RIO BLANCO COUNTY LAND USE REGULATIONS

Effective July 1, 2016

Last Amended: December 10, 2024

ORIGINAL ADOPTION

Resolution No. 2016-15 adopted on May 23, 2016

LIST OF AMENDMENTS

1. Resolution No. 2018-06 adopted on February 12, 2018
2. Resolution No. 2018-26 adopted on June 18, 2018
3. Resolution No. 2021-23 adopted on November 9, 2021
4. Resolution No. 2022-05 adopted on January 18, 2022
5. Resolution No. 2024-xx adopted on December 10, 2024

RESOLUTION NO. 2016-15
BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY,
COLORADO

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO, ADOPTING THE 2016 LAND USE REGULATION, AMENDING THE RIO BLANCO COUNTY LAND USE RESOLUTION OF 2001, AS AMENDED, THE RIO BLANCO COUNTY ZONING MAP OF 2010, AS AMENDED, AND THE EXISTING 1041 REGULATIONS. (AREAS AND ACTIVITIES OF STATE INTEREST)

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 13th day of November, 2001, the BOCC adopted Resolution 2001-18 concerning a Land Use Resolution 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 135 of the Rio Blanco County Land Use Resolution to provide for the approval of amendments to the Land Use Resolution; and

WHEREAS, pursuant to Section 24-65.1-404, C.R.S., as amended, the BOCC may adopt regulations governing Areas and Activities of Statewide Interest; and

WHEREAS, the BOCC has determined it is necessary to amend 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 amendments to the text of the Rio Blanco County Land Use Resolution of 2001, as amended, the Rio Blanco County Land Use Map of 2010, and the existing 1041 Regulations (Areas of Statewide Interest) to the extent set forth in the 2016 Rio Blanco County Land Use Regulation (LUR) attached hereto as Exhibit "A"; and

WHEREAS, the Planning Commission held public hearings to consider the proposed LUR on February 17, 2016, March 3, 2016, March 10, 2016, March 17, 2016, and March 23, 2016, and voted unanimously to recommend to the BOCC, approval of the LUR and the Land Use Map of 2016 attached hereto as Exhibit "A"; and

WHEREAS, the BOCC has reviewed the proposed LUR, the materials submitted by members of the public at various meetings, has reviewed the Planning Commission recommendations, and conducted its own public hearings on May 16, and May 23, 2016, 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 Rio Blanco County Land Use Resolution of 2001, as amended, 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 herby approves and adopts the 2016 Rio Blanco County Land Use Regulation in the form set forth in Exhibit "A" attached hereto and the Land Use Map of 2016, as set forth in Exhibit "A", attached hereto, as the full and complete Zoning Map and Zoning Plan for Rio Blanco County, Subdivision Regulations for Rio Blanco County and 1041 Regulations (Areas and Activities of State Interest) of Rio Blanco County, for the unincorporated area of Rio Blanco County;

B. The BOCC hereby amends the text of the Rio Blanco County Land Use Resolution of 2001 as previously amended and the 1041 Regulations (Areas and Activities of State Interest) to the extent currently existing in Rio Blanco County, all as set forth in the 2016 Rio Blanco County Land Use Regulation. To the extent existing Resolutions and regulations are not consistent with or incorporated into the 2016 Rio Blanco County Land Use Regulation, and the Land Use Map of 2016, (Exhibit "A" attached hereto) those existing Resolutions and regulations are hereby repealed;

C. The effective date of this Resolution and the effective date of the repeal of inconsistent Resolutions and regulations shall be the 1st of July, 2016;

D. 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 23 DAY OF MAY, 2016.

THE BOARD OF COUNTY
COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:

By: _____
Shawn J. Bolton, Chairman

Boots Campbell
Clerk to the Board

RIO BLANCO COUNTY SEAL COLORADO

_____
Jon D. Hill, Commissioner

_____
Jeffrey D. Eskelson, Commissioner

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 herby 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

RIO BLANCO COUNTY SEAL COLORADO

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 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.

RESOLTUION NO. 2018-26
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 RIO BLANCO COUNTY LAND USE REGULATION REPEALING ARTICLE 17 AND REPLACING ARTICLE 17 BY THE ADOPTION OF THE 2018 RIO BLANCO COUNTY ON-SITE WASTEWATER TREATMENT SYSTEMS RESOLUTION PURSUANT TO THE COLORADO WATER QUALITY CONTROL COMMISSION REGULATION 43, 5 CCR 1002-43 INCLUDING THE DECISIONS SELECTED IN THE LOCAL REGULATION REVIEW SUBMITTAL FORM

WHEREAS, Rio Blanco County is a legal and political subdivision of the State of Colorado, for which the Board of County Commissioners, hereinafter "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 2016 Rio Blanco County Land Use Resolution to provide for the approval of amendments to the 2016 Rio Blanco County Land Use Resolution; and

WHEREAS, the BOCC has determined it is necessary to amend, rewrite, and repeal certain portions of the 2016 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 Board of County Commissioners of Rio Blanco County, Colorado, (hereinafter the "Board"), is authorized, pursuant to state enabling legislation including but not limited to § 25-10-101, et seq. C.R.S., and under the authority contained in the On-site Wastewater Treatment System Act to adopt regulations regarding On-site Wastewater Treatment Systems; and

WHEREAS, the Rio Blanco County Building Division is designated to implement and enforce these regulations; and

WHEREAS, the Board finds that the proposed 2018 Rio Blanco County On-Site Wastewater Treatment Systems Resolution 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:

1. Article 17 of the 2016 Rio Blanco County Land Use Regulation is hereby repealed and replaced by the adoption of the 2018 Rio Blanco County On-Site Wastewater Treatment Systems Resolution pursuant to the Colorado Water Quality Control Commission Regulation 43, 5 CCR 1002-43 including the decisions selected in the Local Regulation Review Submittal Form

2. These regulations are adopted by the Board pursuant to and under authority contained in the On-site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S.

3. The Rio Blanco County Building Division is designated to implement and enforce these regulations.

4. These regulations apply to On-site Wastewater Treatment Systems (OWTS) as defined in section 25-10-103(12), C.R.S.

5. The purpose of these regulations is to establish the minimum standards for the location, design, construction, performance, installation, alteration and use of OWTS with a design capacity less than or equal to 2,000 gallons per day within Rio Blanco County.

6. These regulations apply to all OWTS in the unincorporated areas of the county and over all municipal corporations within the territorial limits of Rio Blanco County but not over the territory of any municipal corporation that maintains its own public health agency including: The Town of Rangely and The Town of Meeker.

7. An OWTS permit must not be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district. [43.4(B)(11)]

8. The requirements of the Colorado Water Quality Control Commission's "On-site Wastewater Treatment System Regulation, Regulation 43, 5 CCR 1002-43, Effective date July 1, 2018, attached as "Exhibit A", are made a part of these regulations by this reference, and will apply except where identified as an option in the "Appendix A" , if any, attached to "Exhibit A", or where these regulations are more stringent than Regulation 43, 5 CCR 1002-43, and included in these regulations. All aspects of an On-site Wastewater Treatment System including, but not limited to, permits, design, performance, location, construction, alteration, inspection, maintenance and use must be as provided in Regulation 43 and any additional requirements contained in these regulations.

9. The designated decisions for allowable options, if any, are identified in the attached "Appendix A" to "Exhibit A".

10. Prior to installing, altering, expanding or repairing an OWTS, the applicant must obtain a permit from Rio Blanco County Building Division.

11. An OWTS permit expires one year after the date of issuance if construction has not commenced. After expiration, a new application must be required to begin construction.

12. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval from the Rio Blanco County Building Division. After a permit is invalidated, a new application and subsequent permit is required to begin construction

13. Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.

14. When an application is denied by Rio Blanco County Building Division, an applicant may request review by the Board.

15. Permit fees and fees for other services and tests associated with OWTS are set by the Board, in conformance with section 43.4(B)(4) and (5) of Regulation 43 and 25-10-107, C.R.S.

16. A surcharge of $23.00 will be collected for each permit issued by Rio Blanco County Building Division Of that fee, the Rio Blanco County Building Division will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the Colorado Dept. of Public Health and Environment for use in funding its OWTS program.

17. The Board may approve a variance from a requirement of this Regulation. Variances cannot be granted by staff.

18. Approval of a variance must be based upon evidence presented by the applicant, or their designee, showing that the variance would not be injurious to the public health, water quality, or environment.

19. The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting these Regulations. The Board must determine if this item has been addressed prior to granting a variance.

20. The Board has the authority to impose site-specific requirements and conditions on any variance granted.

21. A copy of the 2018 Rio Blanco County On-Site Waste Water Treatment Systems Resolution shall be maintained in the Rio Blanco County Building Division

22. If any section, subsection, sentence, clause, phrase or portion of this Resolution 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. 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 18th day of June, 2018.

BOARD OF COUNTY COMMISSIONERS of RIO BLANCO COUNTY, COLORADO

By: _____
Shawn J. Bolton, Chairman

By: _____
Jeff Rector, Commissioner

Tammy Strain
Clerk and Recorder

By: SI Woodruff
Si Woodruff, Commissioner

RIO BLANCO COUNTY SEAL COLORADO

RESOLUTION NO. 2021-23
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 REGULATIONS (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, 30-28-1 1 1 through 1 15, 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 Planning Commission held a public hearing to consider the proposed amendment of the LUR on October 7, 2021, and voted unanimously to recommend to the BOCC, approval of the LUR Amendments below;

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

A. ***Section 18-103 Definitions***
Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency for Rio Blanco County unincorporated areas, dated ~~February 16, 1990~~ **DECEMBER 2nd, 2021**.

B. ***Section 18-105 Basis for Establishing the Special Flood Hazard Area***
The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "Flood Insurance Study, Rio Blanco County, Colorado Unincorporated Areas", dated ~~February 16, 1990~~ **DECEMBER 2nd, 2021** *(FIS), with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Resolution. These SFHAs identified by the FIS and attendant mapping are the minimum area of applicability of this Resolution and may be supplemented by studies designated and approved by the Rio Blanco County Board of Commissioners (BOCC). The Floodplain Administer shall keep a copy of the FIS and FIRM on file and available for public inspection.*

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0 AGAINST, THIS 9th DAY OF NOVEMBER, 2021.

THE BOARD OF COUNTY
COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:

Boots Campbell
Clerk to the Board

RIO BLANCO COUNTY SEAL COLORADO

By: _____
Gary Moyer, Chairman

_____
Jeff Rector, Commissioner

_____
Ty Gates, Commissioner

RESOLUTION NO. 2022-05
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 REGULATIONS (LUR): ADJACENT PROPERTY OWNER NOTIFICATION

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, 30-28-1 1 1 through 1 15, 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 Planning Commission held a public hearing to consider the proposed amendment of the LUR on December 9, 2021, and voted unanimously to recommend to the BOCC, approval of the LUR Amendment(s) below;

Article 4, Section 4-101, Item I, sub-item 2. **Notice to Adjacent Property Owners:**
Change the text in subsections a. to read as follows:

a) At least 14 calendar days prior to the date of a scheduled public hearing, the Assigned Staff will send a written notice of the public hearing to the owners of record of all property adjacent to the project site. The notice shall include a vicinity map, the property's legal description, a short narrative describing the current zoning and proposed land use change, and an announcement of the date, time and location of the scheduled hearing.

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

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0 AGAINST, THIS 18th DAY OF JANUARY, 2022.

THE BOARD OF COUNTY
COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:

Boots Campbell
Clerk to the Board

RIO BLANCO COUNTY SEAL COLORADO

By: _____
Ty Gates, Chairman

_____
Jeff Rector, Commissioner

_____
Gary Moyer, Commissioner

Publisher's Affidavit and Proof of Publication

RIO BLANCO

Herald Times

592 Main Street, Suite 6 • Meeker, Colorado 81641-0720
Phone (970)878-4017 • FAX (970)878-4016

STATE OF COLORADO]
COUNTY OF RIO BLANCO] ss.

I, Debbie Watson, do solemnly swear that I am the office manager acting on behalf of Samantha Turner, owner/publisher of the Rio Blanco Herald Times, formerly known as The Meeker Herald and The Rangely Times weekly newspapers; that the same is a weekly newspaper published in the County of Rio Blanco, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Rio Blanco for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provision of the Act of March 3, 1879, or any amendments thereof; and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated May 10 A.D. 2018, and that the last publication of said notice was in the issue of said newspaper dated, May 10 A.D. 2018.

In witness whereof I have hereunto set my hand this 10th day of May A.D. 2018.

Debbie Watson

Debbie Watson, office manager acting on behalf of Samantha Turner, owner/publisher

Subscribed and sworn to before me, a notary public in and for the County of Rio Blanco, State of Colorado, this 10th day of May A., D. 2018.

Patti J. Hoke
Notary Public

PATTI J. HOKE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19994026925
My Commission Expires October 17, 2019

PUBLIC NOTICE
BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO

Notice is hereby given that the Board of County Commissioners of Rio Blanco County, Colorado will hold a public hearing to consider the proposed amendments to the Onsite Waste Water Treatment System (OWTS) Regulations. The hearing will be held on June 18, 2018 at 11:15 a.m. at the Rio Blanco County Annex Building, 17497 Highway 64 Rangely, Colorado.

Rio Blanco County staff recommends the approval of the proposed amendments to the Rio Blanco County Land Use Regulations Article 17. A copy of the proposed amendments to the OWTS Regulations and are available in the Rio Blanco County Planning Division.

Published: May 10, 2018
Rio Blanco Herald Times

How to Use This Interactive Version

There are several features allowing quick easy navigation through this document. They are as follows.

Tabs on the right side are linked to their respective Articles. Clicking on the tab takes you to the first page of that Article.

The Table of Contents takes you to any section you click on.

The TOC symbol  takes you to the Table of Contents

The left arrow  at the bottom of the page takes you back one page

The right arrow  takes you to the next page.

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ARTICLE 1 - GENERAL ADMINISTRATION

DIVISION 1 GENERAL PROVISIONS

Section 1-101 Title and Short Title.

These regulations, and all future amendments, shall be known as the Rio Blanco County Land Use Regulations (LUR), and are also referred to herein as "Land Use Code," or "Regulations."

Section 1-102 Authority.

It is the intention of the Rio Blanco County Board of County Commissioners (BOCC) in adopting these regulations to fully exercise all relevant powers conferred by the laws of the State of Colorado, including but not limited to:

A. Colorado Constitution. All of the powers reserved to the County by the Colorado Constitution.

B. State Enabling Legislation. All of the powers granted to the County by:

1. Section 16-13-301 et. seq., C.R.S., Restraint and Abatement of Nuisances;
2. Section 24-65.1-101 et. seq., C.R.S., Areas and Activities of State Interest (1041 regulations);
3. Section 24-67-101 et. esq. , C.R.S., Planned Unit Development Act;
4. Section 24-68-101 et. seq., C.R.S., Vested Property Rights Act;
5. Section 25-1.5-101 et. seq. , C.R.S., Public Health and Environment;
6. Section 29-20-101 et. seq., C.R.S., Local Government Land Use Control Enabling Act;
7. Section 30-11-101 et. seq., C.R.S., County Powers and Functions;
8. Section 30-15-101 et. seq., Article 15, C.R.S., County Regulations Under Police Powers;
9. Section 30-28-101 et. seq. , C.R.S., County Planning Act;
10. Section 34-1- Part 3, C.R.S., Preservation of Commercial Mineral Deposits;
11. Section 35-3.5-101 et seq., C.R.S. Right to Farm;
12. Section 38-30.5-101 et. seq., C.R.S., Conservation Easements; and
13. Section 43-2-101 et. seq., C.R.S., State, County, Municipal and Public Roads.

Section 1-103 Jurisdiction.

These regulations shall apply to all land within the unincorporated areas of Rio Blanco County as recorded by the State of Colorado. (Section 30-28-102, C.R.S.)

Section 1-104 Building and Land Use Permits.

No building or land use permit will be issued unless the plans for the proposed erection, construction, reconstruction, alteration, or use are in compliance with applicable provisions of these regulations. (Section 30-28-102, C.R.S.)

Section 1-105 Repealer, Enactment and Effective Date.

A. Enactment and Effective Date. These regulations or separate Articles thereto, shall be enacted upon its approval by Resolution by the BOCC, after review and recommendation by the Rio Blanco County Planning Commission (PC), following public hearings. This Regulation shall take effect immediately upon publication after adoption by the BOCC, unless otherwise set forth in the Board's motion of approval.

B. Repeal of County's Prior Land Use Regulations. Any prior Rio Blanco County LUR, or Articles and

amendments thereto, are hereby repealed on the effective date of these regulations.

Section 1-106 Saving Provisions.

A. Permit Applications Pending Review. The enactment or amendment of these regulations shall not apply to any permits that the County has approved under prior land use regulations or pending applications that the County has determined to be complete under prior land use regulations.

B. Penalties Accruing or About to Accrue. The enactment or amendment of these regulations shall not be construed as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue.

C. Waiver of Rights by County. The enactment or amendment of these regulations shall not be construed as waiving any right of the County under any provision existing prior to the adoption of these regulations.

D. Vacation or Annulment of Rights Obtained by Individual. The enactment or amendment of these regulations shall not be construed as vacating or annulling any existing rights obtained by any person by lawful action of the County.

Section 1-107 Implementation of the Rio Blanco County Master Plan and Intergovernmental Agreements.

A. Implementation of the Master Plan. Enactment, amendment and administration of these regulations shall be in accordance with and shall serve to implement the goals of the Master Plan.

B. Implementation of Intergovernmental Agreements. Enactment, amendment and administration of these regulations shall be in accordance with, and shall serve to recognize any jointly adopted intergovernmental agreement.

Section 1-108 Interpretation, Rules of Construction of Language and Computation of Time.

A. Interpretation of the Provisions of This Land Use Regulation.

1. Minimum Required. The provisions of these regulations shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.
2. Liberal Construction. These regulations shall be liberally construed to further its underlying purposes.
3. Conflict. If a conflict occurs between provisions of these regulations, or between provisions of these regulations and a state statute or other applicable codes and regulations, the more restrictive provision controls unless otherwise specified in these Regulations.
4. Application of Requirements of these regulations. Unless otherwise specified in these Regulations, the requirements of these regulations are presumed to apply to actions related to a change in land use as defined by this Regulation.

B. Rules of Construction of Language.

1. Words and phrases shall be read in context and construed according to common usage. Words and phrases that have acquired a technical or particular meaning, by legislative definition or otherwise, shall be construed accordingly.
2. The particular controls the general.
3. The word "shall" and "must" are always mandatory. The words "may" and "should" are permissive.
4. Unless the context clearly indicates otherwise, words used in the singular number include

the plural and words used in the plural number include the singular.

5. If there is a conflict between figures and words expressing a number, the words govern.

C. Computation of Time. In computing a period of days, the first day is excluded and the last day is included unless the last day of any period is a Saturday, Sunday or County legal holiday, in which case the last day shall be the next working day. Unless otherwise specified in these Regulations, the term "days" shall refer to calendar days.

Section 1-109 Incorporation and Interpretation of Maps.

A. Official Zone District Maps. The location and boundaries of the zone districts established by these regulations are shown on the Rio Blanco County Zoning Map and incorporated into these regulations. The Zoning Map shall be maintained by the Assigned Staff and shall be located in the Planning Division of the Community Development Department and available on the County web site. It is the expressed intent of the BOCC that all unincorporated areas within Rio Blanco County be located within a zone district. (Sections 30-28-111 and 30-28-116, C.R.S.)

B. Overlay District Maps - Regulatory. The location and boundaries of each Overlay District required by State and/or Federal Regulations are shown on Overlay District Maps and incorporated into these regulations.

1. The Floodplain Overlay District Maps. The reports and maps listed below designate the location and boundaries of the Floodplain Overlay District. The Floodplain Overlay District Map shall be maintained by the Floodplain Administrator and shall be located in the Planning Division of the Community Development Department: (Sections 30-28-111 and 30-28-115, C.R.S.)
   a. County-specific flood insurance studies and reports.
   b. Flood Insurance Rate Maps (FIRM) [prepared for the County by the Federal Emergency Management Agency (FEMA)].
   c. U.S. Geological Survey Flood-prone Area Maps.
   d. Any further floodplain studies that have been approved by the BOCC with the prior concurrence of the Colorado Water Conservation Board (CWCB).
2. Public Airport/Heliport Influence Area Overlay Map. The Public Airport Influence Area Overlay District Map shall be maintained by and be located in the Geographic Information System Office.
3. Wetlands - As determined by certified delineation.
4. Area of Critical Environmental Concern (ACEC). Areas designated as ACEC by the Bureau of Land Management (BLM).
5. Critical Wildlife Habitat. Sage Grouse and ESA Species range.

