the part of, or cause action against Park County.

## **DIVISION 11 PUBLIC IMPROVEMENTS AND CONSTRUCTION STANDARDS<sup>1</sup>**

### **Section 7-1100 Construction Standards.**

- A. All public improvements shall be planned, designed, and constructed in accordance with the following:
1. These Land Use Regulations; and
  2. The adopted uniform building codes for Park County; and
  3. Specific construction design standards adopted by Park County applicable to such public improvement; and
  4. Commonly recognized standards and practices employed by professional engineers within the State of Colorado.
- B. Where a conflict exists between any applicable standard for design or construction of any public improvement, the most stringent or most restrictive standard shall apply which protects the health, safety, or welfare of the residents of Park County.

### **Section 7-1101 Required And Optional Public Improvements.**

The developer of property within any subdivision shall provide at the developer's cost and expense for all engineering, design, preparation of construction documentation, construction and installation, and preparation of as-built drawings for public improvements within the subdivision and necessary or desirable to serve the subdivision including but not limited to:

1. **Required** Permanent survey monuments and lot pins which shall be set in accordance with state and local law and at locations approved by the County Surveyor or other surveying professional approved by the County. Generally, such monuments shall be set at the surface of the ground not more than one thousand four hundred (1,400) feet apart along any straight boundary line, at all angle points, points of change in direction or change in radius of any curbed boundary and at public land corners. Half-inch ( $\frac{1}{2}$ " ) steel pins or larger shall be set at all lot corners. In addition, all public land corners (section and quarter corners), which are located beneath the pavement of proposed streets, shall be monumented with suitable markers set in concrete and encased in a lidded metal box at least three-tenths of a foot (0.3') beyond the finished street surface. Affixed securely to the top of each such monument shall be the Colorado registration number of the responsible land surveyor;
2. **Optional** Curbs, gutters and sidewalks along all public streets (excluding alleys);
3. **Optional** Street grading of all public streets and alleys;
4. **Optional** Paving of all public streets and alleys;

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<sup>1</sup> Standards set-forth in Division 11 apply to new lot platted after August 28, 2003.

5. Required Street name signs and initial traffic signage within a subdivision;
6. Required Bridges, culverts, drainage channels, and other infrastructure required to span water bodies, watercourses, irrigation ditches, and natural or man-made drainage areas;
7. Optional Street lighting must be directed down;
8. Required Stop lights and other traffic control devices where determined by the County as reasonably necessary to ensure safe and efficient movement of vehicular traffic;
9. Required All on-site and off-site public utilities necessary to provide or deliver service to the subdivision or development including, but not limited to:
  - a. Water lines;
  - b. Sanitary sewer lines;
  - c. Storm drainage improvements and storm sewer;
  - d. Fire hydrants;
  - e. Electric lines, transformers, and other equipment necessary to serve the development and subdivision;
  - f. Natural gas lines and equipment necessary to serve the development and subdivision;
  - g. Utility systems and improvements required to be installed by service agencies other than Park County (e.g., special districts or other providers); and
  - h. Other public improvements deemed by the County Engineer, Planning Director, or Planning Commission, with the concurrence of the Board of County Commissioners, as necessary to serve all or any portion of the development or subdivision based upon topography, subdivision layout or design, or other on-site characteristics of the subdivision or development.

**Section 7-1102 Public Improvements to be Installed Underground.**

Water, sanitary sewer, storm sewer, telephone, electric, natural gas, and other similar utility lines and services shall be placed underground unless otherwise authorized by the County. Transformers, switching boxes, terminal boxes, meters, roadway lighting, signal devices, gas regulators, distribution feeders, compressor stations or other similar facilities may be placed aboveground. Utility lines may be placed either within public road rights-of-way within the

subdivision in accordance with adopted encroachment requirements or within easements or rights-of-way provided for the particular facilities in accordance with the approved utility service plan.

**Section 7-1103 Financial Guarantee Required.**

No public improvement shall be constructed until the person responsible for construction of the improvement provides to the County adequate security to ensure the timely and successful completion of the improvement. Such security shall be in the form of an irrevocable letter of credit issued by a financial institution authorized to do business in the State of Colorado and which is approved as to form by the County Attorney. At the County's discretion, one or more of the following forms of security may be substituted for the required letter of credit, subject to the approval of the form of security by the County Attorney and approval of the Board of County Commissioners:

- A. Construction Bond.
- B. Cash Deposit with Park County.
- C. Development Agreement, Subdivision Improvement Agreement, or other form of contract provided that such contract provides a deadline or timetable for completion of construction and methods for County enforcement in the event of default, including but not limited to revocation of land use approvals and withholding of building permits and/or certificates of occupancy.

