

RESOLUTION NO. 2014-36
BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY,
COLORADO

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO, AMENDING THE TEXT OF
THE RIO BLANCO COUNTY LAND USE RESOLUTION, ARTICLE X,
SECTION 266, DENSITY, DIMENSIONS, AND OCCUPANCY, TO BE
CONSISTENT WITH ARTICLE X, SECTION 236, ONSITE
WASTEWATER TREATMENT SYSTEMS**

WHEREAS, the Board of County Commissioners of Rio Blanco County, Colorado (BOCC) recognizes the need to provide reasonable management, oversight, and clear direction regarding land use within Rio Blanco County; and

WHEREAS, the permitting by Rio Blanco County of development within the County is intended protect the health and safety of the citizens of Rio Blanco County; and

WHEREAS, the Rio Blanco County Planning Commission conducted hearings on this Amendment of the Land Use Resolution on June 12, 2014, July 10, 2014, July 24, 2014, August 7, 2014, and August 28, 2014 upon notice duly given; and

WHEREAS, the Planning Commission voted 5 for, 0 against to recommend to the BOCC approval of the amendment of Article X, Section 236, Standards for Onsite Wastewater Treatment Systems as an amendment to the Rio Blanco County Land Use Resolution; and

WHEREAS, the Board of Health of Rio Blanco County, Colorado (BOH) has reviewed the proposed amendment to the Rio Blanco County Land Use Resolution, the Rio Blanco County Master Plan, materials submitted by members of the public at the various hearings, and has reviewed the Planning Commission recommendations, and conducted its own hearing on the submittal on October 13, 2014; and

WHEREAS, the BOH approved the proposed revisions to Section 236, Onsite Wastewater Treatment Systems on October 13, 2014; and

WHEREAS, the BOCC has reviewed the proposed amendment to the Rio Blanco County Land Use Resolution, the Rio Blanco County Master Plan, materials submitted by members of the public at the various hearings, and has reviewed the Planning Commission recommendations, and conducted its own hearings on the submittal on November 17, 2014 and November 24, 2014; and

WHEREAS, the BOCC approved the revisions to Section 236, Onsite Wastewater Treatment Systems on November 24, 2014; and

WHEREAS, the BOCC, in their hearings of November 17, 2014 and November 24, 2014 determined it is necessary and beneficial to ensure that the Rio Blanco County Land Use Resolution is clear and consistent, and since the setback requirements for septic systems are also found in Section 266, Density Dimensions, and Occupancy, Section 266 should be revised according to Exhibit A attached to this Resolution; and

WHEREAS, the BOCC on the basis of evidence produced at the aforementioned hearing has made the following findings:

1. The Board of County Commissioners is authorized by the provisions of C.R.S. 29-20-104, 30-28-101 et. seq., and 30-28-204, and by the provisions of Sections 3 and 135 of the Rio Blanco County Land Use Resolution to adopt amendments to the Land Use Resolution whenever the public necessity, health, safety, general welfare, and/or good zoning practices justify such action;

2. The public hearing before the Board of County Commissioner was extensive and complete, all pertinent facts, matters, and issues were submitted and all interested parties were heard at the hearing;
3. The proposed Amendment is in the best interests of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Rio Blanco County.

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Rio Blanco County, Colorado, as follows:

Section 1. The Rio Blanco County Land Use Resolution shall be and is hereby amended by the revision of Section 266 of Article X, Density Dimensions, and Occupancy, as set forth in the attached Exhibit A. Said Exhibit is incorporated herein by this reference.

Section 2. Nothing in this Resolution shall be construed to affect rights acquired or liability incurred, or and cause or causes of action acquired or existing, under any Rio Blanco County Codes as they existed prior to the adoption of this Resolution; nor shall any existing legal right or remedy of any character be lost, impaired, or affected by this Resolution.

Section 3. This Resolution and the rules, regulation, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty days from and after the date of publication of this Resolution.

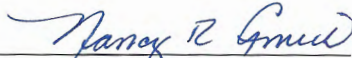
Section 4. If any section, subsection, sentence, clause, phrase or portion of this Resolution and/or the attached Exhibit A is, for any reason, held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. Rio Blanco County declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

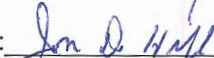
DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 2 FOR AND 0 AGAINST,

THIS 24th DAY OF NOVEMBER, 2014.