C. County Road Map. The County Road Maps are maintained by the Road and Bridge Department and located within the Rio Blanco County, Geographic Information System (GIS) Department.

D. Interpretation of Zone District Boundaries. If for any reason the location of a zone district boundary line is not readily determinable from the Zoning Maps, the location of the zone district boundary line shall be determined by the Assigned Staff in accordance with the following provisions. Where more than one of the following provisions is applicable in any given situation, the first stated and applicable provision shall prevail over all other provisions:

1. Where a zone district boundary line is given a position within or abutting a highway, road, street or alley right-of-way which does not appear to be located within any zone district (other than an overlay zone district), the zone district boundary line shall be deemed to be in

the center of such right-of-way.

2. Where a zone district boundary line is shown as closely and approximately following subdivision plat lot lines, municipal boundary or County boundary lines, the zone district boundary line shall be deemed to coincide with such known lot lines or boundaries.
3. Where a parcel within a zone district has a boundary line shown by a specific dimension, that dimension shall control.
4. Where a zone district boundary line is located with reference to a fixture, monument, or natural feature, the location of the boundary with respect to the attribute shall control.
5. The location of a zone district boundary line located with reference to a natural feature shall be at the outer edge or boundary of the natural feature.
6. In all other circumstances, the location of the zone district boundary line shall be determined by scaling from the Zoning Maps.

E. Public Inspection of Maps. Copies of the maps and reports incorporated by this Section shall be kept on file and available for public inspection at the Geographic Information System (GIS) Department.

Section 1-110 Amendment to Text of This Land Use Regulation.

The process for amendments to the text of these regulations is set forth in Section 4-208, Land Use Regulation Text Amendment.

A. Appendices. Appendices listed in these regulations are adopted by a separate Resolution and may be amended as necessary by the BOCC.

Section 1-111 Severability.

A. Provision Declared Invalid. If any provision of these regulations is declared invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that provision which is expressly declared invalid and shall not affect any other provision of these regulations.

B. Application to Tract of Land Declared Invalid. If the application of these regulations to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, then the effect of such decision shall be limited to the tract of land involved. Such decision shall not affect this or the application of any provision thereof to any other tract or land.

DIVISION 2 VESTED PROPERTY RIGHTS

Section 1-201 Purpose.

The purpose of this Division is to establish a system of vested property rights for these regulations as authorized by Section 24-68-101 et seq., C.R.S, as amended.

Section 1-202 Establishment of Vested Property Rights.

A. General. Pursuant to these regulations, a vested property right shall be deemed established for a period of three (3) years or more, as per Section 1-202.C, with the approval of a Site Specific Development Plan as defined in Section 1-202.B of this Division. When a Site Specific Development Plan is approved with a Land Use Change Permit, the permit shall confer upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the Site Specific Development Plan. If the term of approval for the Site Specific Development Plan is extended pursuant to these Regulations, the term of vested property rights is extended to conform to the extended approval term.

B. Site Specific Development Plan. For the purposes of this Section, the following final approvals shall constitute a Site Specific Development Plan establishing a vested property right.

1. A Final Plat; or a Final PUD Plan. Applications will follow the review procedures outlined in Articles 5 and 6.
2. The document that triggers a vested property right shall be so identified at the time of its approval.

C. Development Agreement and Extension of Vested Property Rights. The BOCC may enter into a development agreement with the landowner for the extension of vested property rights where, in the discretion of the Board, an extension is warranted due to project size and/or phasing of the development. The Board may also consider an extension of vested property rights for economic cycles and/or market conditions.

D. Approval and Effective Date. A Site Specific Development Plan shall be deemed approved upon the effective date of the BOCC's approval action, following a public hearing conducted in accordance with these Regulations. The Board's approval of a Site Specific Development Plan may include such terms and conditions as may be reasonably necessary to protect the public health, safety and general welfare. The approval shall result in a vested property right, although failure to abide by such terms and conditions will result in forfeiture of the vested property right.

1. Within 14 days of approval of the Site Specific Development Plan by the BOCC, the County shall publish a notice of Site Specific Development Plan approval and creation of a vested property right in a newspaper of general circulation in Rio Blanco County.
2. The period of time for exercise of vested property rights shall not begin to run until the date of publication of the notice.

E. Exceptions to Vesting of Property Rights. Once established pursuant to these Regulations, a vested property right precludes any zoning or land use action by the County during the period of time that the property right is established to be vested that would alter, impair, prevent, diminish, or otherwise delay the development or use of the land subject to the Site Specific Development Plan consistent with the terms and conditions of the Site Specific Development Plan, except under one or more of the following conditions.

1. Landowner's Consent. With the consent of the affected landowner.
2. Just Compensation Paid to Landowner. The affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner, including but not limited to all fees paid in consideration for financing and all architectural, planning, marketing, legal and other consultants' fees incurred after approval of the Site Specific Development Plan by the County, together with interest at the current market rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.
3. Hazards. Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of the approval of the Site Specific Development Plan, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare.
4. General Ordinances and Regulations. The establishment of a vested property right shall not preclude the application of ordinances, resolutions or regulations which are general in nature and are applicable to all property subject to land use regulations by the County, including but not limited to building, fire, plumbing, electrical and mechanical codes.

DIVISION 3 DUTIES AND RESPONSIBILITIES OF REVIEW AND DECISION-MAKING BODIES

Section 1-301 Planning Commission.

A. Membership and Term. (Section 30-28-103, C.R.S.)

1. Appointment. The BOCC shall appoint up to seven PC members.
2. Qualifications. All members must be residents of the County. No current member of the BOCC shall serve on the PC.
3. Term of Office. The term of office for each member shall be three (3) years, and until their respective successors have been appointed. The terms of office shall be staggered by making the appointments so that approximately one-third of the members' terms expire each year. Members will be required to be interviewed by the BOCC for possible reappointment.
4. Removal from Office. Any member of the PC may be removed for cause (misconduct, nonperformance of duty) by the BOCC upon written request from the PC or the Public and after a public hearing. Planning Commission members may be removed by the BOCC at any time for failure to attend three consecutive meetings (not including excused absences) or for failure to attend 30 percent or more of the meetings within any 12 month period.
5. Vacancy. Whenever a vacancy, by reason of death, resignation, or removal, occurs on the PC, the member's position shall remain vacant until a new member can be appointed by the BOCC. The vacancy shall be filled for the unexpired term in the same manner as the original appointment.
6. Compensation. The members of the PC shall serve with compensation of $50 per meeting and shall be reimbursed for travel, mileage and continuing education expenses authorized by the BOCC. (Section 30-28-103 (3), C.R.S.)

B. Powers and Duties.

1. Development of the Master Plan. The PC is responsible for the development and adoption of the Master Plan and any amendments to that Plan. (Section 30-28-106, C.R.S.)
2. Advisory Body. The PC is an advisory body on matters including rezoning requests and certain land use change permit applications.
3. Public Meetings.
   a. The PC shall hold scheduled public meetings to take official action on the matters before the Commission. The meetings shall be noticed in compliance with the requirements for public notice set forth in this Regulation.
   b. A majority of the active positions of the PC shall constitute a quorum necessary for official action.
   c. The PC shall keep a record of its proceedings in accordance with State Statute, and the record shall be open to inspection by the public during the normal business hours for County offices.
4. Rules of Conduct and Procedure. The procedures followed by the PC shall be set forth in the code of conduct/official bylaws adopted by the PC, and pursuant to Section 30-28-104, C.R.S., as amended.

Section 1-302 Board of Adjustment

A. The Board of County Commissioners shall serve as the Board of Adjustment.

B. Powers and Duties.

1. Variance. The Board of Adjustment (BOA) is the decision-making body for requests for vari-

ance from zoning requirements of these regulations. (Section 30-28-118, C.R.S.)

a. The BOA shall consider a request for variance based on the procedure set forth in Section 4-209 Request for Variance. In order for the BOA to grant a variance, at least two members of the BOA must vote in favor of the applicant.

b. The BOA does not have the authority to grant the following:

(1) Variance from uses allowed in a zone district.

(2) Variance from any definition.

(3) Variance from the minimum or maximum density allowed in a zone district.

2. Appeal of Administrative Interpretation. The BOA may consider an appeal by any person aggrieved by a final written administrative interpretation or decision based upon or made in the course of the administration or enforcement of the zoning regulations of this Regulation. (Section 30-28-118, C.R.S.) The appeal process is set forth in Section 4-210, Appeal of Administrative Interpretation.

a. Appeal to the BOA shall not be allowed for building use violations that may be prosecuted by the court pursuant to Section 30-28-124 (1)(b), C.R.S.

b. In order for the BOA to grant an appeal which overturns an administrative interpretation or decision, at least two members of the BOA must vote in favor of the appellant. (Section 30-28-118 (3), C.R.S.) Updated RESOLUTION 2018-06

3. Public Meetings.

a. The BOA shall meet as called by the Chairman to take official action on the matters before the BOA. The meetings shall be open to the public, noticed in compliance with the applicable requirements for public notice set forth in this Regulation.

b. Two members of the BOA shall constitute a quorum necessary for official action.

c. The BOA shall keep a record of its proceedings, and the record shall be open to inspection by the public during the normal business hours for County offices.

4. Rules of Conduct and Procedure. The procedures followed by the BOA shall be set forth in the official bylaws adopted by the BOA, and pursuant to Section 30-28-117, C.R.S., as amended.

DIVISION 4 RIGHT TO FARM

It is the policy of the BOCC that ranching, farming, and all manner of agricultural activities and operations throughout Rio Blanco County are integral elements of and necessary for the continued vitality of the County's history, economy, landscape, lifestyle and culture. Given their importance to the County and the state, agricultural lands and operations are worthy of recognition and protection.

Section1-401 Agricultural Activities and Operations Within the County Shall Not Be Considered To Be Nuisances.

Colorado is a "Right to Farm State" pursuant to Section 35-3.5-101, et seq., C.R.S. Landowners, residents, and visitors must be prepared to accept the activities, sights, sounds and smells of Rio Blanco County agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. Those with an urban sensitivity may perceive such activities, sights, sounds and smells as inconveniences, eyesores, noises and odors. However, state law and County policy provides that ranching, farming or other agricultural activities and operations within the County shall not be considered to be nuisances so long as they are operated in conformance with the law

and in a non-negligent manner. Therefore, all landowners, residents and visitors must be prepared to encounter sounds, smells, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides, any one or more of which may naturally occur as a part of legal and non-negligent agricultural operations.

Section 1-402 Rights and Responsibilities of All Landowners.

All owners of land, regardless of use, have rights and responsibilities under state and federal law. Residents and landowners are encouraged to learn about these rights and responsibilities and to act as good neighbors and citizens of the County.

ARTICLE 2 - LAND USE CHANGE PERMIT

Section 2-101 Applicability.
The requirement for a land use change permit and the permit provisions set forth in this Article apply to any proposed change in land use, including divisions of land, for property located in unincorporated Rio Blanco County. (Section 30-28-102, C.R. S.)

Section 2-102 Permit Required for Land Use Changes.
Any person seeking a change in land use shall obtain an applicable land use change permit before commencing the use or activity associated with the land use change, unless the proposed use or activity is expressly exempted under Section 2-104, Exemptions from Land Use Change Permit Requirements. Failure to obtain a land use change permit shall be a violation of the Rio Blanco County Land Use Regulations (LUR) and subject to the enforcement provisions in Article 12, Enforcement, Violations and Penalties.

A. Land Use Changes Other Than a Division of Land. Land use changes not involving a division of land include Limited Impact Review, Major Impact Review, Rezoning, SU/BP, and SU/BPP. These land use changes follow the review procedures outlined in Article 4.

B. Land Use Changes Involving a Division of Land. Land use changes that include a division of land and require approval of a Final Plat including, without limitation, Boundary Line Adjustment, Single Lot Creation, Minor Subdivision, Major Subdivision, and Planned Unit Developments (PUD). These land use changes follow the review procedures outlined in Article 5.

Section 2-103 Permit Runs With the Land.
Any land use change permit approved in compliance with this Regulation shall be binding upon and run with the land.

Section 2-104 Exemption from Land Use Change Permit Requirements.
The following uses and activities are exempt from the requirement to obtain a land use change permit if the proposed use or activity complies with applicable zone district regulations and use restrictions set forth in Article 3, Zoning. Exemption from land use change permit requirements is not an exemption from other federal, state and local permit requirements applicable to the proposed development or land use including, without limitation, building permits, development permits, access permits, grading permits, stormwater permits and air quality permits.

A. Single Family Dwelling. One single-family dwelling per legally established lot in compliance with this regulation.

B. Accessory Structure to Single Family Dwelling. Construction of sheds and other structures that are Accessory Structures to the single-family dwelling and are smaller in size than that required by the County's building code.

C. Excavation of Less Than 500 Cubic Yards. Excavations of less than 500 cubic yards of material where the excavation is not related to a permit required structure, project, or by state statute.

D. Agricultural Operations. Agricultural operations include the following:

1. Production, cultivation, growing and harvesting of crops and plants.
2. Raising and breeding livestock, excluding feedlots regulated by the State (pursuant to Section 35-53.5-105, C.R.S. and 40 CFR 412.10.
3. Harvesting, storage, grading, packaging, processing distribution and sale of agricultural commodities occurring at the point of production.

4. Construction of sheds, outbuildings and other accessory structures of any size that are necessary to agricultural operations and are used for the sole purpose of providing shelter for agricultural implements, farm products, livestock or poultry. (Section 30-28-205, C.R.S.)
5. Construction of internal roads, ponds, dams and ditches necessary to agricultural operations.

E. Use by Right – Any implementation of a use by right as described in the Zoning Use Tables.

Section 2-105 Levels of Permit Review for Land Use Change Permits.

Land use change permits are subject to different levels of review, as follows:

A. Land Use Changes Other Than a Division of Land. Unless otherwise exempted from review under these Regulations, a change in land use that does not involve division of land is subject to one of the following three levels of review, according to the level of impact. The level of review for a specific land use is set forth in Section 3-202, Use Table or as determined by impact thresholds described in Article 7, Standards.

1. Administrative Review Process. A change in land use that will have insignificant or temporary impact is subject to the Administrative Review Process set forth in Section 4-202.
2. Limited Impact Review Process. A change in land use that will have limited or minimum impact is subject to the Limited Impact Review Process set forth in Section 4-204.
3. Major Impact Review Process. A change in land use that will have significant impact is subject to the Major Impact Review Process set forth in Section 4-205.

B. Land Use Changes Involving Division of Land.

1. Subdivision. Unless otherwise provided by these Regulations, division of land shall be classified as Single Lot Creation, Minor Subdivision or Major Subdivision. (Section 30-28-133, C.R.S).
   a. Single Lot Creation Review Process. A division of land considered to be a single lot creation pursuant to Section 5-201 shall be subject to the Single Lot Creation Review Process, which is an abbreviated subdivision review process set forth in Article 5, Section 5-201.
   b. Minor Subdivision Review Process. A division of land considered to be a minor subdivision pursuant to Section 5-202 shall be subject to the Minor Subdivision Review Process, which is an abbreviated subdivision review process set forth in Article 5, Section 5-202.
   c. Major Subdivision Review Process. A division of land considered to be a major subdivision pursuant to Section 5-203 shall be subject to the Major Subdivision Review Process set forth in Article 5, Section 5-203.
2. Exception from Subdivision. A request for an exception from subdivision regulations shall be subject to the review process set forth in Section 5-301.

C. PUD. A change in land use which proposes a PUD shall be subject to the PUD Plan Review process set forth in Article 6, Planned Unit Development. The regulatory provisions for PUD set forth in these regulations are pursuant to Section 24-67-101 et.seq., C.R.S.

Section 2-106 Fees

A. Fees. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for permits, subdivision plat approvals, amendments, variances and other administrative review. The amount of the fees charged is set forth by a separate Resolution and may be amended as necessary by the Board of County Commissioners (BOCC). (Section 30-28-114, C.R.S.) Such fees, as adopted may be posted on the County's web page.

B. Application Fees. All approvals sought pursuant to this regulation require the filing of an application and submittal of additional supporting material as may be requested and submission of the required initial fees, as listed in this Article.

C. Initial Fees. Initial Fees are established as a product of the estimated average County staff time necessary for reviewing and processing an application and the average staff cost per hour for the County staff involved.

For the purpose of accounting for processing costs, County staff shall be required to keep an accurate record of the actual time required for the processing of each application pursuant to this regulation.

County costs incurred significantly over and above the initial fees shall be billed to the applicant. Any billings must be paid prior to final consideration of a permit or license or prior to the execution of the written resolution confirming action on the application. In those cases where the fee is based on valuation, including materials and labor, the County reserves the right to determine the cost of a project through an independent consultant paid for by the applicant.

Additional third party, legal, or referral agency review may be required by these regulations and/or the Planning Division of the Community Development Department, the Natural Resources Department, the Planning Commission, the BOCC or by another County department. All related fees for these reviews will be invoiced to the applicant and must be paid before final approval of a permit, license, or plat.

Fees for staff activities for related post approval work will be billed to the applicant based on the established base fee and be due within 30 days from the date of the invoice.

The initial fee for application and processing of a proposal shall be due and payable with the submission of an application. All applications must include a completed Agreement for Payment Form. The Agreement for Payment Form establishes the applicant as being responsible for payment of all costs associated with processing the application and any post approval costs.

ARTICLE 3 - ZONING

DIVISION 1 GENERAL PROVISIONS

Section 3-101 Establishment of Zone Districts.

The following zone districts are established, and all areas of Rio Blanco County are hereby divided into one of these districts. A – Agricultural; RR – Rural Residential; CR – Compact Residential; LR – Leisure Recreation; C – Commercial; I – Industrial; PUD – Planned Unit Development

A. A - AGRICULTURAL

Purpose and Description

The Agricultural District is primarily used for agriculture, forestry and very low density residential uses. It is a rural area of the County that provides food and crop production, forestry resources, mining and extraction of oil, gas, and other minerals, open space, scenic vistas, and wildlife habitat.





Typical Use and Structure Types

- All types of single-family detached residential structures
- Farm structures such as barns, equipment sheds, lean-tos and silos
- Structures customarily accessory to residential uses such as garages, carports, gazebos, porches, and tool sheds
- Resource mining and extraction, and associated structures
- Structures associated with an approved non-residential or home occupation use including signs

Dimensional Standards

Minimum lot size	35 acres
Maximum residential density (dwelling units per land area)[1]	1 dwelling
Minimum road frontage[2]	50 feet
Minimum front yard setback	30 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	10 feet
Maximum structure height - Residential	50 feet
Maximum structure height resource mining and extraction associated structures	150 feet

NOTES:

[1] Additional dwellings may be permitted through the Limited Impact Review (see Section 4-204)

[2] Road frontage is not required for residential and agricultural uses provided a dedicated easement of not less than 18 feet in width providing access to the county road has been recorded for the lot.

B. RR - RURAL RESIDENTIAL

Purpose and Description

Large lot single-family and rural agricultural uses on individual wells and septic systems characterize these areas.





Typical Use and Structure Types

- All types of single-family detached residential structures
- Farm structures such as barns, equipment sheds, lean-tos and silos
- Structures customarily accessory to residential uses such as garages, carports, gazebos, porches, and tool sheds
- Structures associated with an approved non-residential or home occupation use including signs

Dimensional Standards

Minimum lot size	2 acres
Maximum residential density (dwelling units per land area)[1]	1 dwelling
Minimum road frontage	50 feet
Minimum front yard setback	30 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	10 feet
Maximum structure height	35 feet

[1] Additional dwellings may be permitted through the Limited Impact Review (see Section 4-204)

C. CR - COMPACT RESIDENTIAL

Purpose and Description

This district is for the development of single-family residences and multi-family dwellings. It applies to development of single-family residences generally on one acre or less in size and any projects for the development of multi-family dwellings.





Typical Use and Structure Types

- All types of single and multi-family residential structures
- Structures customarily accessory to residential uses such as garages, carports, gazebos, porches, and tool sheds
- Structures associated with an approved non-residential or home occupation use including signs

Dimensional Standards

Minimum lot size	5,000 square feet
Maximum residential density (dwelling units per land area)	As approved
Minimum front yard setback	25 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	5 feet
Maximum structure height	35 feet

D. LR - LEISURE RECREATION

Purpose and Description

This district is for the orderly arrangement of those land uses that provide services and support multiple leisure uses, such as hunting, in areas of scenic value, wildlife resources and forestry.



