

RESOLUTION NO. 2018-06
BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY,
COLORADO

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO, ADOPTING AN AMENDMENT TO THE 2016 LAND USE REGULATION (LUR).

WHEREAS, Rio Blanco County is a legal and political subdivision of the State of Colorado for which the Board of County Commissioners (BOCC) is authorized to act; and

WHEREAS, the BOCC is authorized by Sections 29-20-101 through 104, 30-11-103, 30-28-111 through 115, 30-28-133 C.R.S. as amended and other powers authorized by the Constitution of the State of Colorado or Colorado State Statutes to adopt land use regulations governing the unincorporated areas of Rio Blanco County; and

WHEREAS, on the 23rd of May, 2016, the BOCC adopted Resolution 2016-15, adopting the 2016 Land Use Regulation amending the Rio Blanco County Land Use Resolution of 2001 for the County of Rio Blanco, State of Colorado; and

WHEREAS, the BOCC is authorized by the provisions of 30-28-116, C.R.S., as amended, and Section 1-102 of the Rio Blanco County Land Use Resolution to provide for the approval of amendments to the Land Use Resolution; and

WHEREAS, the BOCC has determined it is necessary to amend and rewrite portions of the Rio Blanco County Land Use Resolution with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the County which will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire, flood waters, and other dangers, adequate provision for light and air, distribution of population, efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements; and

WHEREAS, the purpose of this Resolution is to adopt amended text as provided in the attached Exhibit "A" amending the text of the 2016 Land Use Regulation; and

WHEREAS, the Planning Commission held a public hearing to consider the proposed amendment of the LUR on November 16, 2017, and voted unanimously to recommend to the BOCC, approval of the LUR Amendment attached hereto as Exhibit "A"; and

WHEREAS, the BOCC has reviewed the proposed Amendment to the LUR, the materials submitted by members of the public at various meetings, has reviewed the Planning Commission recommendations, and conducted its own public hearing beginning on December 11, 2017 and continued to February 12, 2018, upon notice duly given; and

WHEREAS, the BOCC has reviewed the record and the requirements of State and Federal regulations, the Rio Blanco County Land Use Resolution, the Rio Blanco County Master Plan, and has deliberated thereon; and

WHEREAS, the BOCC closed the hearing and the record is deemed complete; and

WHEREAS, the BOCC, on the basis of the evidence produced at the aforementioned hearings, makes the following findings:

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO FINDS AS FOLLOWS:

1. The BOCC is authorized by the provisions of Sections 30-28-116 and 30-28-133 C.R.S., as amended, and the provisions of Section 135 of the Rio Blanco County Land Use Resolution, to adopt amendments to the Rio Blanco County Land Use Resolution whenever the public necessity, health, safety and general welfare, justify such action.
2. The public hearings before the BOCC were extensive and complete. All pertinent facts, matters, and issues were submitted and all interested parties were heard at the hearing.
3. Proper public notice was provided as required by law and the Rio Blanco County Land Use Resolution.
4. The proposed amendments to the 2016 Land Use Regulation are in compliance with the recommendations set forth in the Master Plan for the unincorporated areas of the County.
5. The proposed text amendments are in the best interests of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Rio Blanco County.

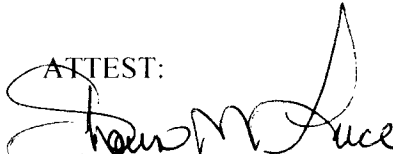
THEREFORE, BE IT RESOLVED THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO:

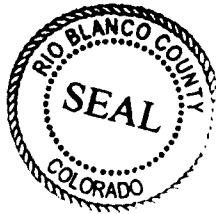
- A. The BOCC hereby approves and adopts the amendments to the 2016 Rio Blanco County Land Use Regulation in the form set forth in Exhibit "A" attached hereto;
- B. The effective date of this Resolution shall be the 12th day of February, 2018;
- C. If any section, subsection, sentence, clause, phrase or portion of this Resolution and the attached Exhibit A are, 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. The Board of County Commissioners of Rio Blanco County, Colorado 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 3 FOR AND 0 AGAINST, THIS 12th DAY OF FEBRUARY, 2018.

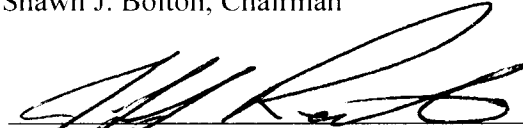
THE BOARD OF COUNTY
COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:


Boots Campbell Shawn M. Luce
Clerk to the Board Deputy Clerk



By: 
Shawn J. Bolton, Chairman


Jeff Rector, Commissioner


Si Woodruff, Commissioner

Exhibit A

1. 1-302.b.2.b. Board of Adjustment

“b. In order for the BOA to grant an appeal which overturns an administrative interpretation or decision, at least three ~~two~~ members of the BOA must vote in favor of the appellant. (Section 3028-118 (3), C.R.S.)”

2. 5-301.A.1.e Unplatted Lots, Parcels or Tracts

“create lots, parcels or tracts of land that are less than 35 acres; Division by state highways or county roads can create a parcel less than 35 acres.”