BOARD OF COUNTY COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:


Nancy R. Amick
Clerk and Recorder

By: 
Jon D. Hill, Chairman



Jeffrey D. Eskelson, Commissioner



Shawn J. Bolton, Commissioner

EXHIBIT A

Section 266: Standards on Density, Dimensions and Occupancy

Intent

The intent of this section is to provide guidance on the layout, density, width, size, setback and depth that is generally acceptable for land development in Rio Blanco County based on the land type and character of the area in general.

Lot size, width, and depth

Minimum lot width is approximately 50 feet in all zones when lots are less than 2 acres and 150 feet when lots are over 2 acres. A lot must fit in scale and size with the intended use and nature of surrounding land uses. Dimension is to be based on these standards although final determination is left to the interpretation of the administrators. Subdivision of thin lots is not permitted.

- *Agricultural*: Divided parcels shall be subject to determination as to whether they are agricultural. Parcels determined to be agricultural require no defined lot size.
- *Rural Residential*: Lots 2 acres or greater in size and not greater than 160 acres.
- *Compact Residential*: Lots shall be less than 2 acres in size and not less than 5000 square feet in size. Parcels of land shall be approximately 50 feet in width and one hundred (100) feet in depth. When a subdivision or proposed use is contiguous to an incorporated community, the lot area, setback, lot coverage and height of building requirements shall be comparable with the adjacent community zone district requirements.
- *Mixed Commercial*: Parcels of developable land shall be no smaller than 10,000 square feet.
- *Industrial*: Parcels of developable land shall be no smaller than 10,000 square feet.
- *Leisure/Recreational*: The lot must fit in scale and size with the intended use and nature of surrounding land uses.
- *Mixed Use*: Subdividing is not permitted in this zone.

- *Parcels of Record*

In any district, notwithstanding limitations imposed by other provisions of this resolution, a principal structure and accessory structure may be erected on any single parcel of record at the effective date of adoption of this resolution. This provision shall apply even though such parcel fails to meet the requirements for area, width, or depth that are generally applicable in the district, provided that yard dimensions and other requirements not involving area, width, or depth of the parcel shall conform to the regulations for the district in which such parcel is located. Such parcels must have been in separate ownership and not of continuous frontage with other lots or parcels in the same ownership at the time of adoption of this resolution. If two (2) or more lots or tracts or combinations of lots or tracts or portions of lots or tracts with continuous frontage in single ownership are of record at the time of passage of this resolution, and if all or part of such lots or tracts do not meet the requirements for parcel width, depth, and area as established by this resolution, the lands involved shall be considered to be an undivided parcel. No portion of said parcel shall be used or sold which does not meet the area requirements established by this resolution nor shall any division of the parcel be made which creates or leaves remaining any parcel with less than seventy-five (75) percent of the required width or depth. Except if such a parcel shall be created by the actions of a local, state or federal agency, then said parcel shall be registered as a nonconforming parcel and considered to be a parcel of record prior to the time of adoption of this resolution.

Lot Coverage and Density

The following standards reflect the coverage and density permitted for structures (buildings, barns, sheds, corrals, etc) in the various districts. . Lot coverage and density must fit in scale and size with the intended use and nature of surrounding land uses. Coverage and density is to be based on these standards although final determination is left to the interpretation of the administrators.