Typical Use and Structure Types

- All types of single family residential structures
- Lodges, cabins
- Structures customarily accessory to residential uses such as garages, carports, gazebos, porches, and tool sheds
- Structures associated with an approved non-residential or home occupation use including signage

Dimensional Standards

Minimum lot size	5 acres
Minimum front yard setback	30 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	10 feet
Maximum structure height	35 feet

Accessory dwellings may be permitted through the Limited Impact Review (see Section 4-204)

E. C –COMMERCIAL DISTRICT

Purpose and Description

This district is to promote orderly arrangement of commercial uses so they may have access and infra-structure support.



Typical Use and Structure Types

- All types of business and retail structures and permitted uses

Dimensional Standards

Minimum lot size	10,000 square feet
Minimum front yard setback	0 feet
Minimum side yard setback	0 feet
Minimum rear yard setback	0 feet
Maximum structure height	75 feet

Accessory dwellings may be permitted through the Limited Impact Review (see Section 4-204)

F. I – INDUSTRIAL DISTRICT

Purpose and Description

This district is to promote orderly arrangement of industries and industrial uses so they may have road access and infrastructure support.



Typical Use and Structure Types

- All types of commercial and industrial structures and permitted uses

Dimensional Standards

Minimum lot size	10,000 square feet
Minimum front yard setback	0 feet
Minimum side yard setback	0 feet
Minimum rear yard setback	0 feet
Maximum structure height	150 feet

Accessory dwellings may be permitted through the Limited Impact Review (see Section 4-204)

G. PUD – PLANNED UNIT DEVELOPMENT (SEE ARTICLE 6)

Purpose and Description

This district permits flexibility and creativity in site and building design and location in accordance with an approved plan as detailed in Article 6. Design excellence and the provision of public amenities shall be considered when establishing development standards for each new district established. (Note: all parts of Article 6 apply to this district.)



Typical Use and Structure Types

- Residential, commercial, industrial, and natural resource extraction structures and uses

Dimensional Standards

Minimum lot size	As approved
Minimum front yard setback	As approved
Minimum side yard setback	As approved
Minimum rear yard setback	As approved
Maximum structure height[1]	As approved

Table 3 - 1

Zoning District	Minimum Lot Area	Maximum Residential Density[2]	Minimum Road Frontage	Setbacks			Height[1]
				Front	Side	Rear	
A - Agriculture	35 acres	1/lot	50'[1]	30'	10'	10'	150'
RR – Rural Residential	2 acres	1/lot	50'	30'	10'	10'	35'
CR – Compact Residential	5,000 sf	1/lot	NA	25'	10'	5'	35'
LR – Leisure Recreation	5 acres	1/lot	NA	30'	10'	10'	35'
C - Commercial	10,000 sf	1/lot	NA	0'	0'	0'	75'
I – Industrial	10,000 sf	1/lot	NA	0'	0'	0'	150'
PUD – Planned Unit Development	As approved as part of the PUD						

[1] Residential height. Resource mining height limited to 150 feet.

[2] Additional and accessory dwellings may be permitted through the Limited Impact Review (see Section 4-204; See also Section 3-202 Residential Uses: Accessory Dwellings)

DIVISION 2 USE REGULATIONS

Section 3-201 Basic Requirements.

The following provisions apply in all zone districts.

A. More than One Principal Use. A parcel may be used for more than one principal use, except as follows.

1. Multiple principal uses are permitted on a single lot. All of the uses must fall into the permitted use category for the district as identified in Table 3-302, Use Regulations. Each use is subject to applicable regulations within that use category, including the standards in Article 7 and any applicable use-specific standards.

Section 3-202 Use Regulations.

The following table lists all the principal uses addressed by these regulations. A principal use is the primary purpose or function for which the land, building or structure is used. Uses which are permitted by right are those principal uses which require no land use review, but do require building permits for all associated buildings. The uses requiring Administrative Review have to go through the process described in Section 4-202. The uses requiring Limited Impact Review have to go through the process described in Section 4-204. The uses requiring Major Impact Review have to go through the process described in Section 4-205. See Article 5 for subdivisions.

P= Permitted by Right A= Administrative Review L= Limited Impact Review M= Major Impact Review "–" = Not allowed	AGRICULTURE	RURAL RESIDENTIAL	COMPACT RESIDENTIAL	LEISURE RECREATION	COMMERCIAL	INDUSTRIAL
	A	RR	CR	LR	C	I
Agricultural Uses						
All agricultural uses not otherwise listed	P	A	–	–	–	–
Agricultural processing	M	-	-	-	M	M
Common equestrian stabling and grazing	P	P	A	P	–	–
Cultivation, storage and sale of crops, vegetables, plants, flowers, and nursery stock, produced on the premises	P	P	A	P	P	P
Feedlot, commercial	M	-	-	-	-	-
Livestock including poultry	P	L	–	P	–	–
Riding stables; boarding (commercial)	P	A	L	P	P	–
Forestry	P	P	P	P	–	P
Storage or sale of agricultural products not produced on the premises	P	P	–	P	P	P
Business, Commercial, and Retail Uses						
Adult establishments	–	–	–	–	–	M
All retail establishments not otherwise listed	–	–	–	L	P	A
Artisan and photography studios	L	L	–	L	P	P
Auto, recreational vehicle, boat and truck sales	–	–	–	–	P	–
Auto, recreational vehicle, boat and truck service and repair	L	–	–	–	P	P
Auto, recreational vehicle, boat and truck storage	L	–	–	–	L	P
Bars, taverns and nightclubs	–	–	–	M	M	M
Bed and breakfast inns	L	L	–	L	P	–
Car wash	–	–	–	–	P	P
Clubs and fraternal lodges	–	–	–	L	P	–
Contractor sales and service	L	–	–	–	L	P
Entertainment facilities and theater	–	–	–	–	P	–
Daycare centers	L	L	L	–	P	L
Equipment rental establishments without outdoor storage	L	–	–	–	P	P
Equipment, truck and trailer rental establishments with outdoor storage	L	–	–	–	P	P

P= Permitted by Right A= Administrative Review L= Limited Impact Review M= Major Impact Review "–" = Not allowed	AGRICULTURE	RURAL RESIDENTIAL	COMPACT RESIDENTIAL	LEISURE RECREATION	COMMERCIAL	INDUSTRIAL
Funeral homes	–	–	–	–	P	P
Indoor recreation facility	–	–	–	M	P	–
Lodging establishments	L	–	–	L	P	P
Medical and dental offices and clinics	–	–	–	–	P	–
Open-air farmers' markets	P	–	–	P	P	P
Outdoor recreation facility	M	M	M	M	L	L
Parking (as a principal use)	–	–	–	–	P	P
Personal and business service shops	L	–	–	–	P	P
Plant nurseries & greenhouses (commercial)	P	–	–	–	P	P
Print shops	–	–	–	–	P	–
Professional offices	–	–	–	–	P	P
Restaurants	M	–	–	L	P	P
Retail and supply yard establishments with outdoor storage	–	–	–	–	M	L
Retail fuel stations	–	–	–	–	L	L
Sales and leasing of farm implements, heavy equipment sales, and heavy excavation equipment	L	–	–	–	P	P
Small animal boarding (kennels)	L	L	–	–	L	–
Veterinary facilities, large animal clinics	P	–	–	–	–	P
Veterinary facilities, small animal clinics	L	–	–	–	P	P
Industrial Uses						
Airport and dusting service	M	–	–	–	–	M
All light industry not otherwise listed, with or without outside storage	–	–	–	–	–	P
Animal shelter	P	–	–	–	L	P
Automobile and truck fleet maintenance	–	–	–	–	–	P
Automobile and truck washing, including steam cleaning	–	–	–	–	–	P
Automobile and truck wrecking, dismantling and salvage	–	–	–	–	–	P
Contractor's storage yard	L	–	–	–	L	P
Enclosed mini/self-storage facilities	–	–	–	–	L	P
Extraction - mining	M	-	-	-	-	M
Extraction - gravel	M	-	-	-	-	M

P= Permitted by Right A= Administrative Review L= Limited Impact Review M= Major Impact Review "–" = Not allowed	AGRICULTURE	RURAL RESIDENTIAL	COMPACT RESIDENTIAL	LEISURE RECREATION	COMMERCIAL	INDUSTRIAL
Heavy industry not otherwise listed, with or without outside storage	–	–	–	–	–	M
Landfills / Solid waste disposal	–	–	–	–	–	M
Microbreweries	–	–	–	–	P	P
Oil and gas operations including storage pits – limited impact (see Article 9)	L	L	L	L	L	L
Oil and gas operations – major impact (see Article 9)	M	M	M	M	M	M
Oil and gas operations – no significant impact (see Article 9)	A	A	L	A	A	A
Recycling facilities	–	–	–	–	L	L
Research, experimental or testing laboratories	–	–	–	–	L	P
Telecommunications facilities	L	M	M	M	P	P
Warehouse, distribution and wholesale uses	–	–	–	–	–	P
Institutional/Civic/Public Uses (see Section 4-203 Location and Extent Review)						
All institutional, civic, and public facilities not otherwise listed	P	P	P	P	P	P
Cemeteries	M	M	–	–	–	–
Electric power generation	M	-	–	–	M	M
Electric substations	P	L	L	L	P	P
Fairgrounds and stadiums, public or private	M	–	–	–	M	M
Golf courses	M	M	–	L	L	–
Hospitals	–	–	–	–	P	–
Museums and galleries	L	L	–	L	P	–
Parks and open space	P	P	P	P	P	P
Places of assembly including worship	P	P	P	P	P	P
Public and private colleges, vocational training and technical training	–	–	–	–	P	P
Public and private schools for elementary, intermediate and high school education	P	P	P	P	P	P
Public facilities and government offices not otherwise listed	P	P	P	P	P	P
Public safety stations including ambulance service	P	P	P	P	P	P

P= Permitted by Right A= Administrative Review L= Limited Impact Review M= Major Impact Review "–" = Not allowed	AGRICULTURE	RURAL RESIDENTIAL	COMPACT RESIDENTIAL	LEISURE RECREATION	COMMERCIAL	INDUSTRIAL
Rehabilitation centers, nursing care, assisted living, congregate care, palliative care, and hospice care	-	M	M	M	L	–
Sewage treatment and disposal	M	–	–	–	–	M
Water treatment	M	–	–	–	M	M
Residential Uses						
Accessory dwellings	L	L	-	L	L	L
Dwellings, mixed-use (Examples include a residential unit above a business use or a caretaker's unit at a mini-storage operation.)	–	–	–	–	P	–
Dwellings, multi-family and townhouses	–	–	L	L	L	–
Dwellings, single-family detached	P	P	P	P	–	–
Dwellings, two-family	–	L	P	P	–	–
Group home	P	P	P	P	–	–
Manufactured homes on individual lots	P	P	P	P	–	–
Manufactured home parks	M	M	–	–	–	–
Recreational Vehicle on individual lots (See section 7-610)	P	P	P	P	P	P
Temporary living quarters type 1 on-pad (see Article 8)	A	A	A	A	A	A
Temporary living quarters type 1 off-pad (see Article 8)	L	-	-	-	-	L
Temporary living quarters type 2 (see Article 8)	M	-	-	-	-	M
Temporary living quarters type 3 (see Article 8)	M	-	-	-	-	M
Miscellaneous Uses						
Accessory buildings and uses	P	P	P	P	P	P
Campground (tent and RV)	L	–	–	L	–	–
Home Occupation (see Section 7-604)	P	P	P	P	P	P
Temporary and seasonal uses	L	–	–	L	L	L

ARTICLE 4 - PERMIT APPLICATION AND REVIEW PROCEDURES FOR LAND USE CHANGES NOT INCLUDING THE DIVISION OF LAND

DIVISION 1 BASIC REVIEW PROCEDURES

Section 4-101 Common Review Procedures.

Unless otherwise provided in these regulations, the following review procedures apply to all land use change applications described by this Article.

A. Pre-Application Conference. All land use change applications begin with a pre-application conference between the Applicant and the Assigned Staff. The pre-application conference may be conducted either in person or by phone. Also, the pre-application conference may be optional for certain oil and gas land use applications, as determined by Table 4-1.

1. Purpose. The pre-application conference is intended to provide information pertinent to the site and the proposal, to provide an understanding of the applicable review procedures and the standards to be met for approval of the application, to explain the application materials required for submittal, and to discuss applicable fees.
2. Procedure. An Applicant for a land use change shall make a request for a pre-application conference through the Planning Division of the Community Development Department or the Natural Resources Department, whichever is applicable.
3. Scheduling of Pre-application Conference. The Assigned Staff shall schedule a pre-application conference to be held within seven (7) business days from receipt of request for a pre-application conference unless a longer period is mutually agreed upon. The pre-application conference may be held at any mutually agreed upon location.
4. Materials. Unless otherwise specified by these regulations, the Applicant shall bring a conceptual site plan to the conference. The conceptual site plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size and the magnitude of the proposed development.
5. Participants. In addition to the Planning Division of the Community Development Department Staff or the Natural Resources Department Staff, if the proposal raises potential issues for roads, access, parking, traffic, water supply, sanitation and/or natural resource protection, the appropriate Assigned Staff may be included in the pre-application conference.
6. Determination of Level of Review. Upon recommendation of the Assigned Staff and within the standards set in Section 2-105 of these regulations, the Assigned Staff shall determine the appropriate review process for the land use change that is being sought.
7. Staff Comments and Written Summary. Any comments made by Assigned Staff during the pre-application conference are preliminary in nature and not binding. Formal comments cannot be made by staff until after the complete application is submitted and adjacent and/or nearby property owners and referral agencies have had an opportunity to comment. Within three (3) business days after the pre-application conference the Assigned Staff shall prepare a written summary which describes the review process and anticipated time frames, and sets forth any concerns or conflicts raised by the Applicant's proposal. The information provided in the written summary shall be valid for a period of six (6) months from the date of the written summary.

B. Consultant Review. The Assigned Staff may determine that all or a portion of the review of a land use change application will be performed by an outside consultant after consideration of staff workload, complexity of the application and consultation with the Applicant.

C. Applicant Responsible for Consultant and Referral Agency Review Fees. The costs of consultant and referral agency review are the responsibility of the Applicant. The costs of consultant and referral agency review shall be paid pursuant Section 2-106, Fees.

D. Application. Applications for a land use change shall be submitted to the County by the property owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent. Written authority or permission to act in an Applicant's behalf must be included with the application materials. Applications for land use change occurring on Federal or State owned property shall not require written authority or permission to act prior to application. Applicable Federal and State permitting will be undertaken by an Applicant concurrent with the Rio Blanco County land use change permit process.

E. Determination of Level of Review. The Assigned Staff will make a determination of the appropriate review process for the land use change being sought. The Assigned Staff or Planning Commission may change the level of the review process on any application as additional information is received, consistent with these regulations.

F. Determination of Completeness. Within 21 calendar days of receipt of the application materials, the Assigned Staff will determine whether the application is complete based on compliance with the requirements for the applicable review process.

1. Application is Not Complete. If the application is not complete, the Assigned Staff will inform the Applicant of the deficiencies in writing and will take no further action on the application until the deficiencies are remedied.
2. Application is Complete. When the application is complete, the Assigned Staff will certify it as complete and mark it with the date of the determination of completeness.

G. Review by Referral Agency.

1. Comment Period. Unless otherwise provided by these regulations, the comment period for referral agency review will be 21 calendar days from the date that the application is referred, unless an extension of not more than five (5) business days is approved by Assigned Staff for good cause and is issued in writing. A lack of response may be interpreted as no comment.
2. Review Fee by Referral Agency. A referral agency may impose a fee for the review of a proposed land use change pursuant to Section 4-101.C.
3. Referral Agencies. Complete applications may be referred to the following agencies for review and comment:
   a. Any local government or agency which has entered into an intergovernmental agreement or MOU with the County applicable to the area of the application.
   b. State and Federal Agencies with interest in the area where the use will occur, including but not limited to:
      - Colorado Geologic Survey.
      - Colorado Department of Public Health and Environment (CDPHE)
      - Colorado Department of Transportation (CDOT)
      - Colorado Division of Water Resources.
      - Colorado Oil and Gas Conservation Commission (COGCC)
      - Colorado Parks and Wildlife (CPW)
      - The Colorado State Forest Service
      - Natural Resource Conservation Service (NRCS)
      - State Historic Preservation Office (SHPO)

- U.S. Bureau of Land Management (USBLM)
- U.S. Forest Service (USFS)
- US Army Corp of Engineers (USACE)

c. The appropriate school district.

d. Any utility, local improvement or service district or ditch company.

e. County, district or regional health department, when applicable.

f. The applicable Soils Conservation District Board.

H. Evaluation by Assigned Staff, Staff Review. The Assigned Staff will review the land use change application to determine if the proposal satisfies the applicable standards. The Assigned Staff will prepare a staff report discussing the application's conformance with the Master Plan, whether the standards have been satisfied, issues raised through staff and referral review, mitigation requirements and recommended conditions for approval to ensure that standards are satisfied, and additional information pertinent to the review of the application.

1. Staff Report. At least five (5) calendar days prior to the date of a public hearing, the Assigned Staff will submit a staff report to the Applicant and to the hearing body. A copy of the staff report will also be available for public review prior to the hearing.

I. Notice of Public Hearing. Certain land use change applications will require a public hearing. Unless otherwise provided in these regulations or law, when a public hearing is required the following public notices are required:

1. Notice by Publication. At least 14 calendar days prior to the date of a scheduled public hearing before the PC, and at least 30 calendar days prior to the date of the scheduled public hearing before the BOCC, the Assigned Staff will cause notice of the public hearing to be published in a newspaper of general circulation in the County. Publication of said notice shall use a form prescribed by the County.

2. Notice to Adjacent Property Owners.

a. At least 14 calendar days prior to the date of a scheduled public hearing, the Assigned Staff will send a written notice of the public hearing to the owners of record of all adjacent property to the project site. The notice shall include a vicinity map, the property's legal description, a short narrative describing the current zoning and proposed land use change, and an announcement of the date, time and location of the scheduled hearing. UPDATED RESOLUTION 2022-05

b. If the project site is within ½ mile of an incorporated community boundary, noticing of the public hearing will be sent to the owners of record of all adjacent property within 500 feet of the project site. The notice shall include a vicinity map, the property's legal description, a short narrative describing the current zoning and proposed land use change, and an announcement of the date, time and location of the scheduled hearing.

3. Proof of Notice. At the public hearing, the Assigned Staff shall provide proof of publication, and proof of notification of adjacent property owners.

J. Conduct of Public Hearing. Public hearing proceedings will be conducted according to the following process:

1. Rights of All Persons. Any person may appear, in person at a public hearing and submit evidence, including oral testimony, either individually or as a representative of an organization. Comment also may be submitted in written form before or during the hearing, or within a designated period of time if the hearing is continued pursuant to paragraph 6 below.

2. Time Limits for Testimony. The Planning Commission or BOCC may set reasonable time limits

for testimony or presentation of evidence during the public hearing. Oral testimony may be limited based upon relevancy, redundancy or time constraints.