**Section 7-1104 Inspection and Acceptance of Improvements.**

- A. Progress Inspections. Upon completion of stages or phases of public improvement(s) within any subdivision, the developer shall contact the Planning Director in writing and request progress inspections of the improvement(s). The County Engineer shall use his or her best efforts to inspect improvements within forty-eight (48) hours of a request. Approval of stages or phases of public improvements shall be issued by the Planning Director where the Director finds that the improvement or system is constructed in accordance with all applicable construction and design standards. Such approval shall be made in writing if requested by the developer.
- B. Final Inspections. Upon completion of the construction for a public improvement the developer shall contact the Planning Director in writing and request a final inspection of the improvement. The County shall use his or her best efforts to inspect public improvements within seventy-two (72) hours of a request. Approval of construction shall be issued by the County where the County finds that the improvement is constructed in accordance with all applicable construction and design standards and the improvement is ready for public use. Such approval shall be made in writing if requested by the developer.
- C. Final Acceptance. Upon written request of the developer, the County shall issue final acceptance of a public improvement where the County has made the following determinations:
  - 1. The County has issued a final approval of construction; and
  - 2. The public improvements are free and clear of all liens and encumbrances; and

3. Complete “as-built” plans bearing the certification of a registered Colorado engineer have been submitted to the County by the developer; and
4. All applicable requirements for completion of the public improvements have been fully meet or satisfied.

Any acceptance by the County shall be made in writing and the writing shall bear the date of final acceptance. The County shall not condition final acceptance of any improvement. The County may, at its discretion, require the approval of final acceptance to be made by the Board of County Commissioners. The Board of County Commissioners may issue conditional acceptance of public improvements.

- D. Bill of Sale or Other Ownership Documentation. The County may demand that the developer provide an executed bill of sale or other documentation to evidence the transfer of ownership of public improvements from the developer to the County. The form of bill of sale or other documentation shall be approved by the County Attorney and may include a certification or warranty that the improvements are free and clear of liens and encumbrances.

#### **Section 7-1105                      Warranty of Improvements and Release of Collateral.**

- A. Warranty of Improvements. All public improvements shall be warranted by the developer for a period of one (1) year commencing upon the date of the Planning Director's final acceptance. The warranty shall include warranty of design, equipment, labor, and workmanship. Failure in design, performance, construction, or installation of the improvement or system shall be promptly cured and repaired by the developer at the developer's cost and expense upon demand by the County. In addition to any other remedy permitted by law, the County may, at its election, apply any amount retained from collateral deposited by the developer toward the County's repair or cure of the failure.
- B. Release of Collateral. Release of collateral following final acceptance of public improvements or public systems shall be made only in accordance with the subdivision improvement agreement. Where no provisions for release of collateral are contained in the agreement, release of collateral shall be authorized only by the Board of County Commissioners provided that collateral equal to a minimum of fifteen percent (15%) of the estimated cost of the improvements is retained during the period of warranty. Upon expiration of the period of warranty, any remaining collateral shall be released upon request of the developer.
- C. Damage to Improvements During Construction. Regardless of whether public improvements have been accepted by the County or are under warranty by the developer, damages to public improvements resulting from ongoing construction and development activities shall be repaired by the developer at the developer's cost and expense.

## **DIVISION 12            STREET AND ROAD NAMING AND ADDRESSING**

### **Section 7-1200            Intent of Regulations**

- A.     To establish and maintain a system for the assignment, naming and identification of roads and numerical addresses for unincorporated Park County which will improve the efficiency of locating a property by use of a unique street name and address.
- B.     To state the policies of the County regarding addressing new projects, readdressing areas, naming new roads, numbering roads, naming or renaming existing roads, and road and address signage and posting of signage for individual addresses.
- C.     To state the responsibility of various County departments in addressing, road naming, and road signage.
- D.     These regulations do not purport to regulate the names of, addressing on, or signage for roads entirely within the incorporated municipalities of Park County.
- E.     For these regulations, the Road-name Committee shall consist of these Park County agencies: Building Department, Communications Center (SO), Mapping/GIS Department, Planning Department, and Road & Bridge Department.