3. 5-301.A.1.f. Unplatted Lots, Parcels or Tracts

“affect parcels not within the same zoning district, without first being rezoned. Division by state highways or county roads does not require rezoning of parcels. Rezoning of parcels from Agricultural to Rural Residential, when required by sections 5-201-Single Lot Creation or 5-202 Minor Subdivision, shall be a prerequisite for receiving a building permit from Rio Blanco County.”

4. 5-302- Request for An Exception

“Divisions of unplatted land that may not be subject to subdivision review are identified in Section 5-301, Exceptions to Subdivision Regulations. An application requesting an exception to the subdivision regulations and approval of the Final Plat shall be subject to the following review process. This process applies only to unplatted lots, parcels or tracts of land. If one of the affected properties is platted, the process outlined in Section 5-501 shall be followed. When common boundary lines are adjusted which results in a parcel(s) less than 35 acres, the Single Lot Creation or Minor Subdivision review processes outlined in Section 5-401 and 5-402 shall be followed. Division by state highways or county roads of unplatted lots, parcels or tracts can create a parcel less than 35 acres.”

5. 5-501.E Relocation of Common Boundary Lines-

“Transfers of land made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties are considered an exception to this section if no parcel or lot is created that is less than 35 acres. To be approved as an exception for relocation of common boundary lines, the survey plat must bear signatures of all landowners whose parcels are changed by the boundary line relocation. The survey plat must show that the exception was used only to change the location of a boundary line dividing two parcels, and must clearly distinguish the prior boundary location (shown for example, by a dashed or broken line) from the new boundary (shown, for example, by a solid line). Grantees of land transferred under this subsection must take title to the land transferred under the same name as they hold title to their land adjoining said property. No separate or new parcel may be created hereunder.”

6. 5-502.A.4. Request for Amended Final Plat- Evaluation by Assigned Staff

“Upon determination of completeness, the Assigned Staff shall review the application for compliance with Section 5-406, Final Plat Review. Concurrently, the staff shall distribute the complete application to referral agencies and applicable County Departments for review and comments. Based on review of the approval criteria and ~~Department~~ comments received, the Assigned Staff shall provide a recommendation to the BOCC to approve, approve with conditions or deny the application. A hearing before the BOCC only applies to previously platted lots, parcels or tracts of land.

Amended Final Plat for Unplatted lots, parcels or tracts shall be reviewed via the Administrative Review process as described in Section 4-202 Administrative Applications.”

7. 5-501.C- Boundary Line Adjustments

Boundary Line Adjustments. Adjusting the platted boundary lines between contiguous legally preexisting lots, parcels or tracts of land which does not increase the number of parcels previously recorded nor does it create a new non-conforming lot, parcel or tract of land under the applicable zoning or increase an existing non-conformity of any legally non-conforming lot, parcel or tract of land does not require a subdivision process. This Boundary Line Adjustment applies to previously platted lots, parcels or tracts of land.”

8. “Section 7-606 Additional Standards Applicable to Manufactured Homes Located in a Manufactured Home Parks-or on a Legal Parcel.

A. Certification. All manufactured homes located in a manufactured home park or on a legal parcel after adoption of these regulations shall meet the following certification requirements, excluding homes permitted as Temporary Living Quarters.”

9. Section 18-104 Lands to Which this Section Applies

“This section shall apply to all Special Flood Hazard Areas (mapped floodplains) and all floodways and areas removed from the floodplain by the issuance of a FEMA letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of Rio Blanco County, Colorado

~~The provisions of Section 245 shall not apply to land used for the raising of livestock, crops or forestry, nor shall this section apply to the creation, maintenance, repair, alteration of any farm or stock ponds, irrigation ditches, headgates, wingwalls, weirs, diversion structures, pumps or the placement of riprap or other materials for bank stabilization, fishery enhancement, and/or the protection of areas required for normal agricultural uses.”~~

10. Section 18-111 Floodplain Development Permit

~~“Exceptions: Floodplain development permits are not required for,
1. Creation or maintenance of farm or stock ponds, irrigation ditches, headgates, wingwall, weirs, diversion structures, pumps, and such other facilities and structures, as are appurtenant and functionally related to irrigation ditches and other conveyance systems, required to distribute water for agricultural use.
2.Placement of riprap and other bank stabilization and/or maintain agricultural facilities and fish habitat.”~~

11. Section 7-610 Additional Standards Applicable to Recreational Vehicles

B. Recreational Vehicle use on single lots. Recreational Vehicles on privately owned Legal parcels are allowed to be occupied for a maximum of 120 calendar days in any one calendar year ~~between from April 1 and through November 30~~. The use of a Recreational Vehicle for longer than 120 days ~~during this time period~~ will require the issuance of a Land Use Change Permit as per these Regulations. This use does not include Campgrounds as defined by these Regulations.

Recreational Vehicles may be utilized as a residence if the following conditions are met:

- i. Installation on a parcel 35 acres or larger.
- ii. Connection to potable water provided by a central water distribution system, water well or cistern.
- iii. Connection to sanitary sewer provided by a central wastewater system or On-site Wastewater Treatment system with associated permit issued by Rio Blanco County as per Article 17 of the Rio Blanco County Land Use Regulations.
- iv. Connection to electricity via a public utility company connection.

12. Section 16-101 Definitions of Words and Phrases

Recreational Vehicle Park (RV Park). More than 2 occupied Recreational Vehicles located on a lot or parcel.