3. Order of Proceedings. The order of the proceedings will be as follows:
   a. Confirmation of Adequate Public Notice. The Planning Commission or BOCC shall determine whether or not adequate notice has been accomplished pursuant to these regulations for notice of public hearing.
   b. Staff Presentation. The Assigned Staff will describe the proposed land use change, summarize pertinent issues and mitigation measures, and identify the standards that apply and whether the application meets those standards.
   c. Applicant's Presentation. The Applicant or Applicant's agent may make an oral or a written presentation on behalf of the application. The burden of proof is on the Applicant to demonstrate that the proposed land use change satisfies the applicable standards.
   d. Questions by the Planning Commission or Board of County Commissioners. The Planning Commission or BOCC may ask questions of the staff, the Applicant, or members of the public in attendance at any time.
   e. Public Comments and Questions. The Planning Commission or BOCC will hear public comments and questions following the presentation by the Applicant. Written comments that have been received before the hearing shall be reported by the Assigned Staff and acknowledged to be part of the hearing record. Those giving comments must state their name, address, and who they represent for the record.
   f. Staff Response. The Assigned Staff may respond to any statement made by the Applicant, the public, the Planning Commission, or the BOCC.
   g. Applicant Response. The Applicant may respond to any comments made by the public, the Assigned Staff, the Planning Commission, or BOCC.
4. Close of Public Testimony. At the conclusion of the public testimony, no further public comment shall be accepted.
5. Deliberation and Decision. Following the close of public testimony, the Planning Commission or BOCC shall proceed with deliberations. The recommendation or decision to approve, approve with conditions or deny the application shall be set forth in the minutes of the public hearing.
6. Continuation of Public Hearing. The Planning Commission or BOCC may continue the public hearing to a certain date and time. An Applicant shall have the right to request a continuance of the hearing. Any subsequent continuances shall be granted at the discretion of the Commission or Board upon a finding that good cause for the continuance has been shown.
7. Modification of Application at the Hearing. In response to issues and concerns raised at a Public Hearing, an Applicant may modify an application.
8. Record of Public Hearing. The hearing body shall record the public hearing by any appropriate means.
9. Decisions. The recommendation by the Planning Commission and the decision by the BOCC will be made on the following basis:
   a. Approval of Application. If the application addresses issues identified and satisfies the applicable standards, the application may be approved; or
   b. Denial of Application. If the application fails to address issues identified or fails to satisfy the applicable standards, the application may be denied; or
   c. Conditional Approval of Application. The application may be approved with conditions

determined to be necessary for compliance with applicable standards. Applicable Federal and State permitting will be undertaken by an Applicant concurrent with the Rio Blanco County land use change permit process. Conditional Approval of an Application may require providing proof to Rio Blanco County of Federal and State permits, once issued.

10. Record of Decision. The record of decision will include the following materials:
    a. The record of the public hearings.
    b. The application materials.
    c. Written materials submitted to the County by an individual or agency regarding the application.
    d. The Staff Report, and consultant and referral agency reports.
    e. Documentation of the recommendation by the Planning Commission and the decision of the BOCC. The Board's approval will be made by Resolution.

K. Ex-Parte Communications. Once an application has been received by the County, members of the Planning Commission and BOCC shall not engage in communications with any party regarding the application. It is the members' responsibility to immediately disclose an ex-parte or attempted ex-parte contact to the County Attorney. No ex-parte communication shall be considered by the Planning Commission or BOCC, or any of its members in making a decision on any application.

DIVISION 2 REVIEW PROCEDURES.

Section 4-201 Outline of Process.

The following process procedures shall apply as appropriate for each application type as specified in that application procedure.

Table 4-1 Review Procedures

√ - Review Procedure S - Assigned Staff BOA - Board of Adjustment PC - Planning Commission BOCC - Board of County Commissioners		Pre-application Conference	Application	Completeness	Schedule Public Hearing	Referral to Agencies	Staff Evaluation/Review	Recommendation	Decision	Notice	
										Mailed	Published
4-202	Administrative	√	√	√		√	√		S	√	
4-203	Location and Extent Review	√	√	√	√	√[1]	√		PC	√	√
4-204	Limited Impact	√	√	√	√	√[1]	√		BOCC	√	√
4-205	Major Impact	√	√	√	√	√	√	PC	BOCC	√	√
4-206	Amendments to an Approved Land Use Change Permit	√	√	√		√	√		S	√	
4-207	Rezoning	√	√	√	√	√	√	PC	BOCC	√	√
4-208	LUR Text Amendment	√	√	√	√	√	√	PC	BOCC		√
4-209	Variance	√	√	√	√	√	√		BOA	√	√
4-210	Appeal of Administrative Interpretation	√	√	√	√		√		BOA		√

[1]As needed. For some applications no referral will be needed, and for many applications only a select few potentially affected by the proposed development will be sent referrals.

2Pre-application conferences are optional for No Significant Impact Oil and Gas Operations

Section 4-202 Administrative Applications.

Applications for land use changes subject to Administrative Review as set forth in Section 2-105.A shall be reviewed by the Assigned Staff as follows.

A. Process. (see Table 4-1)

B. Written Notice of Decision. The Assigned Staff shall inform the Applicant of the approval, conditions of approval or basis for denial in writing within seven (7) calendar days of the date of decision. Notice of the Assigned Staff's decision shall also be provided to the Planning Commission and the BOCC.

C. Call-up by Board of County Commissioners.

1. A call-up may be initiated by the Applicant, or any affected Adjacent Property Owner.
2. Call-ups shall be processed as follows:
   a. A request for a call-up shall be submitted in writing to the County within 10 calendar days of the decision being challenged.
   b. The request for a call-up will be scheduled at the next available Public Meeting. At this meeting, the Board shall, by a majority vote, decide whether to review the Staff decision.

c. Should it be decided that BOCC will review the Staff's decision, the Board shall schedule a Public Hearing and provide notice as required in the original application. Should it be decided that the Staff's decision will not be reviewed, the Staff's decision shall be final.

d. Review Criteria. The BOCC shall apply the same review criteria under which the original application was processed.

D. Statement of Appeal. A written statement of the Staff's decision to be called-up or the interpretation to be appealed, the date of that decision or interpretation, and the reasons why the appellant believes that the decision or interpretation of the Staff is incorrect, including any materials or evidence to support the call-up or appeal.

E. Review Criteria. An application shall comply with the applicable standards of these regulations.

Section 4-203 Location and Extent Review.

A. Subject Projects. The following projects shall be subject to location and extent review as provided in Section 30-28-110, C.R.S.:

1. Roads, parks, or other public way, ground, or space;
2. Public buildings or structures;
3. Public utilities, whether publicly or privately owned;
4. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, sale, lease, or acquisition of land for any road, park, or other public way, ground, place, property, or structure.

B. Review Process. Applications for a Location and Extent Review shall be processed according to Table 4-1, Review Procedures, with the following requirements:

1. The Planning Commission shall either approve or disapprove the application for a Location and Extent Review based on general conformance with the Master Plan.
2. In the event the Planning Commission finds the application is not in general conformance with the Master Plan and disapproves the application, the following apply:
   a. For public and charter school projects, the Planning Commission may request a Public Hearing before the board of education, pursuant to C.R.S. § 22-32-124(1)(a) or (1.5)(a).
   b. For all other projects, the Applicant may appeal the disapproval to the applicable governing body in accordance with C.R.S. § 30-28- 110(1)(b) or (c).

C. Review Criteria. The Planning Commission shall determine whether the project is in general conformance with the Master Plan.

Section 4-204 Limited Impact Applications.

Applications for land use change subject to Limited Impact Review as set forth in Section 2-105.A shall be subject to the following review process.

A. Process. (see Table 4-1)

Section 4-205 Major Impact Applications.

Applications for land use change subject to Major Impact Review as set forth in Section 2-105.A shall be subject to the following review process.

A. Process. (see Table 4-1)

Section 4-206 Amendments to an Approved Land Use Change Permit.

Any proposal to change a land use change permit approved under this Regulation shall require an ap-

plication to the Assigned Staff for Amendment of an approved land use change permit. The Assigned Staff shall review the application to determine whether the proposed change constitutes a Substantial Modification to the approved plan.

A. Staff Decision. Within 30 calendar days from the date of determination of completeness, the Assigned Staff shall make a determination as to whether the proposed change(s) constitutes a Substantial Modification to the approved plan.
   1. No Substantial Modification. If the Assigned Staff determines that the change does not constitute a Substantial Modification to the approved land use change permit, the Assigned Staff may approve the proposed amendment to the land use change permit.
   2. Substantial Modification. If the Assigned Staff determines that the change constitutes a Substantial Modification by not meeting the requirements Minor Modification below in C, the site plan shall be considered a new site plan subject to full review under the applicable review process for the land use change application.

B. Written Notice of Decision. The Assigned Staff shall inform the Applicant of the decision in writing within seven (7) calendar days from the date of the decision. Notice of the Assigned Staff's decision shall also be provided to the Planning Commission and the BOCC.

C. Review Criteria. Minor Modifications are those that deviate from standards or rearrange/reconfigure elevations, structures, parking areas, landscape areas, drainage facilities, utilities, or other site improvements in an approved Land Use Change Permit, and that meet all of the following criteria as applicable:
   1. Comply with all requirements of these regulations;
   2. Do not conflict with the Master Plan;
   3. Do not change the character of the development;
   4. Do not alter the basic relationship of the development to adjacent property;
   5. Do not change the uses permitted;
   6. Do not require amendment or abandonment of any easements or rights-of-way;
   7. Do not increase the density(development rights); and
   8. Do not decrease the amount of the following to an amount below the minimum required in the applicable zone district:
      a. Amount of dedicated Open Space;
      b. The size of or change in the locations, lighting, or orientation of originally approved signs; and

Section 4-207 Rezoning.

Rezoning may be initiated by the Board of County Commissioners, the Planning Commission, the Assigned Staff, or an Applicant for a land use change. The rezoning request may be processed concurrently with a land use change application and review process.

A. Process. (see Table 4-1)

B. Review Criteria. An application for rezoning shall demonstrate with substantial evidence that an error exists in the Official Zone District Map, or meet the following criteria:
   1. The proposed rezoning would result in a logical and orderly development pattern;
   2. The area to which the proposed rezoning would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area;
   3. The proposed rezoning addresses a demonstrated community need with respect to facilities,

services, or housing; and

4. The proposed rezoning is in general conformance with the Master Plan and in compliance with any applicable intergovernmental agreement.

C. Effective Date. Unless otherwise specified by the BOCC, an approved amendment to the text of these regulations shall become effective upon publication after the Board's decision.

Section 4-208 Land Use Regulation (LUR) Text Amendment.

Amendments to the text of these regulations may be initiated by the BOCC, the Planning Commission, the Assigned Staff, or an Applicant for a text amendment.

A. Process. (see Table 4-1)

B. Review Criteria. An application for a text amendment to these regulations shall meet the following criteria:

1. The proposed text amendment does not conflict with the Master Plan; and
2. The proposed text amendment does not conflict with State law.

C. Effective Date. Unless otherwise specified by the BOCC, an approved amendment to the Official Zone District Map shall become effective upon publication after the Board's decision.

Section 4-209 Request for Variance.

Variances are deviations from the zoning requirements set forth in Article 3, that would not be contrary to the public interest when, owing to special circumstances or conditions i.e. exceptional topographic conditions, narrowness, shallowness or the shape of a specific piece of property, or the literal enforcement of the provisions of these regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property. Variance requests are heard by the Board of Adjustment. A variance request may also be heard as a portion of a land use change application. Section 30-28-118 C.R.S.

A. Process. (see Table 4-1)

B. Review Criteria. The following standards shall be satisfied for approval of a request for variance from specific regulatory provisions of these regulations:

1. There exist exceptional or extraordinary physical circumstances of the subject property such as, but not limited to, irregularity, narrowness, shallowness, or slope;
2. Because of these physical circumstances, the strict application of these regulations would create an exceptional or undue hardship upon the property owner;
3. The hardship is not self-imposed;
4. The variance, if granted, will not adversely affect the use of adjacent property as permitted under these regulations;
5. The variance, if granted, will not change the character of the zoning district in which the property is located, and is in keeping with the intent of these regulations and the Master Plan; and
6. The variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Rio Blanco and is in accordance with the Master Plan and any applicable intergovernmental agreement affecting land use or development.

C. Written Notice of Decision. The Assigned Staff shall inform the Applicant of the approval, conditions of approval, or basis for denial in writing within five (5) calendar days of the date of the decision by the Board of Adjustment.

Section 4-210 Appeal of an Administrative Interpretation.

The appeal shall be filed with the Assigned Staff within 30 calendar days of the date of the written interpretation.

A. Process. (See Table 4-1)

B. Review Criteria. The Assigned Staff and the Board of Adjustment shall use the best facts and evidence available to make an Administrative Interpretation of these regulations.

DIVISION 3 SUBMITTAL REQUIREMENTS

Table 4-2 Application Submittal Requirements

Section	Application Type	Application Form[1]	Application Narrative[2]	Vicinity Map[3]	Site Plan[4]	Grading and Drainage Plan[5]*	Landscape Plan[6]*	Impact Analysis[7]*	Weed Plan[8]*	Statement of Appeal[9]	Agreement for Payment[10]	Application Fees[11]	Impact Fees[12]	Development Agreement[13]	Improvements Agreement[14]	Storm Water Management Plan[15]	On and Off site Improvements[16]*	Traffic Study[17]*	Water Supply Plan[18]*
4-202	Administrative	√	√	√	√	√	√	√	√			√	√						
4-203	Location and Extent Review	√	√		√								√						
4-204	Limited Impact	√	√	√	√	√	√	√	√			√	√	√	√	√	√	√	√
4-205	Major Impact	√	√	√	√	√	√	√	√		√	√	√	√	√	√	√	√	√
4-206	Amendments to an Approved Land Use Change Permit	√	√									√	√						
4-207	Rezoning	√	√	√			√					√	√						
4-208	LUR Text Amendment	√	√									√	√						
4-209	Variance	√	√	√								√	√						
4-210	Appeal of Administrative Interpretation	√								√		√	√						

Notes:

[1]Application form - Section 4-301.B.1
[2] Application Narrative - Section 4-301.B.2
[3]Vicinity Map - Section 4-301.B.3.b
[4]Site Plan - Section 4-301.B.3.d
[5]Grading and Drainage Plan -Section 4-301.B.3.h
[6] Landscape Plan -Section 4-301.B.3.i
[7]Impact Analysis - Section 4-301.B.4
[8]Weed Plan - Section 4-301.B.5
[9]Statement of Appeal - Section 4-202.D
[10]Agreement for Payment - Section 4-301.B.6
[11]Application Fees - Section 4-301.B.7
[12]Impact Fees - Section 4-301.B.8
[13]Development Agreement - Section 4-301.B.9
[14]Improvements Agreement - Section 4-301.B.10
[15]Storm Water Management Plan - Section 4-301.B.11
[16]On and Off site Improvements - Section 4-301.B.12
[17]Traffic Study - Section 4-301.B.13
[18]Water Supply Plan -Section 4-301.B.3.j

√ - Required

* As needed. For some applications these will be required. Assigned Staff will determine need at the pre-application conference.

Section 4-301 Application Materials.

The following are the materials required for applications. The Assigned Staff may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary in determining whether

the application satisfies applicable standards. A waiver shall apply only to the specific application for which it was requested and shall not establish a precedent for approval of other requests. See the specific requirements in Table 4-2.

A. Professional Qualifications. One or more of the following professionals may be required for the preparation and certification of certain documents, maps or plans.

1. Civil Engineer. Improvement plans and reports for water supply, sanitation, drainage, utilities, soils grading, roads, structures and other civil engineering required to satisfy the development standards of these regulations shall be prepared and certified by a professional engineer qualified in the specific discipline and licensed by the State of Colorado.
2. Surveyor. All documents containing land survey descriptions shall be prepared and certified by a Colorado Professional Land Surveyor.
3. Geologist. Geology reports shall be prepared by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, or a qualified geotechnical engineer licensed in the State of Colorado.
4. Other. Other professionals retained by the Applicant to provide studies and analyses required by these regulations shall demonstrate qualification in the specific field, to the satisfaction of the reviewing body.
5. Professional Qualifications shall be the same as required by the U.S. Government or State of Colorado agencies for preparation of documents for an SU/BP or SU/BPP land use change application.

B. Description of Application Materials. The following basic materials are required for applications for a land use change permit:

1. Application Form. Application forms shall be obtained from the County. Completed application forms and accompanying materials shall be submitted to the appropriate department by the owner, or any other person having a recognized fee title interest in the land for which a land use change is proposed, or by any agent acting with written authorization of the owner.
   a. Authorized Agent. If the Applicant is not the owner of the land, the Applicant shall submit a letter signed by the owner consenting to the submission of the application.
   b. Applicant is Not the Sole Owner. If the Applicant is not the sole owner of the land, the Applicant shall submit a letter signed by all other owners or an association representing all the owners, by which all owners consent to or join in the application.
   c. Applicant is an Entity. If the Applicant is an entity or a trust, the Applicant shall submit a letter consenting to submission of the application signed by a person authorized to act on behalf of the entity.
   d. Notification of Mineral Rights Ownership – Certification of notification of mineral right holder(s) (if other than the Applicant) or a waiver by the mineral right holder(s) as required by Section 24-65.5-103 et. seg., C.R.S. must be included. By statute, notification is not required for pipelines and power lines.
   e. Names and Addresses of Adjacent Property Owners - If the application requires mailed notice, provide a list of the names and mailing addresses of adjacent property owners. This information can be obtained from the County Assessor's Office. Adjacent properties listed shall be in accordance with Section 4-101.I.2 of this Article.
2. Application Narrative. Each application must include a narrative, or project description including a statement of need, and detailed information about the project such as timeline for development, hours of operation, number of employees, project size (acreage of the site),

size of proposed buildings and structures (sq. footage, height), similar related attributes such as parking lot size, access roadway information, and overall capacity (i.e. gallons, barrels) or numbers of units or equipment (i.e. number of residential units, number of compressor units, pipeline size/length etc.), and an explanation of all functional aspects of the proposed facility such as the processes, activities, function, operations and maintenance that will occur as part of the project.

3. Maps and Plans.
   a. Requirements for Maps and Plans. The following are basic requirements for any map or plan submitted under the application and review procedures of these regulations.
      i. Name or identifying title of the proposed development or use.
      ii. Total area of the site, in acres.
      iii. Name of the Applicant and all parties involved in preparation of the map.
      iv. Date of preparation, revision box, written scale, graphic scale, and north arrow.
      v. The scale of the map must be sufficient to clearly show the features and general location of the proposed land use change.
   b. Vicinity Map. An 8 ½" x 11" vicinity map locating the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property, and all property within a 3-mile radius of the subject property.
   c. Digital Copies of the Required Maps. Digital copies of the maps may be submitted for use in the public hearings and updating of the County GIS data.
   d. Site Plan. The site plan shall include the following elements depending on the nature of the proposed project: (for SU/BP and SU/BPP see Article 9 requirements)
      i. Quarter section, section, township and range of the property.
      ii. Boundary lines and dimensions of the subject property.
      iii. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage.
      iv. Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that may influence the development.
      v. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks and paths, shown by location and dimension.
      vi. Existing and proposed roads, railroad tracks, irrigation ditches, fences and utility lines on or adjacent to the parcel, shown by location and dimension.
      vii. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.
      viii. Area of the individual parcels, and the total square feet of existing buildings, driveways and parking area.
      ix. Zone district in which the site is located.
      x. Location and dimension of all structures, existing and proposed, and distance of structures from property lines.
      xi. Elevation drawings showing existing grade, finished grade, and height of the pro-

posed structures above existing grade.

xii. Existing wastewater systems, wells, and springs including the location of all components.

xiii. Description of the proposed wastewater treatment system, including location and specifications for all components.

xiv. Description of the source and capacity of the water supply, including location and size of wells and/or water lines to serve the proposed use.

xv. Location and size of signs for the purpose of identification, advertising and traffic control.

xvi. Additional information that may be reasonably requested by the Assigned Staff to enable an adequate evaluation of the proposal.

e. Sketch Plan Map. The applicant shall submit a copy of the sketch plan map at a suitable size which is legible and suitable for non-technical review of the proposal. The sketch plan map shall include the following information and supplemental materials. The Assigned Staff may require, or the applicant may wish to submit, a more detailed version of all or part of the sketch plan map.

i. Legal description of the property.

ii. Boundary lines, and dimensions of the subject property, including land survey data, if available.

iii. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage.

iv. Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.

v. Existing and proposed parking areas, driveways, emergency turnouts and emergency turnarounds, sidewalks and paths, shown by location and dimension.

vi. Existing and proposed roads, railroad tracks, irrigation ditches, fences and utility lines on or adjacent to the parcel, shown by location and dimension.

vii. Schematic and narrative representation of the proposed land use including:

A. Existing and proposed zoning of land to be subdivided;

B. Total proposed subdivision area;

C. Approximate lot sizes;

D. Total number, and general location of proposed dwelling units;

E. Location, size and use of major improvements;

F. Total number of square feet of proposed nonresidential floor space;

G. Recreation areas and open space;

H. School sites;

I. Approximate location of wastewater treatment system, including location and size of leach field, service lines, and treatment facilities to serve the proposed use if any;

J. Source and capacity of the water supply, including approximate location and size of well(s) and/or water lines to serve the proposed use; and

K. Utilities and service facilities.

f. Preliminary Plan Map. The Preliminary Plan Map shall include the following information and supplemental materials.

i. The Preliminary Plan Map shall be scaled as follows. To the extent practicable, the Preliminary Plan Map shall show the entire area proposed for subdivision on one 24" x 36" sheet.