### **Section 7-1201            Road Names And Other Designations**

- A.     Unique Road Names or Other Designations. Every road existing, proposed, or constructed which provides, will provide, or is proposed to provide access to two or more Buildable Lots in unincorporated Park County shall be identified with a unique road name or other designation so as to clearly identify and distinguish such road from every other road in Park County.
- B.     County Roads: Other Government Roads. The official designation of Park County Roads, designated as a part of the County Road System and shown on the official County Road map (not complete), shall be the County Road Number, except where any such County Road has been officially designated by some other name or designation. Park County also recognizes that some County Roads are known informally by a local name established by history, custom or practice. Where such name is known, it shall be noted, in addition to the road's County Road Number, on the master list and map of roads within the County. Designations for public roads such as federal highways, state highways, municipal streets or roads, and public land agency roads, shall be approved and assigned pursuant to the appropriate authority.
- C.     Other Public Roads and Private Roads. The following shall be approved and assigned by the Road-name Committee pursuant to this policy and the appropriate County development approval processes, which may include, without limitation, subdivision, minor development subdivision exemption, land preservation subdivision exemption, or plat review pursuant to C.R.S. §30-28-110 (3) (a) and Park County Subdivision Regulation Article VI, Section 6-200 names of roads in unincorporated Park County dedicated to and accepted for public use but not made a part of the County Road System as shown on the official County Road map or other government road system and names of private roads in unincorporated Park County dedicated or intended for the benefit or use of purchasers or owners of Buildable Lots.

- D. Driveways. Driveways shall not be required to be identified by a separate road name, but shall be required to comply with other signage and addressing requirements for this Policy. “Driveway” means any road, which provides, will provide, or is proposed to provide direct access to only one Buildable Lot from any other road, which provides access to more than one Buildable Lot.
- E. Master list and Map. Park County Mapping//GIS Department shall maintain a master list and map of all roads in unincorporated Park County and within all municipalities in Park County, which identifies each road by its unique name or designation and its location in the County. Once a road name or other designation is approved and assigned, that name shall not be used for any other road in unincorporated Park County or within any municipality in Park County, even if such road is not constructed.

## **Section 7-1202      Criteria for Naming Roads**

The following criteria shall be considered in approving and assigning names for roads identified in this Section 7-1201 C. It is the intent and goal of Park County that no road in unincorporated Park County shall have a name, which duplicates the name of any other road in unincorporated Park County or within any municipality in Park County, unless otherwise noted.

- A. The Road-name Committee shall have the final authority to approve and assign road names for roads in unincorporated Park County. However, the County will approve and assign reasonable road names proposed by the applicant, developer, or the record owner (s) of land accessed by such road, as the case may be, so long as the name does not duplicate the name of any other road in unincorporated Park County or within any municipality in Park County.
- B. “Duplicate” shall mean that the road in question either has the identical name, has a name, which because of its pronunciation or spelling is deceptively similar to another name, or has an identical name followed by a different designating suffix, i.e., Willow Street and Willow Road.
- C. The name of a road in the County may duplicate the name of a road in a municipality where such road in the County is an extension of the same road with the duplicate name in the municipality.
- D. To the extent possible the names of new or renamed roads in unincorporated Park County should be consistent with the historical, cultural, geographical, or natural significance of the area. Roads within a neighborhood or subdivision are encouraged to use a consistent theme in their names.
- E. New roads or renamed roads in unincorporated Park County should be given a designating suffix, which indicates the type of road by these guidelines:
  - 1. Any public or private right-of-way that has more than one ingress/egress should be named: Avenue, Drive, Road, Street, Trail or Way.
  - 2. Any public or private right-of-way that has only one ingress/egress should be named: Court, Lane or Place.

3. Any public or private right-of-way that circles back to its beginning point or to the same right-of-way from which it starts should be named: Circle or Loop.
4. Any public or private right-of-way that is divided by a median or is a special scenic or park route should be named: Boulevard or Parkway.
5. Any right-of-way designated only for bicycle or pedestrian traffic should be named: Path.
6. Any right-of-way designated as a state or federal route should be named: Highway.
7. Any proposed names that deviate from this guideline should be approved by the Road-name Committee.