- *Agricultural*: The total coverage of all structures shall not exceed more than 25 percent of a lot area for lots greater than two acres and up to 35 acres, and no more than 8.75 acres for parcels over 35 acres. Further coverage may be allowed for livestock related structures.
- *Rural Residential*: The total coverage of all structures shall not exceed more than 25 percent of a lot area for lots greater than one acre and up to 35 acres, and no more than 8.75 acres for parcels over 35 acres. For parcels less than 35 acres 25% of the area is considered buildable. Buffering and/or screening can be required for the rezoning of parcels over 35 acres so the density relationship between agricultural and rural residential can be moderated.
- *Compact Residential*: The total ground area covered by all buildings on the parcel shall not exceed 75 percent of the total ground area of the parcel.
- *Mixed Commercial*: The total coverage of all structures, parking, landscaping and associated stormwater and other control measures shall be accommodated on the lot area. Density shall be compatible with surrounding land uses based on the conformance of the submitted plan with the density fit in scale and size of the intended use with surrounding land uses.
- *Industrial*: The total coverage of all structures, parking, landscaping and associated stormwater and other control measures shall be accommodated on the lot area. Density shall be compatible with surrounding land uses based on the conformance of the submitted plan with the density fit in scale and size of the intended use with surrounding land uses.
- *Leisure Residential*: Because of the nature of assorted uses in this zone the project proponent must propose a coverage and density for all structures, parking, landscaping and associated stormwater and other control measures that is compatible with surrounding uses. All mobile and/or RV sites must be adequately screened.
- *Mixed Use*: Applicable coverage and density aspects shall be handled in the special or conditional use permits.
- *Subdivisions*: The character of the surrounding land uses in terms of lot area and coverage are to be maintained by the use of open space, layout and other design techniques. The total coverage of all structures, parking, roads, landscaping and associated stormwater and other control measures shall be accommodated within the subdivided lot area. Density shall be compatible with surrounding land uses based on the conformance of the submitted plan with the density fit in scale and size of the intended use with surrounding land uses.
- *Porches, Patios, and Other Open Structures*
In residential zones, open patios and terraces, unenclosed porches and other open structures may extend not more than five (5) feet into a required front yard, provided they are not closer to an adjoining side property line than the required width of the side yard and provided they are not be closer than twenty-five (25) feet to a public street right-of-way line.
- *Stairways, Fire Escapes, Chimneys, and Flues*
Open escapes and open outside stairways are considered part of a structure and shall not extend into a required setback yard. Ordinary projections such as but not limited to chimneys and flues shall be placed so as not to obstruct light and ventilation for the subject or neighboring buildings.

Setbacks

From Property Line	A	RR	CR	MC	I	LR	MU
Minimum Front	30	30	25	#	#	#	30
Minimum Side	10	10	10	#	#	#	10
Minimum Rear	10	10	5	#	#	#	10
Well/septic~*	100-	100-	100-	100-	100-	100-	100-

~~*Minimum down to 50 foot is permitted if necessary and it will not effect public safety or environment.
 ~Distance from septic, well, lot lines, drainages, springs, waterways, ditches, ponds, etc.
 # As required for parking and agreed to in plans submitted for parking and traffic.~~

- Front Setback*
 Developed Area: Where three (3) or more parcels comprising more than fifty (50) percent of a single street frontage of a block are improved with buildings at the time of passage of this resolution, every building hereafter erected shall provide a front yard of not less than the average depth of the front yards of existing buildings, or the required front yards of existing buildings, or the required front setback, whichever is less.
- Through Parcel*
 On a through parcel the front yard requirements of the district in which such parcel is located shall apply to both street frontages.
- Corner Parcel*
 On corner parcels a required side yard with public road frontage shall be at least fifteen (15) feet wide, and the other yard requirements shall be the same as for other parcels in the same zone district.
- Yards*
 Parts of yards shall be unobstructed by any portion of the building, except for the ordinary projections of window sills, belt courses, and other ornamental features that extend approximately not more than eight (8) inches. Cornices and eaves may extend up to 24" (2 feet) into a required yard. In any district when a parcel of record at the effective date of adoption of this resolution is less in width than required by the terms of the resolution, then the side yard requirements may be reduced by not more than fifty (50) percent.
- Measurement of Setback Distance*
 Setback measurement shall be from the property line to the point on the structure which is closest to the property line, excluding the exceptions noted in the "Porches, Patios and Other Open Structures" and "Yards" sections, including cornices and eaves. It is the applicant's responsibility to provide credible evidence of the correct location of the property line(s).
- Other Setbacks*
 Any structure that exceeds heights specified in the "Heights" section and not included in the "Height Restriction-Exceptions" paragraph shall not be closer to a property line than the height of the structure plus ten (10) feet.

Heights

- Variances*
 Special and conditional use permits may provide for variance from height standards based on use.
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Residential Heights Restrictions

Residential buildings in all zones shall be of ordinary height and scale and fit surrounding uses. Buildings of inappropriate height in any zone may be restricted to fit the scale of surrounding land uses.

- *Height Restrictions-Exceptions*

The height limitations of this resolution shall not apply to restrict the height of chimneys, water towers, scenery lofts, cupolas, domes, spires, belfries, antennae and necessary mechanical appurtenances when attached to and made a part of a permitted structure, provided the height of such appurtenances does not extend more than ten (10) feet above the height limitation of the zone districts. A parapet wall not exceeding four (4) feet in height may be erected above the height limit. Height restrictions may be imposed in an airport impact zone based on Federal Aviation Standards.