Subdivision Lot Area	Scale
Less than 10,000 sq. ft.	1 inch equals 50 feet or less
10,001 sq. ft. – 2 acres	1 inch equals 100 feet or less
More than 2 acres	1 inch equals 200 feet or less

ii. Legal description of the property.

iii. Site data in chart form presenting:

A. Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area of non-residential floor space.

B. Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and non-public uses).

C. Total number of proposed off-street parking spaces.

D. Total number of dwelling units; total number of dwelling units per structure proposed.

E. Total gross density proposed.

iv. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range.

v. Topography at the following minimum contour intervals.

A. Subdivision with one or more lots less than two (2) acres in size, topography shown at two-foot contour intervals.

B. Subdivision with all lots two (2) acres or greater in size, topography shown at five (5) foot contour intervals.

C. Areas having slopes 30% or more, or other significant topographic conditions, topography shown at 5-foot contour intervals.

vi. Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.

vii. Known, identified or designated 100 year floodplains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site

shall also be shown.

viii. Public access to site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown.

ix. The location of and preliminary engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.

x. Uses and grantees of all existing and proposed easements and rights-of-way on and adjacent to the property, shown by location and dimension.

xi. The location, use and gross square footage of proposed structures within the subdivision.

A. Anticipated number of employees for proposed commercial or industrial uses.

xii. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by the Assigned Staff.

xiii. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot.

xiv. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site.

xv. Zoning districts on the site and any zoning changes to be requested.

xvi. Existing land uses and zoning on adjoining properties.

xvii. Public or private sources of utility services and facilities.

xviii. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to County.

xix. Supplemental Information: The Preliminary Plan Map shall be accompanied by the following information.

A. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado setting forth the names of all owners of property included within the proposed subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.

B. A corporate property owner or corporate applicant shall provide evidence of registration or incorporation in the State of Colorado.

C. A list from the County Assessor's office of current property owners of record and their complete mailing address for property adjacent to the boundaries of the proposed subdivision. This distance provision may be expand-ed up to one (1) mile in the case of large subdivisions and other special circum-stances that so warrant, based upon the Assigned Staff determination.

D. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses.

E. Description of proposed phasing plan, if applicable.

g. Final Plat. The Final Plat shall contain the following information, in a format prescribed by the County. The Final Plat shall be prepared in a clear and legible manner on reproduc-

ible film stock measuring 24" x 36" with clear margins of two (2) inches on the left hand side and one-half inch on the remaining sides.

i. Final Plat shall be scaled at 1 inch to 200 feet.

ii. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners,

iii. The name, address and seal of the certifying registered land surveyor and the other individuals preparing the Final Plat.

iv. Legal description of the property.

v. The township, range, section and quarter section(s).

vi. Location and full description of all monuments as required by this Code and by Title 38, Article 51, C.R.S.

A. Permanent monuments shall be set on the external boundary of the subdivision pursuant to Section 38-51-101, C.R.S.

B. Block and lot monuments shall be set pursuant to Section 38-51-101, C.R.S.

C. Information adequate to locate all monuments shall be noted on the plat.

vii. Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners, distance and bearing to these corners, quarter corner and township and range.

viii. The lengths of all arcs, radii and tangents. Sufficient data shall be shown for all curved lines on the plat to enable reestablishment of the curves in the field.

ix. Lot location and layout.

A. All lots and blocks shall be numbered consecutively.

B. The dimensions of all lots and the acreage of each lot shown to two decimal places.

(a) No ditto marks shall be used for dimensions.

(b) All unidentified angles will be presumed to equal 90 degrees.

x. Location and width of existing and proposed roadways, road rights-of-way and parking areas within the site.

A. All street and road names shall be shown.

B. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing roads shall be accurately shown.

xi. Names and widths of all existing or recorded streets and roads intersecting the plat boundaries or paralleling them within 200 feet, the names and map numbers of all bordering subdivisions, and any municipal limits within 200 feet of the boundaries of the plat.

xii. Area of the site, area of individual parcels, and areas of all development including developed driveways, parking and buildings.

xiii. The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks or paths, and similar features, including all other rights-of-way not otherwise or explicitly mentioned.

xiv. The purpose and owner(s) of all easements and statements from all utility companies, as applicable, that the stated services will be provided to the proposed development

after platting. A plat note may be necessary to provide complete information regarding the purpose of the easement.

xv. The boundary lines and dimensions, shown accurately, of all property to be reserved and dedicated, with the means of access to such property clearly shown and its intended uses noted.

xvi. A legally acceptable land description and dedication block placed on the plat by the applicant dedicating streets, rights-of-way, public sites and other such features. The transfer to the County of dedicated land shall take place by a legally acceptable instrument prior to or concurrent with Final Plat acceptance, but before recording of the Final Plat.

xvii. The names of abutting subdivisions or, in the case of abutting unplatted property, the notation "unplatted" shall appear.

xviii. Identification of lots with slope in excess of 30 percent and any other lots where special studies are required prior to obtaining a development permit.

xix. Delineation of all known, identified or designated 100 year floodplains and localized areas subject to periodic inundation along the required stream setback lines, if any.

xx. Design and layout of all water and wastewater service lines, treatment facilities and other elements of the wastewater system, including the location of soil percolation tests as applicable.

xxi. All lands within the boundary of the subdivision shall be accounted for as a lot, tract, parcel, open space, street, right-of-way, alley and so forth, and all areas of such lands shall be shown on the plat to the nearest one hundredth of an acre.

xxii. All plat notes required by the County under Preliminary Plan approval or as a condition of Final Plat Approval.

xxiii. Supplemental information.

A. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado attesting to the accuracy and validity of the title to the property being platted and stating that the applicant is the land owner or is duly authorized by the land owner(s). The certificate shall be submitted within seven calendar days of the application submittal date.

(a) The certificate or certification shall also list all mortgages, liens, judgments, easements, contracts, and agreements of record regarding the land to be platted and the BOCC may require, at its discretion, that the holders of such mortgages, liens, judgments, easements, contracts or agreements shall be required to join in and approve the application for Final Plat approval before such Final Plat is accepted for review.

(b) All other exceptions from title shall be delineated.

B. The Final Plat shall include executed certificates, notices, and statements in the standard format provided by the County, including the following certifications.

(a) Certificate for acceptance by BOCC.

(b) Certification by County Surveyor and Surveyor.

(c) Owners and Mortgagee certification.

(d) Certificate for County Clerk and Recorder.

h. Grading and Drainage Plan. A grading and drainage plan showing the locations of existing and proposed drainage structures or natural drainage features affecting the site. (See

Sections 7-203 Erosion and 7-204 Drainage)

i. Landscape Plan. The landscape plan shall including the following elements: (See Section 7-303 Landscaping Standards)

i. Topographic information at two-foot contour intervals within 100 feet if any proposed structures.

ii. Location of all lot lines and improvements to the property, and location of any easements of record.

iii. The type, location, size and number of vegetation that will be retained or installed; specified seed mixtures.

iv. A description of the proposed program to maintain the landscaping after it has been installed.

j. Water Supply Plan. The plan shall include the following elements, in graphic or written form.

i. Evidence that an adequate water supply sufficient in terms of quality, quantity and dependability shall be available to the proposed land use.

A. Evidence of ownership or right of acquisition or use of existing and proposed water rights.

B. Historic use and estimated yield of claimed water rights.

C. Amenability of existing water right to change in use.

D. Evidence that the public or private water owners can and will supply water to the proposed land use, including the amount of water available for use by the providers, the feasibility of extending service to the area, proof of the legal dependability of the proposed water supply, and representation that all the necessary water rights have been obtained or will be obtained.

E. Total gross density proposed and number of dwelling units as a ratio to the total development area.

ii. If a central supply and distribution system is to be provided, a general description of the system, as designed by a qualified licensed professional engineer. The description shall include the following information.

A. The legal entity that will own and operate the water system.

B. The proposed method of financing the water system.

iii. If connection is to be made to an existing public water system, a letter of commitment for service from an authorized representative of the entity that owns and operates the system.

A. The letter shall include evidence that the existing water system possesses an adequate legal water supply to serve the proposed land use.

iv. If an individual water system is proposed, a report indicating the availability of potable groundwater at reasonable depths throughout the proposed development and the expected quality and long-term yield of the proposed wells. The report shall be prepared by a qualified licensed professional engineer.

v. If applicable, a Plan of Augmentation and a plan for subdivision water supplies, with supporting documentation prepared by a qualified licensed professional engineer.

k. Wastewater Plan. The Wastewater Plan shall include the following elements, in graphic or written form.

i. A general description of the proposed collection system and treatment facilities, designed by a qualified licensed professional engineer. The following information shall be included.

A. A copy of the completed Colorado Department of Health Waste Water Treatment Plant Site Location Approval Application.

B. Description of the legal entity that will own and operate the collection and treatment facilities.

C. Description of the proposed method of financing the collection and treatment facilities.

ii. If the proposed land use is to be served by an existing public collection system and treatment facilities, evidence that provision has been made for adequate service to the proposed land use, in compliance with state and local regulations.

A. Evidence that the existing collection system and treatment facilities can and will provide adequate service for the proposed land use.

B. A letter of commitment for service from an authorized representative of the entity that owns and operates the system. The letter shall include evidence that the facility and system is adequate to serve the proposed land use.

C. Description of the legal entity that owns and operates the collection and treatment facilities.

D. Description of the proposed method of financing the collection and treatment facilities.

iii. If individual sewage disposal systems are proposed, the following information shall be provided.

A. Evidence that the individual sewage disposal systems will comply with the County's Onsite Wastewater System Requirements and requirements of the Colorado Department of Public Health, Water Quality Control Commission.

B. Documentation of soil classification and other studies required to determine maximum seasonal groundwater level and depth to bedrock, in compliance with requirements of CDPHE and the County's Individual Sewage Disposal Requirements.

(a) Test locations shall be indicated on the plat.

(b) Tests shall be performed by a qualified licensed professional engineer.

(c) A proposed management plan for operation and maintenance of on-site systems.

4. Impact Analysis. The Impact Analysis shall provide a description of the impacts that the proposed land use change may cause, based upon the standards that the proposed use must satisfy. The Impact Analysis shall include a complete description of how the Applicant will ensure that impacts will be mitigated and standards will be satisfied. The following information shall be included in the Impact Analysis unless specifically waived by the Assigned Staff in writing:

a. Adjacent Land Use. Existing use of adjacent property and neighboring properties within 1500' radius.

b. Soil Characteristics. A description of soil characteristics of the site which have a significant influence on the proposed use of the land.

c. Drainage Features. A description of the existing drainages and impoundments, natural and man-made.

d. Geology and Hazard. A description of the geologic characteristics of the area including any potential natural or man-made hazards, and a determination of what effect such factors would have on the proposed use of the land. (Sections 30-28-106 and 30-28-136, C.R.S.)

e. Effect on Existing Water Supply and Adequacy of Supply. Evaluation of the effect of the proposed land use on the capacity of the source of water supply to meet existing and future domestic and agricultural requirements and meeting the adequate water supply requirements of Section 7-104.

f. Effect on Groundwater and Aquifer Recharge Areas. Evaluation of the relationship of the subject parcel to floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land, the effect of sewage effluents, and the pollution of surface runoff, stream flow and groundwater.

g. Environmental Impacts. Determination of the existing environmental conditions on the parcel to be developed and the impacts of development on those conditions, including the following:

i. Determination of the short term and long term impact on flora and fauna.

ii. Determination of the effect on significant archaeological, cultural, and historic resources. (Section 24-80-401 et seq. C.R.S., Section 24-80.1-101 et seq C.R.S., Federal Section106 (36 CFR Part 800) if applicable)

iii. Determination of the effect on designated environmental resources, including critical wildlife habitat.

iv. Impacts on wildlife and domestic animals through creation of hazardous attractions, alteration of existing native vegetation, blockade of migration routes, use patterns or other disruptions.

v. Depending on anticipated impacts, Applicants for development on private lands not otherwise subject to National Environmental Policy Act (NEPA) may be required to have completed by a Qualified Professional an environmental impact analysis. The increased analysis will be required only if recommended by the Assigned Staff.

h. Evaluation of any potential radiation hazard that may have been identified by the State or County Health Departments.

i. Nuisance. Impacts on adjacent land from generation of vapor, dust, smoke, noise, glare or vibration, or other emanations.

j. Reclamation Plan. A reclamation plan consistent with the standards in Section 7-208.

5. Weed Plan. A weed management plan shall be submitted. It shall consist of approximate maps and a narrative of the approach of weed control and/or eradication. The map should indicate the location of the existing weeds that are listed on the State of Colorado Noxious Weed List. The substance of the plan, maps, and narrative of management activities shall be sufficient enough so the plan has the likelihood of succeeding in noxious weed control. (35-5.5-101 et seq., C.R.S.)

6. Agreement for Payment Form for Consultants. Each application must include a completed and signed Agreement for Payment form.

a. Payment of Consultant Fees. Pursuant to Section 2-106.C, Consultants, the cost of consultant and referral agency review are the responsibility of the Applicant.

b. The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated consultant review costs, at the time of application and in addition to the application fees.

c. The County may suspend the application approval process pending payment of consultant costs.

d. Fees will be tracked and discussed with the Applicant throughout the application process.

7. Application Fees. Any application must be accompanied by the appropriate fees. Fees are set forth by separate Resolution.

8. Impact Fees. The application must include a calculation and payment of applicable impact fees as described in the Impact Fee Resolution and Fee Schedule.

9. Development Agreement. The BOCC may enter into a development agreement with the Applicant specifying the terms and conditions of approval for an extended vested rights period. The Applicant must submit a draft development agreement containing the following information, in a form acceptable to the County Attorney's Office. The development agreement shall be signed by the Applicant, the BOCC, and all owners of the subject property. The development agreement must include the following:

   a. Phasing schedule; and

   b. Language establishing a vested property right pursuant to the provisions of Section 1-202, Establishment of Vested Property Rights.

10. Improvements Agreement.

   a. Purpose. Whenever there are Public Improvements identified as requirements of project, the BOCC, prior to issuance of any Land Use Change Permit or approval of a Subdivision, shall require the Applicant to file a guarantee of financial security deemed adequate by the BOCC and payable to the County pursuant to Article 13, and to execute an improvements agreement. The purpose of the financial guarantee and improvements agreement is to ensure the following:

      i. The project or public improvements are completed.

      ii. The Applicant performs all improvements, mitigation requirements, and permit conditions in connection with the construction, operation, and termination of the project or development.

      iii. The Applicant addresses responsibility for increased impacts on public facilities and services as a result of the construction, operation, and termination of the project or development.

      iv. In the event that the project or development is suspended, curtailed, or abandoned, the County can complete the project or development and necessary improvements, or restore the property to its original condition or an acceptable condition at no additional cost to the County.

      v. Compliance with Design Standards. The improvements shall adhere to design standards of the County or prevailing engineering practices as required by the BOCC.

      vi. Provisions for Timely Completion. The agreement shall make reasonable provision for completion of the specified improvements in a specified time period, with appropriate phasing, as a condition of acceptance by the BOCC.

   b. Amount and Types of Security. Security shall equal in value the cost of improvements to be completed, but shall not be required on the portion of a development subject to Plat restriction. The amount of security may be incrementally reduced as improvements are completed. The improvements agreement may include any one or a combination of types of security or collateral, as approved by the BOCC, and the Applicant may substitute security in order to release portions of a Subdivision for sale pursuant to C.R.S. §

30-28-101(11). A letter of credit or cash deposit is typically required for public improvements. Depending on the circumstances, however, the BOCC may accept the following types of security or collateral:

i. Restrictions on the conveyance, sale, or transfer of any lot, lots, tract, or tracts of land within the Subdivision as set forth in the Plat or as recorded by separate instrument;

ii. Performance or property bonds;

iii. Private or public escrow agreements;

iv. Letters of credit;

v. Deposits of certified funds; and

vi. Other similar surety agreements.

c. Necessary Provisions. The improvements agreement must address the following if applicable to the project:

i. Necessary deeds or transfer of property;

ii. Provisions for construction of improvements;

iii. Performance guarantees and letters of credit;

iv. Payment of sewer and water tap fees;

v. Payment of any other necessary fees;

vi. Transfer of water rights;

vii. Transfer of roads and improvements, rights-of-way, and other common elements;

viii. Agreements to provide digital and hard copies of "as built" plans;

ix. Methods of providing perpetual maintenance of common property and equipment;

x. Provision for a Homeowner Association, including final covenants/restrictions and HOA materials;

xi. Process for amending the improvements agreement; and

xii. Covenants and enforcement provisions.

11. Storm Water Management Plan. For those projects for which a storm water management plan and permit is required by State Regulation. Evidence of that approved permit must be included. (See Section 7-203 Erosion and Sedimentation Control)

12. Calculation of On-Site and Off-Site Improvements and Fees.

a. A written narrative shall be included for on-site improvements to be donated or constructed relating to traffic control and accommodation or open space.

b. A written narrative and site plans shall be provided for improvements for any off-site County road segments and intersections necessary to maintain the level of service.

c. A written narrative and site plans shall be provided for improvements for any state highway intersections deemed necessary by CDOT.

13. Traffic Study. For applications exceeding the below thresholds, a Traffic Study must be submitted. The Traffic Study shall contain a Basic Traffic Analysis and, depending on the results of that analysis, a Detailed Traffic Analysis where certain thresholds are exceeded. Both the Basic and Detailed Traffic Analyses shall contain sections addressing projected construction and development traffic impacts. A Detailed Traffic Analysis shall be prepared by a registered professional with experience in Transportation Engineering, utilizing existing County Data, the Manual on Uniform Traffic Control Devices, and current standards as applied by the Colorado Department of Transportation, as applicable.

a. Information Requirements for a Basic Traffic Analysis.

i. Maps. A map or maps depicting the parcel or activity area, showing existing and proposed internal roads, adjoining roads, access points and activity areas for construction activity, access points for the finished development, all County roads within a 1 mile radius of the development, and the nearest proximate intersections with state or federal highways likely to receive traffic impacts from the development.

ii. Existing Land Use and Traffic. A written narrative of existing land uses on the parcel, with current trip generation estimates at existing access points, the current status of those access points regarding County driveway permits, any permits for access to a state highway, railroad crossings, access easements and their legal status and other appropriate current traffic information and legal constraints that may apply.

iii. Proposed Land Use and Traffic. A written narrative of proposed land uses and likely trip generation projections for each, based on current trip generation manuals or other credible and defensible analysis, both for the construction phase(s) and the completed development, with a breakdown of traffic into heavy trucks and 'other,' for existing, temporary or proposed new access points.

iv. Construction Phases. A written narrative of the construction phase(s) of the development including staging and storage areas, temporary access points, duration, types and frequency of heavy truck traffic, access road segments to be impacted, any projected County or state permits required, projected lane closures or traffic interruption, and a statement of intended mitigation measures to minimize disruption and damage.

v. Average Daily Traffic Count Information. Depict existing Average Daily Traffic Count information for all County road segments and state or federal highway intersections at the appropriate map scale, and show on the same map the likely increase in average daily truck traffic for construction activity and average daily traffic for the completed development. Where a development has two (2) or more access points, show anticipated trip distribution and assignment for each access point, provide a narrative rationale for the projected allocation of trips by access points and road segment.

b. Thresholds Requiring a Detailed Traffic Analysis. If the Basic Traffic Analysis shows that any of the following thresholds are exceeded, such determination to be made by the County, a Detailed Traffic Analysis shall be required:

i. Traffic volumes projected at any intersection with a state or federal highway exceed current volumes by 20%, as determined by CDOT using current traffic counts and CDOT approved methodology.

ii. Traffic volumes projected on any County road segment exceed current volumes by 30%.

iii. Traffic volumes on any road segment identified or contained within an approved Municipal Street Plan within a one-mile radius exceed current volumes by 30%.

c. Elements of a Detailed Traffic Analysis. In addition to the information provided in the Basic Traffic Analysis, the following information shall be provided in a Detailed Traffic Analysis. The Detailed Traffic Analysis must show the highest probable volumes from the proposed uses and densities to be allowed at build out. County Data shall be consulted to determine levels of service and capacity definitions and information as currently available and applicable to County roads.

i. Access points to and from the development shall be analyzed for AM and PM peak hour use for turning movements to determine the necessity for traffic control and

signalization, geometrics including turning lanes, and acceleration and deceleration lanes, and signage.

ii. County road segments where traffic is expected to increase by over 30% shall be characterized in detail by current level of service, roadway condition and type, lane width, shoulder characteristics and condition, available right-of-way, speed limits, any weight limits, existing safety concerns and considerations, likely increases in maintenance requirements, and status for improvement in the County Capital Improvements Plan. Probable maintenance and improvement cost estimates shall be provided.

iii. County road intersections where traffic is expected to increase by over 30% shall have information provided about existing traffic control and signalization, AM and PM peak hour utilization with turning movements, projections for levels of service, and recommended modifications for intersection geometrics including turning lanes, control or signalization devices, acceleration or deceleration lanes and advance signage where appropriate. Probable cost estimates shall be provided.

iv. State or federal highway intersections where traffic is expected to increase by over 20% shall have information provided about existing traffic control and signalization, AM and PM peak hour utilization with turning movements, through movements as applicable, projections for levels of service, and recommended modifications for intersection geometrics including turning lanes, control or signalization devices, acceleration or deceleration lanes and advance signage. Consultation with the Colorado Department of Transportation is required and shall be documented. Probable cost estimates shall be provided.