**Section 7-1203 Procedure For Re-assignment of Duplicate Road Names and Assignment of Names for Roads Without an Assigned Name**

- A. Whenever it comes to the attention of the Road-name Committee, or any other County Department or Office, or any Special District that a road in unincorporated Park County has not been assigned a name or that the assigned name duplicates the name of any other road in Park County or within any municipality in Park County, the Planning Department shall initiate proceedings to name or rename such road.
- B. The Planning Department shall send written notice to the record owners of any land accessed by any road identified in Section 7-1203 A. Such notice shall contain, at a minimum, the following:
  1. A description or identification of the road(s) and property in question.
  2. A statement that the name of the road accessing the property duplicates the name of another road in Park County or within a municipality in Park County or that the road has not been assigned a name.
  3. A statement or copy of the criteria to be used for naming and renaming roads, as set forth in Sections 7-1202 and 7-1203.
  4. A determination by any member of the Road-name Committee that one or more of such roads must be named or renamed, identifying which road or roads are required to be named or renamed.
  5. A notice of the time in which the record owners of land accessed by such road or roads identified for naming or renaming shall respond by petition for naming or renaming the identified road(s).
- C. Petition for Naming or Renaming Road. Within 30 days of the mailing of the notice in Section 7-1203 B, the record owners of land accessed by any road required to be named or renamed shall submit to the Planning Department a Petition for Naming or Renaming Roads. Such Petition shall propose a name or new name for the road or roads required to be named or renamed, and shall be signed by the record owners of a minimum of 51% of all land accessed by such road or roads, or by the authorized representative of such owners, such as a homeowners association organized to act on behalf of such owners. If

such owners of land cannot agree on the name, the Petition may contain a list of no more than three alternative names for any one road.

- D. The decision of the Road-name Committee shall be recorded with the Park County Clerk and Recorder and a copy of the resolution shall be forwarded to affected incorporated municipality (if road is within or adjacent to municipality), to the Road-name Committee, affected fire and EMS Districts, USPS, and affected utility companies in Park County.
- E. Once a road name is approved and assigned pursuant to this section the Mapping/GIS Department shall make appropriate changes to the Official County Road Map/Master list and deliver the updated map to members of the Road-name Committee and other appropriate agencies or departments as needed.

#### **Section 7-1204      Criteria for Renaming Roads**

Once it has been determined that the name of a road duplicates the name of any other road in unincorporated Park County or within any municipality in Park County, the following criteria shall be considered and balanced in determining whether a road in unincorporated Park County is required to be renamed:

- A. The number of residences, businesses, or Buildable Lots accessed by each of the roads with duplicate names.
- B. The respective periods of time the roads with duplicate names have had such names.
- C. Whether the other road with a duplicate name is located in an incorporated area, which has adopted regulations consistent with these regulations.
- D. Whether there are areas along the road that also need to be re-addressed.
- E. Whether the roads with duplicate names are in the same emergency response area or geographically related to the same municipality.
- F. Whether the name of either road with duplicate names is inherently or traditionally identified with natural features, historical events, or a business along the road.
- G. Whether either road with a duplicate name has been constructed and the extent to which Buildable Lots accessed by such roads have been developed.
- H. The ease with which one of the roads with duplicate names may be changed to a similar but not deceptively similar name.
- I. Road Name Required Prior to Building Permit. No building permit shall be issued for any construction on property in unincorporated Park County unless the road accessing such property has been assigned a name pursuant to this Policy.

#### **Section 7-1205      Road Identification Signage**

Road signs identifying the name or designation of all roads in unincorporated Park County shall be posted at the intersections of all roads.

- A. Road identification signs for County Roads and County Roads within subdivisions maintained by the County (Section 7-1201 B) in unincorporated Park County shall consist of the following:
1. For road intersections, the official name of the road shall be posted using white letters on a green background, as per the 2003 Edition of the federal Manual on Uniform Traffic Control Devices (MUTCD), *Street Name Sign (D3-1)*.
  2. Periodically along a County Road, a County Road Number route shield shall be placed. The shield shall be yellow numbers on a blue background and conform to MUTCD *County Route Sign (M1-6)*.
- Such signage shall be installed and maintained by the Park County Road and Bridge Department, and if applicable, at the cost of the subdivider.
- B. Road identification signs for roads dedicated to the public for public use and not accepted or maintained by the County in unincorporated Park County shall follow the same guidelines as (A1), above. Purchasing, installation, and maintenance shall be the responsibility of the subdivider or record owner(s) of property adjacent to and accessed by such road. The County Road and Bridge Department may assist in the location of road signs. Signage may be ordered and purchased through the Park County Road and Bridge Department. No final inspection will be done on a Buildable Lot accessed by any public road unless the appropriate signage pursuant to this Section 7-1205 B is in place.
- C. Road identification signs for private roads in unincorporated Park County shall follow the same guideline as (A1), above. Purchasing, installation and maintenance shall be the responsibility of the record owner(s) of property adjacent to and accessed by such road. The County Road and Bridge Department may assist in the location of road signs. Signage may not be placed in a public right-of-way. Signage may be ordered and purchased through the Park County Road and Bridge Department. No final inspection or certificate of occupancy shall be performed or issued for any construction on a Buildable Lot accessed by any private road unless the appropriate signage pursuant to this Section 7-1205 B is in place.
- D. Signage for federal and state highways shall be the responsibility of the appropriate federal or state agency responsible for such highway.