14. Emergency Response Plan - The emergency response plan may address fire protection, hazardous spills, and serious injury responses. Include proposed signage, access/evacuation routes, health care facilities anticipated to be used, and current name and contact information for emergency responder agencies.

ARTICLE 5 - DIVISIONS OF LAND

DIVISION 1 GENERAL PROVISIONS

Section 5-101 Types of Land Division.
Division of land into two or more parcels is classified by the County as either a Single Lot Creation, Minor Subdivision, or Major Subdivision.

Section 5-102 Final Plat Approval Required.
The division of land into two or more parcels is a subdivision and subject to the regular subdivision review processes indicated herein, unless specifically exempted under Division 3, Exceptions to Subdivision Regulations. Other adjustments to platted or unplatted parcels, such as consolidation or boundary line adjustments, are also subject to review processes outlined in Divisions 3, Exceptions to Subdivision Regulations, and Division 5, Amended Final Plat – Plat Adjustments, Vacations or Consolidations, as applicable. (Sections 30-28-133 and 30-28-301, et seq., C.R.S.)

Section 5-103 Sales Prohibited Prior to Final Plat Approval and Recording.
Sales of lots are prohibited prior to Final Plat approval and recording and shall be enforced in accordance with Article 12, Division 3, Subdivision Regulation Enforcement.

DIVISION 2 SUBDIVISIONS

Subdivisions are classified as Single Lot Creations, Minor Subdivisions, or Major Subdivisions.

Section 5-201 Single Lot Creation.
Single Lot Creation review is available on tracts of land when all of the following applies: a) the parcel to be subdivided is not a previously platted lot or tract, b) one (1) minimum two (2) acre or greater lot/parcel is proposed to be created, and c) the remaining acreage of the parent parcel will be 35 acres or larger. The review process for Single Lot Creation is set forth in Section 5-401, Single Lot Creation Review Process. If one or more of these criteria cannot be met, the Minor Subdivision review process shall be utilized. If the land is currently zoned Agricultural, and the subdivision creates parcels less than 35 acres, a rezoning to Rural Residential is required.

Section 5-202 Minor Subdivision.
Minor Subdivision review is required if the subdivision falls under one of the following categories described in this section. The review process for Minor Subdivisions is set forth in Section 5-402, Minor Subdivision Review Process. A minor subdivision allows 2-5 lots including the remaining acreage of the legal parent parcel, if the remaining acreage is less than 35 acres. If the land is currently zoned Agricultural, and the subdivision creates parcels less than 35 acres, a rezoning to Rural Residential is required.

Section 5-203 Major Subdivision.
All other divisions of land not included under Single Lot Creations, or Minor Subdivisions are considered Major Subdivisions. The review process for Major Subdivisions is set forth in Section 5-403, Major Subdivision Review Process.

DIVISION 3 EXCEPTIONS TO SUBDIVISION REGULATIONS

Certain divisions of land are not subject to these subdivision regulations if the division is not defined as a subdivision by Section 30-28-101(10), C.R.S., or if the Board of County Commissioners (BOCC), pursu-

ant to Section 30-28-101(10)(d), determines that such a division is not within the purposes of the state subdivision regulations or the subdivision regulations these regulations.

Section 5-301 Exceptions to Subdivision Regulations.

The terms "subdivision" and "subdivided lands" shall not apply to any division of land described as follows:

A. Boundary or Lot Line Adjustments – Revisions to boundary lines or lot lines under the following conditions. Refer to Section 5-501 for the approval criteria for boundary or lot line adjustments.

1. Unplatted Lots, Parcels or Tracts: Adjustments of common boundary lines or lot lines between contiguous legally pre-existing unplatted lots, parcels or tracts of land shall not:

   a. increase the number of parcels;

   b. create a new non-conforming lot, parcel or tract of land under the applicable zoning;

   c. increase an existing non-conformity of any legally non-conforming lot, parcel, or tract of land;

   d. result in the loss of access;

   e. create lots, parcels or tracts of land that are less than 35 acres; RESOLUTION 2018-06

   f. affect parcels not within the same zoning district, without first being rezoned.

   The review process Boundary Line Adjustments is outlined in Section 5-502.

2. Platted Lots, Parcels or Tracts: Adjustments of common boundary lines or lot lines between contiguous legally pre-existing platted lots, parcels or tracts of land shall not:

   a. increase the number of parcels previously recorded;

   b. create a new non-conforming lot, parcel or tract of land under the applicable zoning;

   c. increase an existing non-conformity of any legally non-conforming lot, parcel, or tract of land;

   d. result in the loss of access;

   e. affect parcels not within the same zoning district, without first being rezoned.

   The review process for amending a previously recorded Final Plat is outlined in Section 5-502 Amended Final Plat.

B. Exception Plat – Subdivision exception plats for the purpose of correcting legal descriptions may be created pursuant to C.R.S. Section 30-28-301, et seq.

C. Correction Plats – Corrections of technical errors in approved and recorded final plats. Technical errors include errors to legal descriptions, acknowledgments, dedication language, plat notes and other items which do not constitute substantial modification of the approved plat. The review process for amending technical errors on a previously recorded Final Plat is outlined in Section 5-501 A. Refer to Section 5-501.A for approval criteria for technical correction plats. (C.R.S Section 25-51-10)

D. Consolidation of Certain Properties – Combination into one lot, parcel, or tract of land of one or more unplatted lots, parcels, and/or tracts of land owned by the same entity that have the same zoning and share a common boundary line. The process outlined in Section 5-302, Request for An Exception shall be followed. When combining, consolidating, or vacating lot lines, lots, blocks, parcels, or tracts of land, in a platted subdivision or changing the boundary of a platted subdivision, the processes outlined in the Division 5 shall be followed.

E. Division by Public Road – Division of a lot, mining claim, parcel, or tract of land that is divided by a public road right-of-way.

F. Public Construction – Any lot, parcel or tract of land created for a public building or facility.

G. Conserve Land – Any lot, parcel or tract of land created for use as open space when held in a permanent conservation easement.

H. Easements – The creation of easements for access, utilities, ditches, public and private roads, driveways and trails, and conservation easements.

I. Any of the following may be created and/or conveyed in their entirety without constituting a subdivision, as defined herein:

1. A parcel described by metes and bounds or aliquot description in a deed, conveyance, installment land contract or similar document, or a described portion of a mining claim or Government Lot, effective prior to January 1, 1973.
2. Any Government Lot created by patent from the Federal Government.
3. Leases, not to exceed a total of 99 years, including extension and renewal options, if any, of agricultural land and buildings for agricultural uses only.
4. Leases, not to exceed a total of 50 years, including extension and renewal options.
5. Leases, not to exceed a total of 20 years, including extension and renewal options, if any, of dwelling units or mobile home spaces, or other residential sites and properties, in all agricultural, residential and mobile home zone districts. Leases of mobile home spaces in legally existing and approved mobile home parks are exempt from such time limitation.

Section 5-302 Request for An Exception. Updated RESOLUTION 2018-06
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.

A. Review Process.

1. Pre-Application Conference. The initial consultation with staff shall be held in accordance with the provisions of Section 4-101.A, Pre-Application Conference.
2. Application and Submittal Materials. (See Section 4-301 Application Materials) The minimum application materials required for Request for An Exception are the following:
   a. Completed Application Form and Payment of Applicable Fees
   b. Vicinity Map
   c. Proof of Legal Creation. For unplatted properties smaller than 35 acres, the applicant is required to provide written proof that the parcel was legally created by (1) deed of conveyance prior to August 17, 1972; (2) approval by the BOCC; or (3) otherwise legally established as a separate lot, parcel, or tract of land.
   d. Proof of Surface Ownership. Submit satisfactory proof of ownership.
   e. Certification of Notification of Mineral Owners, as required by Section 24-65.5-101, et seq. C.R.S.
   f. Access. Demonstration that the land proposed for an Exception has legal and physical access to a public street, road, or right-of-way by conventional vehicles.
   g. Method of Wastewater Disposal
      i. Written Narrative explaining reason for request for exception from subdivision regula-

tions.

3. Determination of Completeness. The Assigned Staff shall review the application for determination of completeness in accordance with the provisions of Section 4-101.F, Determination of Completeness.
4. Evaluation by Assigned Staff, Staff Review (Review by applicable County Departments). Upon determination of completeness, the Assigned Staff shall review the application for compliance with the approval criteria set forth in Section 7-501, Basic Criteria. Concurrently, the Assigned Staff shall distribute the complete application to applicable County Departments for review and comments. Based on review of the approval criteria and Department comments, the Assigned Staff shall prepare a staff report pursuant to Section 4-101.H.
5. Administrative Review and Approval by Assigned Staff. The Assigned Staff shall provide his decision in writing as to the approval, approval with conditions or denial of the application based upon compliance with the standards set forth in Section 7-501, Basic Criteria.
   a. Approval of Application. If the application satisfies the applicable standards, the application shall be approved.
   b. Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied; or
   c. Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.
6. Submittal of Plat for Signature by Assigned Staff. The plat shall be submitted to the Assigned Staff for signature after issuance of written approval of the application. All conditions of approval shall be met prior to submitting the plat for signature by Staff.
   a. The plat shall be signed by all owners of record and all parties with an interest in the subject property.
7. Recordation. The plat shall be recorded by County staff or designee in the office of the Rio Blanco County Clerk and Recorder within ten calendar days from the date of signature by Assigned Staff.
8. Conveyance. The entire separate portions of the divided lot, mining claim, parcel or tract of land lying on each side, or to the middle, of the public road, may be conveyed individually after the recording of the appropriate plat.

DIVISION 4 SUBDIVISION REVIEW PROCESS

Section 5-401 Single Lot Creation Review Process.

The Single Lot Creation Review Process is a simplified plat review process for divisions that meet the basic criteria identified in Section 5-201, Single Lot Creation. Once a Single Lot Creation plat has been recorded in the Rio Blanco County Clerk and Recorder office, any further division of the original parcel or the platted lot must be approved through the appropriate subdivision review process, pursuant to the provisions of this Land Use Regulation, as amended. If the land is currently zoned Agricultural, and the subdivision creates parcels less than 35 acres, a rezoning to Rural Residential is also required.

A. Review Process.
   1. Pre-Application Conference. The initial consultation with staff shall be held in accordance with the provisions of Section 4-101.A, Pre-Application Conference.
   2. Sketch Plan Review (optional). The process for Sketch Plan Review is set forth in Section 5-404, Sketch Plan Review.

3. Application and Submittal Materials. The minimum application materials required for a land use change subject to Single Lot Review are the following:
   a. Completed Application Form and Fees
   b. Sketch Plan (optional)
   c. Vicinity Map
   d. Written Narrative explaining reason for the request
   e. Proof of Legal Creation. Properties eligible for this review process must be larger than 35 acres with the resulting remaining acreage of the parent parcel being 35 aces or larger.
   f. Proof of Ownership. Submit satisfactory proof of ownership.
   g. Access. Demonstration that the land has legal and physical access to a public street, road, or right-of-way by conventional vehicles.
   h. Water Supply. Adequate evidence that the proposed water supply is sufficient in terms of quality, quantity, and dependability, in accordance with Section 30-28-133(3)(d), C.R.S. (See Section 7-104)
   i. Weed Management Plan (see Section 4-301.B. 5.)
   j. Final Plat
4. Determination of Completeness. The Staff shall review the application for determination of completeness in accordance with the provisions of Section 4-101.F, Determination of Completeness.
5. Schedule Public Hearing. Upon a determination of completeness, the Staff shall schedule the application for consideration in a public hearing by the Planning Commission and the BOCC. The public notice of the hearing shall be made pursuant to Section 4-101.I, Notice of Public Hearing.
6. Evaluation by Staff, Staff Review Including Review by applicable County Departments. Upon determination of completeness, the Staff shall review the application for compliance with the applicable standards set forth in Article 7- Division 4- Subdivision Standards and Design Specifications and 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.
   a. Staff Report. A staff report shall be prepared pursuant to Section 4-101.H.
   b. Review by Referral Agencies and applicable County Departments. The Assigned Staff's evaluation of the application shall include comment by referral agencies and applicable County Departments received under Section 4-101.G, Review by Referral Agency.
7. Review and Recommendation by Planning Commission. An application for Minor Subdivision shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to Section 4-101.J Conduct of Public Hearing.
   a. Recommendation by Planning Commission. The Planning Commission shall recommend to the BOCC to approve, approve with conditions or deny the application based upon compliance with the applicable standards in Article 7, and conditions for plat approval set forth in Section 7-501, Basic Criteria.
8. Review and Action by BOCC. An application for Single Lot Creation shall be considered by the BOCC at a public hearing, after proper notice, conducted pursuant to Section 4-101.J, Conduct of Public Hearing.
   a. Decision by BOCC. The BOCC shall approve, approve with conditions or deny the application based upon compliance with the applicable standards in Article 7, and conditions

for plat approval set forth in Section 7-501, Basic Criteria.

i. Approval of Application. If the application satisfies the applicable standards, the application shall be approved. Pursuant to Section 30-28-136 (1)(g), C.R.S., no plan shall receive the approval of the BOCC unless the County's Public Health and Environment Department has made a favorable recommendation regarding the proposed method of sewage disposal.

ii. Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied; or

iii. Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.

b. Submittal of Final Plat for Signature by BOCC. The approved Final Plat shall be submitted to the BOCC for signature after approval of the final plat. All conditions of approval shall be met prior to submitting the plat for signature by the BOCC.

C. Recordation. The Final Plat shall be recorded by County staff or designee in the office of the Rio Blanco County Clerk and Recorder within 10 calendar days from the date of signature by the BOCC.

1. Completion of Conditions of Approval. The applicant must complete all conditions of final plat approval prior to recording the plat and associated documents.
2. Effective Upon Recording. The plat does not become effective until it is properly filed for recording with the County Clerk and Recorder.
3. Public Sale of Lots. A Single Lot Creation becomes complete and eligible for public sale of the lot and development only after the plat and associated documents are recorded.

Section 5-402 Minor Subdivision Review Process.

The Minor Subdivision Review Process is a shortened plat review process for divisions of land identified as minor subdivision in Section 5-202, Minor Subdivision. A legal parent parcel or the legal original un-subdivided tract of land proposed for division by this method is eligible for review under the Minor Subdivision process. Once a Minor Subdivision plat has been recorded in the Rio Blanco County Clerk and Recorder's office, any further division of the platted lots must be approved through the appropriate subdivision review process, pursuant to the provisions of these Land Use Regulations.

A. Review Process.

1. Pre-Application Conference. The initial consultation with staff shall be held in accordance with the provisions of Section 4-101.A, Pre-Application Conference.
2. Sketch Plan Review (optional). The process for Sketch Plan Review is set forth in Section 5-404, Sketch Plan Review.
3. Application and Submittal Materials. The minimum application materials required for a land use change subject to Minor Subdivision Review are the following:
   a. Completed Application Form and Fees
   b. Sketch Plan (optional)
   c. Vicinity Map
   d. Written Narrative explaining reason for request for subdivision
   e. Proof of Legal Creation. For properties smaller than 35 acres, the applicant is required to provide written proof that the parcel was legally created by (1) deed of conveyance prior to August 17, 1972; (2) approval by the BOCC; or (3) otherwise legally established as a separate lot, parcel, or tract of land.

f. Proof of Ownership. Submit satisfactory proof of ownership.

g. Access. Demonstration that the land proposed for a Minor Subdivision has legal and physical access to a public street, road, or right-of-way by conventional vehicles. A Rio Blanco Road Access Permit may be required.

h. Water Supply. Adequate evidence that the proposed water supply is sufficient in terms of quality, quantity, and dependability, in accordance with Section 7-104. Cisterns may be used to meet this requirement. See.

i. Wastewater disposal (see Article 17- On-site Wastewater Treatment Regulations)

j. Weed Management Plan (see Section 4-301.B.5)

k. Final Plat

4. Determination of Completeness. The Assigned Staff shall review the application for determination of completeness in accordance with the provisions of Section 4-101.F, Determination of Completeness.

5. Schedule Public Hearings. Upon a determination of completeness, the Assigned Staff shall schedule the application for consideration in public hearings by the Planning Commission and the BOCC. The public notices of the hearings shall be made pursuant to Section 4-101.I, Notice of Public Hearing.

6. Evaluation by Assigned Staff, Staff Review Including Review by applicable County Departments. Upon determination of completeness, the Assigned Staff shall review the application for compliance with the applicable standards set forth in Article 7- Division 4- Subdivision Standards and Design Specifications and Section 5-406, Final Plat Review. Concurrently, the Assigned Staff shall distribute the complete application to Referral Agencies and applicable County Departments for review and comments.

   a. Staff Report. A staff report shall be prepared pursuant to Section 4-101 .H.

   b. Review by Referral Agencies and applicable County Departments. The Assigned Staff's evaluation of the application shall include comment by referral agencies and applicable County Departments received under Section 4-101.G, Review by Referral Agency.

7. Review and Recommendation by Planning Commission. An application for Minor Subdivision shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to Section 4-101.J Conduct of Public Hearing.

   a. Recommendation by Planning Commission. The Planning Commission shall recommend to the BOCC to approve, approve with conditions or deny the application based upon compliance with the applicable standards in Article 7, and conditions for plat approval set forth in Section 7-501, Basic Criteria.

8. Review and Action by BOCC. An application for Minor Subdivision shall be considered by the BOCC at a public hearing, after proper notice, conducted pursuant to Section 4-101.J, Conduct of Public Hearing.

   a. Decision by BOCC. The BOCC shall approve, approve with conditions or deny the application based upon compliance with the applicable standards in Article 7, and conditions for plat approval set forth in Section 7-501, Basic Criteria.

      i. Approval of Application. If the application satisfies the applicable standards, the application shall be approved. Pursuant to Section 30-28-136 (1)(g), no plan shall receive the approval of the BOCC unless the County's Public Health and Environment Department has made a favorable recommendation regarding the proposed method of sewage disposal.

ii. Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied; or

iii. Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.

b. Submittal of Final Plat for Signature by BOCC. The approved Final Plat shall be submitted to the BOCC for signature after approval of the final plat. All conditions of approval shall be met prior to submitting the plat for signature by the BOCC.

C. Recordation. The Final Plat shall be recorded by County staff or designee in the office of the Rio Blanco County Clerk and Recorder within 10 calendar days from the date of signature by the BOCC.

1. Completion of Conditions of Approval. The applicant must complete all conditions of final plat approval prior to recording the plat and associated documents.
2. Effective Upon Recording. The plat does not become effective until it is properly filed for recording with the County Clerk and Recorder.
3. Public Sale of Lots. A subdivision becomes complete and eligible for public sale of lots and development only after the plat and associated documents are recorded.

Section 5-403 Major Subdivision Review Process.

A. Pre-Application Conference. The initial consultation with staff shall be held for each stage of the Major Subdivision review in accordance with the provisions of Section 4-101.A, Pre-Application Conference.

Section 5-404 Sketch Plan Review (Optional).

The purpose of the optional Sketch Plan review is for the applicant, County and public to evaluate and discuss at a conceptual level the feasibility and design characteristics of the proposed division of land.

A. Review Process.

1. Application and Submittal Materials. The minimum application materials required for Sketch Plan Review are the following:
   a. Completed Application Form and Fees
   b. Vicinity Map
   c. Sketch Plan
   d. Land Suitability Analysis
2. Determination of Completeness. The Assigned Staff shall review the application for determination of completeness in accordance with the provisions of Section 4-101.F, Determination of Completeness.
3. Schedule Public Meeting for Conceptual Review by Planning Commission. Upon a determination of completeness, the Assigned Staff shall schedule the application for review in a public meeting by the Planning Commission. The public notices of the meeting shall be made pursuant to Section 4-101.J, Notice of Public Hearing.
4. Evaluation by Assigned Staff. Upon determination of completeness, the staff shall review the application for compliance with the applicable standards at a conceptual level. Concurrently, the staff shall distribute the complete application to applicable County Departments for review and comments. Based on review of the applicable standards and Department comments, the Assigned Staff shall prepare a staff report pursuant to Section 4-102.H.
5. Sketch Plan Review by Planning Commission. The Planning Commission shall conduct a

conceptual review of the proposal's feasibility and design characteristics based upon compliance with applicable standards.

a. Written Notice of Sketch Plan Review Comments. The Staff shall provide the applicant with written notice of the Planning Commission's conceptual review comments and recommendations.

b. Recommendations are Preliminary. The Planning Commission's review comments and recommendations are preliminary, based on conceptual review, and are not binding upon formal review of the application. Also, it shall not constitute, or be deemed to constitute, any other approval or vested property rights.

Section 5-405 Preliminary Plan Review.

The preliminary plan review process will consider the feasibility and design characteristics of the proposed land division based on the applicable standards set forth in Article 7, Standards. The preliminary plan process will also evaluate preliminary engineering design.

A. Review Process.

1. Application and Submittal Materials. The minimum application materials required for Preliminary Plan review are the following:
   a. Completed Application Form and Fees
   b. Vicinity Map
   c. Preliminary Plan Map
   d. Open Space Plan, preliminary
   e. Draft Open Space Management Plan
   f. Conceptual Landscape Plan
   g. Impact Analysis, including a traffic analysis
   h. Land Suitability Analysis
   i. Preliminary Engineering Reports and Plans
      i. streets, trails, walkways and bikeways
      ii. engineering design and construction features for any bridges, culverts or other drainage structures to be constructed
      iii. identification and mitigation of geologic hazards
      iv. wastewater collection, and water supply and distribution system
      v. soil suitability information
      vi. groundwater drainage
      vii. Erosion and Sediment Control Plan
      viii. Water Supply Plan
      ix. Wastewater Plan
   j. Weed Management Plan (see Section 4-301.B.5.)
   k. Draft Improvements Agreement, Covenants and Restrictions and By-laws
2. Determination of Completeness. The Assigned Staff shall review the application for determination of completeness in accordance with the provisions of Section 4-101.F, Determination of Completeness.
3. Schedule Public Hearing by Planning Commission. Upon a determination of completeness, the staff shall schedule the application for review by the Planning Commission. Scheduling

of the public hearing will not be unreasonably delayed. Public notice of the hearing shall be made pursuant to Section 4-101.I, Notice of Public Hearing.

4. Evaluation by Assigned Staff. Upon determination of completeness, the Assigned Staff shall review the application for compliance with the applicable standards set forth in Article 7, Standards. Concurrently, the staff shall distribute the complete application to Referral Agencies and applicable County Departments for review and comments.
   a. Staff Report. The Assigned Staff shall prepare a staff report pursuant to Section 4-101.H.
   b. Review by Referral Agencies and applicable County Departments. The Assigned Staff evaluation of the application shall include comment by referral agencies and applicable County Departments received under Section 4-101.G, Review by Referral Agency.
5. Review and Recommendation by the Planning Commission. A preliminary plan shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to Section 4-101.J, Conduct of Public Hearing.
   a. Recommendation by Planning Commission. The Planning Commission shall recommend approval, approval with conditions or denial of the application based upon compliance with the applicable standards set forth in Article 7, Standards.
      i. Recommendation of Approval. If the application satisfies the applicable standards, the Planning Commission shall recommend that the application be approved.
      ii. Recommendation of Denial. If the application fails to satisfy the applicable standards the Planning Commission may recommend that the application be denied; or
      iii. Recommendation of Conditional Approval. The Commission may recommend approval with conditions determined necessary for compliance with the applicable standards.
6. Schedule Public Hearing by BOCC. Staff shall schedule the application for consideration by the BOCC. Public notice of the hearing shall be made pursuant to Section 4-101.I, Notice of Public Hearing.
7. Review and Action by the BOCC. The final decision to approve, approve with conditions or deny a preliminary plan shall be made by the BOCC following a public hearing.
   a. Decision by BOCC. Following the public hearing conducted pursuant to Section 4-101.J, Conduct of Public Hearing, the BOCC shall approve, approve with conditions or deny the application based upon compliance with the applicable standards in Article 7, Standards.
      i. Approval of Preliminary Plan. If the application satisfies the applicable standards, the application shall be approved. Pursuant to Section 30-28-136 (1)(g), C.R.S., no plan shall receive the approval of the BOCC unless the County's Public Health and Environment Department has made a favorable recommendation regarding the proposed method of sewage disposal.
      ii. Denial of Preliminary Plan. If the application fails to satisfy the applicable standards, the application may be denied; or
      iii. Conditional Approval of Preliminary Plan. The application may be approved with conditions determined necessary for compliance with applicable standards.

Section 5-406 Final Plat Review.

Unless otherwise provided by these Land Use Regulations, the applicant must receive preliminary plan approval, or approval with conditions before beginning the final plat process. The purpose of Final Plat review is for the applicant to submit a permanent, comprehensive and accurate public record of the subdivision, including the precise size, shape and location of lots, blocks, streets, easements, open

spaces and other parcels of land within the development, together with all applicable covenants, conditions, use restrictions and design and development standards. The Final Plat shall substantially conform in all respects to the Preliminary Plan approved by the County, and incorporate all modifications and conditions imposed by the BOCC. Assigned Staff may waive any site plan requirements they feel are not applicable to a specific application.

A. Review Process.

1. Consultation with Assigned Staff (optional). The initial consultation with staff shall be held in accordance with the provisions of Section 4-101.A, Pre-Application Conference.
2. Application and Submittal Materials. The minimum application materials required for final plat review are the following:
   a. Completed Application Form and Fees
   b. Vicinity Map
   c. Final Plat
   d. Final Engineering Reports and Plans
      i. streets, trails, walkways and bikeways
      ii. engineering design and construction features for any bridges, culverts or other drainage structures to be constructed
      iii. mitigation of geologic hazards
      iv. wastewater collection, and water supply and distribution system
      v. soil suitability information
      vi. groundwater drainage
      vii. Erosion and Sediment Control Plan
      viii. final cost estimates
   e. Landscape Plan
   f. Open Space Plan
   g. Open Space Management Plan
   h. Letter of Intent for service from the sanitation service provider
      i. A Contract for Service is required prior to Final Plat signing
   i. Final Improvements Agreement, Covenants and Restrictions and By-laws
3. Determination of Completeness. The Assigned Staff shall review the application for determination of completeness in accordance with the provisions of Section 4-101.F, Determination of Completeness.
4. Schedule Public Hearing. Upon a determination of completeness, the Assigned Staff shall schedule the application for consideration by the BOCC. Public notice of the hearing shall be made pursuant to Section 4-101.I, Notice of Public Hearing.
5. Evaluation by Assigned Staff. Upon determination of completeness, the Assigned Staff shall review the Final Plat for compliance with Article 7- Division 4- Subdivision Standards and Design Specifications and 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.
   a. Staff Report. The Assigned Staff shall prepare a staff report pursuant to Section 4-101.H.
   b. Review by Referral Agencies and applicable County Departments. The Assigned Staff evaluation of the application shall include comment by referral agencies and applicable

County Departments received under Section 4-101.G, Review by Referral Agency.

6. Review and Action by the BOCC. A Final Plat shall be considered by the BOCC at a public hearing, after proper notice, conducted pursuant to Section 4-10.J, Conduct of Public Hearing.
   a. Decision by BOCC. The BOCC shall approve the Final Plat if it satisfies the approval conditions is in compliance with Section 5-406, Final Plat Review.
      i. Approval of Final Plat. If the Final Plat satisfies the applicable standards, the Final Plat shall be approved. Pursuant to Section 30-28-136 (1)(g), C.R.S., no plan shall receive the approval of the BOCC unless the County's Public Health and Environment Department has made a favorable recommendation regarding the proposed method of sewage disposal.
      ii. Denial of Final Plat. If the Final Plat fails to satisfy the applicable standards, the Final Plat may be denied; or
      iii. Conditional Approval of Final Plat. The Final Plat may be approved with conditions determined necessary for compliance with applicable standards.
   b. Submittal of Final Plat for Signature by BOCC. The approved Final Plat shall be submitted to the BOCC for signature after approval of the final plat. All conditions of approval shall be met prior to submitting the plat for signature by the Chairman of the BOCC.

B. Recordation. The Final Plat shall be submitted to assigned staff to be filed for recording with the County Clerk and Recorder within 10 calendar days from the date of signature by the Chairman of BOCC.
   1. Approval of Improvements Agreement. The Final Plat shall not be signed until the BOCC has approved an Improvements Agreement.
   2. Effective Upon Recording. The Final Plat does not become effective until it is properly filed for recording with the County Clerk and Recorder.
   3. Public Sale of Lots. A subdivision becomes complete and eligible for public sale of lots and development only after the Final Plat and associated documents are recorded.

DIVISION 5 AMENDED FINAL PLAT – PLAT ADJUSTMENTS, VACATIONS OR CONSOLIDATIONS

Section 5-501 Amended Final Plat.

An amended final plat is used primarily, but not exclusively, to a) combine two (2) or more platted lots in the same filing of the same subdivision and that have the same zoning; or b) relocate the boundary line between two (2) or more platted lots in the same filing of the same subdivision and that have the same zoning provided no additional buildable lots are created; c) change a platted building envelope; d) insignificant change in the boundary of the platted subdivision; or e) otherwise alter in an insignificant manner a recorded Final Plat. The review process for these types of amendments is outlined in Section 5-502 below, unless otherwise indicated. In all cases, plat notes, if any, shall be carried forward to, and appear on, the amended final plat. When restrictive plat notes are affected by the proposed amendments or the applicant is requesting to amend or delete a restrictive plat note, the same review process for the subdivision's original approval shall be followed instead.

A. Technical Corrections Plat. Pursuant to Section 30-28-133(9), C.R.S., a Technical Corrections Plat may be used solely to correct one or more technical errors in a previously approved Final Plat.

B. Combine Platted Lots. Provided no public or private easements of record are affected, two or more contiguous individual lots in a legally platted subdivision with the same zoning may be combined. When public or private easements of record are affected, the same review process

for the subdivision's original approval shall be followed instead.

C. Boundary Line Adjustments. Adjusting the platted boundary lines between contiguous legally pre-existing 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. Updated RESOLUTION 2018-06

D. Vacations. Provided no public or private easements of record are affected, interior lot lines, or a block or blocks within a platted subdivision may be vacated. When vacating the entire subdivision or vacating a portion of the platted subdivision, including any public or private easements or rights-of-way, the same review process for the subdivision's original approval shall be followed instead.

Added Item E) RELOCATION OF COMMON BOUNDARY LINES.....Updated RESOLUTION 2018-06

Section 5-502 Request for Amended Final Plat.

An application requesting approval of an amended final plat shall be subject to the following review process. This process applies only to previously platted lots, parcels or tracts of land.

A. Review Process.

1. Pre-Application Conference. The initial consultation with staff shall be held in accordance with the provisions of Section 4-101.A, Pre-Application Conference.
2. Application and Submittal Materials. The minimum application materials required for amending a final plat are the following:
   a. Completed Application Form and Fees
   b. Vicinity Map
   c. Amended Final Plat
   d. Copy of Previously Recorded Final Plat.
   e. Written Narrative explaining reason for request for the amended final plat.
   f. Any additional information as determined by County Staff.
3. Determination of Completeness. The Assigned Staff shall review the application for determination of completeness in accordance with the provisions of Section 4-102.F, Determination of Completeness.
4. 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 applicable County Departments for review and comments. Based on review of the approval criteria and Department comments, the Assigned Staff shall provide a recommendation to the BOCC to approve, approve with conditions or deny the application. Updated RESOLUTION 2018-06
5. Action by BOCC. The BOCC shall approve, approve with conditions or deny the application based upon compliance with Section 5-406, Final Plat Review..
   a. Approval of Application. If the application satisfies the applicable standards, the application shall be approved.
   b. Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied; or
   c. Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.
6. Submittal of Amended Final Plat for Signature by BOCC Chairperson. The amended final plat shall be submitted to the BOCC Chairperson for signature after approval of the amended

final plat. All conditions of approval shall be met prior to submitting the plat for signature by the Chairperson.

a. The amended final plat shall be signed by all affected owners of record.

7. Recordation. The amended final plat shall be filed by Assigned Staff for recording with the County Clerk and Recorder within 10 calendar days from the date of signature by the BOCC Chairperson.

ARTICLE 6 - PLANNED UNIT DEVELOPMENT

Planned Unit Developments are authorized by Title 24, Article 67, C.R.S.

DIVISION 1 RELATIONSHIP TO LUR AND MASTER PLAN

Section 6-101 Allowed Uses.
The BOCC may approve any use that is allowed in the underlying zone district where the PUD is located, and any other use that is in general conformity with the Master Plan and compatible with the site's physical and environmental characteristics.

Section 6-102 Waiver or Modification of Requirements.
The BOCC may waive or modify specifications, standards and requirements such as density, setbacks, height restrictions, land dedications, improvement standards and related requirements that would otherwise apply to a particular land use, if the waiver or modification furthers the objectives of these PUD regulations.

Section 6-103 Relationship to Zoning and Subdivision.
The PUD is a type of customized zoning district. If a PUD consists of individual lots, subdivision plat approval is also required and may be pursued concurrently.

Section 6-104 Concurrent Submittal.
Any area proposing separate ownership of parcels within a PUD will, at some time, be required to be reviewed per Article 5, Divisions of Land. The review of a proposed division of land may occur concurrently with the review of the PUD so long as the PUD zoning decision is made prior to the approval of the Subdivision Preliminary Plan.

Section 6-105 Concurrent Comprehensive Plan Amendment and PUD Zoning Submittal.
A PUD zoning request may be processed simultaneously with a Master Plan amendment so long as the Planning Commission makes a final decision on the Master Plan Amendment prior to a making a recommendation to the BOCC on action to be taken on the proposed PUD zoning.

DIVISION 2 PROCEDURES

Section 6-201 Outline of Procedure.
The PUD Review Process consists of the following procedures:

- Pre-application Conference
- Preliminary PUD Plan Review
- Final PUD Plan Review
- Recordation

Section 6-202 Review Procedures.

A. Pre-application Conference. A Pre-application Conference shall be held in accordance with the provisions of Section 4-101.A, Pre-application Conference.

1. Concept Narrative. The applicant shall present a Concept Narrative of the proposed PUD in sufficient detail to accurately convey the general concept of the proposal. Detail shall include:

   a. Concept Description. Location of property; existing zoning, use and density; proposed zoning, use, densities and lot sizes; existing zoning and use of surrounding property,

including densities; existing and proposed access; existing and proposed source of water; existing and proposed wastewater treatment system; phasing if entire project is not being done at one time; unique features on the site which might enhance the site and proposed use; a discussion of the anticipated impacts and proposed mitigation.

b. Additional Information Required. At the request of the Assigned Staff, the applicant shall provide any reasonable additional conceptual information needed to help clarify the proposal being made.

B. Preliminary PUD Plan Review. The following procedures apply to the Preliminary PUD Plan Review. The Assigned Staff may allow combined review of the Preliminary PUD Plan and the Final PUD Plan.

1. Application. The application materials required for Preliminary PUD Plan Review are set forth in Section 6-302.A.
2. Determination of Completeness. The Assigned Staff shall review the Preliminary PUD Plan for completeness in accordance with the provisions of Section 4-101.F, Determination of Completeness.
3. Schedule Public Hearing. Upon a determination of completeness, the Assigned Staff shall schedule the Preliminary PUD Plan for consideration by the Planning Commission.
   a. Public hearing by the Planning Commission shall be held within 60 calendar days of the date of determination of completeness.
   b. Public notice of the hearing shall be made pursuant to Section 24-67-104(e)/ 30-28-116, C.R.S.
4. Evaluation by Director/Staff Review. Upon determination of completeness, the Assigned Staff shall review the Preliminary PUD Plan for compliance with the applicable standards set forth in Section 6-203, PUD Approval Standards.
   a. Staff Report. A staff report shall be prepared pursuant to Section 4-101.H.
   b. Review by Referral Agencies. The Assigned Staff evaluation of the Preliminary PUD Plan shall include comment by referral agencies received under Section 4-101.G, Review by Referral Agency.
5. Review and Recommendation by the Planning Commission.
   a. Public Hearing. A Preliminary PUD Plan shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to Section 4-101.J, Conduct of Public Hearing. The public hearing shall not continue for more than 40 days from the date of commencement without the written consent of the applicant (see 24-67-105.5(3), C.R.S.).
   b. Recommendation by Planning Commission. The Planning Commission shall review the Preliminary PUD Plan based upon compliance with the standards set forth in Section 6-203, PUD Approval Standards.
      i. Recommendation of Approval. If the Preliminary PUD Plan satisfies the applicable standards, the Planning Commission shall recommend that the Preliminary PUD Plan be approved;
      ii. Recommendation of Denial. If the Preliminary PUD Plan fails to satisfy the applicable standards the Planning Commission may recommend that it be denied, or
      iii. Recommendation of Conditional Approval. The Commission may recommend approval with conditions determined necessary for compliance with the applicable standards.

6. BOCC Decision. The Assigned Staff shall schedule the Preliminary PUD Plan for consideration by the BOCC.
   a. Public hearing by the BOCC shall be held within 45 calendar days of the date of the Planning Commission recommendation. The public hearing shall not continue for more than 40 days from the date of commencement without the written consent of the applicant (see 24-67-105.5(3), C.R.S.).
   b. Public notice of the hearing shall be made pursuant to Section 4-101.I, Notice of Public Hearing, and subsection B.3.b above.
   c. Review and Action by the BOCC. The BOCC shall make a final decision to approve, approve with conditions or deny the Preliminary PUD Plan at a public hearing.
   d. Decision by Board. Following a public hearing conducted pursuant to Section 4-101.J, Conduct of Public Hearing, the BOCC shall approve, approve with conditions or deny the Preliminary PUD Plan based upon compliance with the standards set forth in Section 6-203, PUD Approval Standards.
      i. Approval of Preliminary PUD Plan. If the Preliminary PUD Plan satisfies the applicable standards, it shall be approved;
      ii. Denial of Preliminary PUD Plan. If the Preliminary PUD Plan fails to satisfy the applicable standards, it may be denied, or
      iii. Conditional Approval of Preliminary PUD Plan. The Preliminary PUD Plan may be approved with conditions determined necessary for compliance with applicable standards.

C. Final PUD Plan Review. The following review procedures apply to Final PUD Plan Review.
1. Application. The application materials required for PUD Final Plan Review are set forth in Section 6-302.A.
2. Determination of Completeness. The Assigned Staff shall review the Final PUD Plan for completeness in accordance with the provisions of Section 4-101.F, Determination of Completeness.
3. Schedule Public Hearing. Upon a determination of completeness, the Assigned Staff shall schedule the Final PUD Plan for consideration by the BOCC.
   a. Public hearing by the BOCC shall be held within 45 calendar days of the date of determination of completeness. The public hearing shall not continue for more than 40 days from the date of commencement without the written consent of the applicant (see 24-67-105.5(3), C.R.S.).
   b. Public notice of the hearing shall be made pursuant to Section 4-101.I, Notice of Public Hearing, and sub B.3.b above.
4. Evaluation by Director/Staff Review. Upon determination of completeness, the Assigned Staff shall review the Final PUD Plan for compliance with the standards set forth in Section 6-203, PUD Approval Standards, and prepare a staff report pursuant to Section 4-101.H.
5. Review and Action by the BOCC. The BOCC shall make a final decision to approve, approve with conditions or deny a Final PUD Plan at a public hearing.
6. Decision by Board.
   a. Public hearing. Following a public hearing conducted pursuant to Section 4-101.J, Conduct of Public Hearing, the BOCC shall approve, approve with conditions or deny the Final PUD Plan based upon compliance with the standards set forth in Section 6-203, PUD Approval Standards.

i. Approval of Final PUD Plan. If the Final PUD Plan satisfies the applicable standards, it shall be approved;

ii. Denial of Final PUD Plan. If the Final PUD Plan fails to satisfy the applicable standards, it may be denied, or

iii. Conditional Approval of Final PUD Plan. The Final PUD Plan may be approved with conditions determined necessary for compliance with applicable standards.