#### **Section 7-1206      Addressing**

Assignment of Address Numbers. All Buildable Lots in unincorporated Park County shall have a numerical address assigned pursuant to this Policy.

- A. Assignment of address numbers shall be performed by the Park County Mapping/GIS Department (1) at the time of creation of Buildable Lots pursuant to any County development approval process, (2) at the time of the issuance of a building permit for any Buildable Lot without an address, or (3) at such other time as it comes to the attention of the Mapping/GIS Department that a Buildable Lot requires an address number or is required to be renumbered. A unique address number shall be determined using the County's rural addressing procedures and the new address information will become a submittal document to the Building Department.

- B. The following are specifications for addressing certain types of development:
1. Multiple units on a single Buildable Lot: Unless otherwise provided herein, where there are multiple units within a single structure, each structure will receive a street address and each unit shall receive a unit designator. The address for the individual units shall be the building address and the unit designator.
  2. Multiple but separate units located on a single Buildable Lot shall have one street address and unit designator letters.
  3. Commercial area, indoor: Where each unit in the commercial area has a separate outdoor entrance, each unit will be given a separate address. Where multiple commercial units are served by a common entrance, or entrances, each unit shall be addressed with a common street address and a unit designator.
  4. Duplexes: Separate addresses shall be given for each unit, except where there is a mixture of duplexes and multifamily units, unit numbers may be assigned to the duplexes when deemed necessary to avoid confusion.
  5. Mobile home parks: One address shall be given for the entire development. Individual mobile home sites shall use both the address for the development and the space number.
  6. Single family residence: A separate address shall be given for each dwelling. The following are situations where the renumbering of addresses may be required:
    - a. Addresses are not sequential.
    - b. Addresses do not meet parity requirements (even on one side, odd on the other).
    - c. Addresses need to be changed after a road name is assigned or reassigned.
    - d. Buildable Lots were created without assignment of road names or addresses.
    - e. Buildable Lots in unincorporated Park County were assigned addresses pursuant to municipal addressing systems.
- E. The Environmental Health Department will capture a GPS point where the driveway meets the road. This point will be attributed with the address number at the time of collection, and added to the County GIS.

### **Section 7-1207 Address Number Signage**

All residences and businesses shall display address numbers or characters, which identify the property address and are plainly visible and legible from the street or road fronting the property.

- A. Outside of Rural Center Boundary areas address numbers shall be displayed clearly from the roads at all times and follow these criteria:
1. The street address numbers shall be a minimum of (4) four inches in height of a contrasting color to the background.
  2. Numbers shall be attached to a 4x4 inch treated wood or redwood post.
  3. The post shall be installed in a permanent fashion, minimum of (48) forty-eight inches above the ground.
  3. The post shall be placed at the driveway no further than 5 feet from the property line.
    - a. Attached to the sign, near the top of the post, there shall be (2) two blue (3) three inch reflectors.
  4. Addresses shall be posted prior to construction of a new building or as soon as the address is issued by the Mapping/GIS Department. Failure to display the address of new buildings pursuant to Section 7-1207 A above will be grounds for withholding issuance of a Certificate of Occupancy by the Park County Building Department. In addition, the Building Department and Developmental Services may refuse to make inspections if the address of the property is not displayed pursuant to this Policy.
  5. It shall be the responsibility of the owner of a Buildable Lot to maintain address signage pursuant to this Policy.

**Section 7-1208 Appeal to Board of County Commissioners.**

- A. Any decision by the Road-name Committee shall be made in writing stating the specific reasons for the decision. The decision may be appealed to the Board of County Commissioners by requesting an appeal in writing delivered to the Board of County Commissioners Chief Administrative Assistant not more that ten (10) days following the date of the decision. The Board of County Commissioners shall administratively consider an Applicant's timely request for an appeal at a regular meeting. Following consideration of the application and the decision, the Board of County Commissioners may affirm the decision or, upon a finding that the decision failed to meet the standards set forth in sections 7-1200 to 7-1208 the Board of County Commissioners may reverse the decision.