7. Time Limits.

a. Any required public hearing on any Preliminary or Final PUD Plan shall be conducted expeditiously and concluded when all those present and wishing to testify have done so. No public hearing shall continue for more than 40 days from the date of commencement without the written consent of the applicant. Any continuation of a public hearing shall be to a date certain. (Reference: 24- 67-105.5(3), C.R.S.)

b. Unless withdrawn by the applicant, any Preliminary or Final PUD Plan that has been neither approved, conditionally approved, nor denied within a time certain mutually agreed to by the county and the applicant at the time of filing shall be deemed approved. Such time period may be extended by the county to receive a recommendation from an agency to which a planned unit development was referred, but such extension shall not exceed 30 days unless the agency has notified the county that it will require additional time to complete its recommendation. (Reference: 24-67-105.5(4), C.R.S.)

D. Revisions to Zoning District Maps. Approval of a PUD Final Plan shall be recorded on the Official Zoning Maps filed in the Planning Department as soon as practicable after the PUD becomes effective.

E. Recordation.

1. Completion of Conditions of Approval. The applicant must complete all conditions of Final PUD Plan approval prior to recording the Final PUD Plan and associated documents.

2. Approval of PUD Development Guide. The Final PUD Plan may not be filed for recording until the Board has approved a PUD Development Guide (see Section 6-302.B.8).

3. Effective Upon Recording. The Final PUD Plan does not become effective until it is properly filed for recording with the County Clerk and Recorder.

4. Public Sale of Lots. A PUD becomes complete and eligible for public sale of lots and development only after the Final PUD Plan and associated documents are recorded.

Section 6-203 PUD Approval Standards.

In addition to the applicable standards set forth in Article 7, Standards, the following approval standards apply to PUD applications.

A. Conformity with Master Plan and Intergovernmental Agreements. The PUD shall generally conform to the County's Master Plan and applicable intergovernmental agreements.

B. Relationship to Surrounding Area. The PUD should be compatible with the scale, intensity and type of uses located on adjacent property.

C. Lots.

1. The minimum Lot Size, the minimum setback, and the maximum Lot Coverage may be modified from the zone district.

2. Each lot shall contain an acceptable building site, unless the lot is specifically reserved for use that does not allow for a structure.

D. Street Circulation System. The PUD shall provide an adequate internal street circulation system

designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be allowed, provided that adequate access for police and fire protection is maintained. Bicycle traffic shall be provided for when the site is used for residential purposes.

E. Pedestrian Circulation. The PUD shall provide pedestrian ways throughout the PUD that allow residents to walk safely and conveniently among areas of the PUD.

F. Open Space. The PUD shall include at least 500 square feet of common open space per dwelling unit. If the use is predominately commercial or industrial, in which case common areas such as pedestrian plazas, gathering areas, fountains and similar features may be included in lieu of open space. Common open space in the PUD Zone District shall be owned and maintained in perpetuity by an organization or entity established specifically for such ownership and maintenance purposes.

G. Housing Variety. The PUD shall provide for variety in housing types, price and ownership forms.

H. Compliance with Preliminary PUD Plan Approvals. The Final PUD Plan complies with all conditions of Preliminary PUD Plan approval.

I. Adequacy of Supporting Materials. The Final PUD Plan meets all planning, engineering, and surveying requirements of these Regulations for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.

J. Taxes. All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.

K. Phasing. Each phase within a PUD shall be planned and related to existing surrounding and available facilities and services so that failure to proceed to a subsequent phase will not have a substantially adverse impact on the prior and future phases of the PUD or its surroundings.

DIVISION 3 PUD REQUIREMENTS

Section 6-301 Basic Requirements.

Materials shall be prepared by qualified professionals as applicable. The professional qualifications for preparation and certification of documents required by these PUD regulations are set forth in Section 4-301.A.

Section 6-302 Application Materials.

A. Submittal Requirements. Following are the application materials required for a PUD. The Assigned Staff may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

1. Application Form and Fees
2. Vicinity Map
3. Preliminary PUD Plan
   a. Site Plan
   b. Written Description
   c. Impact Analysis
   d. Erosion Control and Drainage Report
   e. PUD Development Guide
   f. Development Agreement (see Section 4-301.B.9)

4. Final PUD Plan
    a. Site Plan
    b. Street/Road Plans and Profiles
    c. Covenants, Conditions, Restrictions
    d. PUD Development Guide, approved
    e. Development Agreement, approved

B. Description of Submittal Requirements.

1. Application Form. Application forms for a land use change application proposing PUD development shall be obtained from the Planning Division of the Community Development Department. Completed application forms and accompanying materials shall be submitted to the Assigned Staff by the owner for which a land use change is proposed, or their authorized agent.
    a. Applicant is not the owner. If the applicant is not the owner of the land the applicant shall submit a letter signed by the owner consenting to the submission of the application.
    b. Applicant is not the sole owner. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners or an association representing the owners consenting to or joining in the application.
2. Fees.
    a. Generally. The application must be accompanied by the appropriate fees. A schedule of fees is available through the Planning Division of the Community Development Department.
    b. Payment of Consultant Fees. Pursuant to Section 4-101.B, Consultants, the cost of consultant and referral agency review are the responsibility of the applicant.
        i. The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated consultant review costs, at the time of application and in addition to the application fees.
        ii. The County may suspend the application review process pending payment of consultant costs.
3. Basic Requirements for Maps and Plans. The following are basic requirements for the maps and plans submitted under these application and review procedures.
    a. Name or identifying title of the proposed development or use.
    b. Total area of the site, in acres.
    c. Name, address and telephone number of the applicant, person preparing the map or plan, designer, engineer, surveyor, and any other consultants of the applicant.
    d. Date of preparation, revision box, written scale, graphic scale, and north arrow.
4. Vicinity Map. An 8 ½ x 11 vicinity map locating the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property, and all property within a 3-mile radius of the subject property.
5. Site Plan, Preliminary PUD Plan. The site plan for a Preliminary PUD Plan shall include the following information.
    a. Prepared on standard 24 x 36 sheets.
    b. Adjacent land owned by the applicant that is not part of the proposed request and the

current and intended use of the land.

c. Topography at 10-foot contours, with delineation of areas having slopes 20% or more and other significant topographic conditions at more defined contours.

d. Public access to site, and internal circulation. The widths, lines, and names of all existing and proposed streets, drives, alleys and roads on or affecting the site, and names of existing streets and alleys, if known, on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown.

e. Existing land uses and zoning on adjoining properties.

f. Public or private sources of utility services and facilities.

g. Areas for landscaping.

h. Location of all land uses and proposed densities, where applicable.

i. Proposed use and gross square footage of structures and anticipated number of employees if commercial or industrial uses.

j. Depiction of all natural and man-made water courses, retention areas, streams and lakes. Any known 100-year flood plains affecting the property shall also be delineated as per the national Flood Insurance Rate Map or those maps provided by the US Army Corps of Engineers or another recognized source.

k. Land to be held in common, open space devoted to community use, and land to be dedicated to County. (See Section 7-406, Standards for Public Sites and Open Space and Section 7-607,Additional Standards Applicable to Park, Open Space or Greenbelt)

l. Water supply plan approved by the State Division of Water Resources. (See Section 7-104)

m. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by Assigned Staff.

n. Signature block.

6. Final PUD Plan. The Final PUD Plan shall include:

a. Location or vicinity map to scale.

b. Drawing at a scale of 1 inch equals 100 feet or a scale approved by the Assigned Staff which clearly shows the entire proposal. Photo Mylar shall be used with outer dimensions of 24 x 36.

c. Legal description.

d. Primary control points, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

e. Location and description of monuments.

f. Tract boundary lines, right -of-way lines of streets, easements, and other rights- of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radius, arcs, and central angles of all curves.

g. Names and right-of-way width of each street or other right - of-way, even if for private maintenance and responsibility.

h. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.

i. Statement by owner dedicating streets, rights-of-way, and any sites for public use.

j. Number to identify each lot or site, such as lot and block numbers.

k. Purposes of sites other than residential lots that are dedicated or reserved. See Section

7-406, Standards for Public Sites and Open Space and Section 7-607,Additional Standards Applicable to Park, Open Space or Greenbelt)

l. Gross and net acreage of individual lots or sites, calculated to two decimal places.
m. Flood plains and building envelopes.
n. Certification of title showing the applicant is the land owner or option-holder.
o. Certification by the project surveyor certifying to the accuracy of the survey and plat.
p. Certification of Planning Department.
q. Certification for approval of the BOCC.
r. Certification for the County Clerk and Recorder.
s. Streets/roads plans and profiles.
t. Covenants, Conditions, Restrictions.
u. Estimated construction costs and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the applicant by the County.
v. PUD Development Guide.
w. Development Agreement.
x. Erosion control and drainage report.
y. Mechanism for maintaining and preserving open space and common areas.
z. Certification of taxes paid.

7. PUD Written Description. A written description of the proposal shall include the following information.
   a. The names and addresses of owner, applicant and representative.
   b. General project concept and purpose of the request.
   c. Relationship of the proposed PUD development to the existing land uses and adjacent property land uses.
   d. The staging and timing for the proposed development.
   e. General conformity with the Master Plan.
   f. Source of and legal right to water. Written confirmation of service availability from a water and sanitation district if the property lies within the district boundaries.
   g. Method of wastewater treatment and disposal.
   h. Type or method of fire protection.
   i. The names and addresses of mineral rights owners on the affected property and mineral rights lessees; names and addresses of water rights owners.
   j. :Description of natural and manmade hazards.
   k. Discussion of impacts on services, including but not limited to County services, town services and schools.
   l. Discussion of impacts on existing flora and fauna, air quality, wildlife, historical lands or sites, drainage or mineral extraction.

8. PUD Development Guide. Any PUD must submit a PUD Development Guide prior to approval of the PUD. The PUD Development Guide may also be incorporated into any Development Agreement.
   a. The PUD Development Guide shall generally conform with the goals and policies of the

Master Plan and any intergovernmental agreement affecting land use or development.

b. The PUD Development Guide shall contain landscape design guidelines that include design criteria for the construction of parks, trails, rights-of-ways and all other land held in common.

c. The PUD Development Guide shall propose development and site design standards and requirements for the PUD development. Appropriateness of standards and requirements for development shall be evaluated on the basis of the environmental and impact assessment, referral agency response, professional and academic reports and studies, adjacent land uses and natural environment, locations and other information available to the County. The current and future owners and their assigns shall be required to develop the proposed project in accordance with the approved and recorded PUD Plan.

9. Impact Analysis. The requirements for an Impact Analysis are set forth in Section 4-301.B.4.

ARTICLE 7 - STANDARDS

This Article sets forth the minimum standards for proposed land use changes. These standards are in addition to any use restrictions and regulations in Article 3, Zoning that may apply.

DIVISION 1 BASIC APPROVAL STANDARDS FOR LAND USE CHANGE PERMITS.

The following standards apply to all proposed land use changes, including divisions of land, unless elsewhere in these Land Use Regulations a use is exempt from one or more standards.

Section 7-101 Compliance with Applicable Zone District Regulations.

The land use change must comply with the applicable zone district use restrictions and regulations in Article 3, Zoning.

Section 7-102 Compliance with the Rio Blanco County Master Plan and Intergovernmental Agreements.

The land use change is consistent with applicable provisions of the Rio Blanco County Master Plan, 2011, as amended, and any intergovernmental agreements between the County and a municipality that applies to the area where the use will occur.

Section 7-103 Compatibility.

The nature, scale, and intensity of the use or activity are compatible with adjacent land uses.

Section 7-104 Source of Water.

If applicable, the land use shall be served by an adequate, reliable and legal physical water supply to serve the use in compliance with safe drinking water standards.

A. BOCC Determination. The BOCC, pursuant to C.R.S. § 29-20-301, et seq., shall not approve an application for a Land Use Change Permit, including divisions of land, unless it determines in its sole discretion, after considering the application and all of the information provided, that the Applicant has satisfactorily demonstrated that the proposed water supply will be adequate. Nothing in this section shall be construed to require that the Applicant own or have acquired the proposed water supply or constructed the related infrastructure at the time of the application.

B. Determination of Adequate Water. The BOCC's sole determination as to whether an Applicant has an Adequate Water Supply to meet the water supply requirements of a proposed development shall be based on consideration of the following information:

1. Documentation required by the Water Supply Plan per Section 4-301.B.3.j;
2. A letter from the State engineer commenting on the documentation provided in the Water Supply Plan per Section 4-301.B.3.j; and
3. Any other information deemed relevant by the BOCC to determine, in its sole discretion, whether the water supply for the proposed development is adequate, including without limitation, any information required to be submitted by the Applicant pursuant to these regulations or State statutes. (see Section 30-28-133(3)(d), C.R.S.)

Section 7-105 Central Water Distribution and Wastewater Systems.

If applicable, the land use change shall be served by water distribution and wastewater systems that are adequate to serve the proposed use and density.

A. Water Distribution System. The land use shall be served by a water distribution system that is

adequate to serve the proposed use and density.

1. Central Water Distribution System Preferred. Where water service through an existing public water system is not physically or economically feasible, a central water distribution system is preferred over individual wells.
2. Central Water Distribution System Required. The following conditions require connection to a central water system.
   a. Proximity to Central System. The property is located within 400 feet of a central water system, the system is available and adequate to serve the proposed development, and connection is practicable and feasible.
   b. Six (6) or More Dwelling Units. One or more central water distribution systems will be required for residential developments consisting of six (6) or more dwelling units.

B. Wastewater System. The land use shall be served by a wastewater system that is adequate to serve the proposed use and density.

1. Central Wastewater System Preferred. Every effort shall be made to secure a public wastewater system extension. Where connections to an existing public wastewater system are not physically or economically feasible, a central collection system and treatment plant is preferred.
2. Central Wastewater System Required. The following conditions require connection to a central wastewater system.
   a. Proximity to Central System. The property is located within 400 feet of a central wastewater system, the system is available and adequate to serve the proposed development, and connection is practicable and feasible.
   b. OWTS Not Suitable. The property is not suitable for an onsite wastewater treatment system (OWTS). OWTS are not allowed on parcels less than one acre in size except as allowed by variance issued pursuant to Article 17.
   c. 15 or more Dwelling Units. A central wastewater system will be required for residential developments consisting of 15 or more dwelling units.

Section 7-106 Adequate Public Utilities.

Adequate public utilities must be available to serve the land use change.

Section 7-107 Access and Roadways.

The Rio Blanco County Subdivision Road Standards and Specifications are made a part of these regulations by reference. All access and roadways shall be reviewed by the Rio Blanco County Road and Bridge Department. Rio Blanco County will not design or specify Roads to be constructed on Federal property.

A. Compliance with County Road Standards. All new roads and access shall be constructed in conformance with the Rio Blanco County Subdivision Road Standards and Specifications, and any additional standards for roadway and access applicable to the specific land use and set forth in this Article 7.
   1. For land use proposing division of land, multi-unit residential development, and commercial and industrial use, the standards for roadway design and arrangement are set forth in Section 7-305, Roadway and Access Standards.
   2. Additional roadway and access standards for campgrounds/RV parks are set forth in Section 7-602, Additional Standards Applicable to Campgrounds/RV Parks.

B. Access to Public Right-of-Way. All lots and parcels shall have access to a public right -of-way.

C. Safe Access. Access to and from the use shall be safe and in conformance with access standards set forth in the Rio Blanco County Subdivision Road Standards and Specifications. Where the land use change requires improvements to state or federal highways, the developer shall be responsible for paying for those improvements.

D. Adequate Capacity. Roads serving the proposed use shall have the capacity to accept the additional traffic generated by the use safely and efficiently. The use shall not cause traffic congestion or unsafe traffic conditions, and all impacts to the County and state roadway system shall be mitigated through roadway improvements or impact fees, or both.

Section 7-108 No Significant Risk from Natural Hazards.

The use is not subject to significant risk from natural hazards and will not exacerbate existing natural hazards.

A. Platting of Land Subject to Natural Hazards Prohibited or Restricted. Land subject to identified natural hazards such as falling rock, landslides, snow slides, mud flows, radiation, flooding or high water tables, shall not be platted for any use other than open space or an uninhabitable portion of a lot unless mitigation is proposed by a qualified professional engineer licensed by the State of Colorado and approved by the County.

DIVISION 2 NATURAL RESOURCE PROTECTION STANDARDS FOR LAND USE CHANGE PERMITS.

Unless otherwise specified, the following Natural Resource Protection Standards shall apply to all land use changes.

Section 7-201 Agricultural Lands.

A. No Adverse Effect to Agricultural Operations. Land use changes on lands adjacent to or directly affecting agricultural operations shall not adversely affect existing agricultural operations. Proposed division and development of the land shall minimize the impacts of residential development on agricultural lands and agricultural operations, and maintain the opportunity for agricultural production on the most productive and viable parcels of land.

B. Fences. Fences may be constructed as provided by the Colorado Revised Statutes by the landowner, HOA or responsible party.

C. Irrigation Ditches.

1. Maintenance. Where irrigation ditches cross or adjoin the land proposed to be developed, the developer shall insure that the use of those ditches, including maintenance, can continue uninterrupted.
2. Rights-of-Way. The land use change shall not interfere with the ditch rights-of-way.
3. Maintenance Easement. A maintenance easement of at least 25 feet from the edges of the ditch banks shall be preserved and indicated on any final plat for subdivision, or the final development plan for any non-subdivision use. When approved in written form by the ditch owner(s), that distance may be decreased.

Section 7-202 Protection of Water Quality from Pollutants.

The following regulations shall apply to all land use changes. At a minimum, all hazardous materials shall be stored and used in compliance with applicable state and federal hazardous materials regulations.

Section 7-203 Erosion and Sedimentation.

Land disturbing activities shall meet all applicable state and federal regulations for erosion and sedimentation control.

A. Incorporate Drainageways. Significant drainageways shall be incorporated in site development as open space, wildlife areas, and trails. Whenever possible, drainageways should be left in a natural state.

Section 7-204 Drainage.

A. Site Design to Facilitate Positive Drainage. Lots shall be laid out to provide positive drainage away from all buildings.

B. Coordination with Area Storm Drainage Pattern. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

Section 7-205 Air Quality.

The land use change shall not cause air quality to be reduced below acceptable levels established by the Colorado Air Pollution Control Division.

Air quality controls shall meet all applicable state and federal regulations.

Section 7-206 Areas Subject to Wildfire Hazards.

The following standards shall apply to land use changes in areas subject to wildfire hazards. (See Rio Blanco County Community Wildfire Protection Plan)

A. Location Restrictions. Development associated with the land use change shall not be located in any area designated as a severe wildfire hazard area. Development can occur in a severe wildfire hazard area if fuels can be modified to achieve a re-designation of the hazard area as reviewed and approved by the local fire agency.

B. Development Does Not Increase Potential Wildfire Hazard. The proposed land use change shall be developed in a manner that does not increase the potential intensity or duration of a wildfire, or adversely affect wildfire behavior or fuel composition.

C. Roof Materials and Design. Roof materials shall be made of non-combustible materials or other materials as recommended by the local fire agency.

D. Safety Areas in Residential Development. Areas designated by the applicable fire protection district as temporary public evacuation areas during fires shall be indicated by permanent signs along roads in the development area. These areas shall also be designated on the final plat, or on the final development plan for land use change subject to Major Impact review.

E. Cul-de-Sac. Cul-de-sacs shall be designed in accordance with requirements of the applicable fire code

F. Road Grade. All roads in wildfire hazard areas shall be designed in accordance with requirements of the applicable fire code and the Rio Blanco County Road and Bridge Standards.

Section 7-207 Natural Hazards and Geologic Hazards.

A. Protection from natural and geologic hazards.

1. Land use allowed in areas subject to Natural Hazards and Geologic Hazards shall be developed in a manner designed to eliminate or mitigate the potential effects of hazardous site conditions.

2. Above-ground utilities located in hazard areas shall be protected by barriers or diversion techniques approved by a qualified professional engineer. The determination to locate utili-

ty facilities above ground shall be based upon the recommendation and requirements of the utility service provider and approved by the County.

B. Development in Landslide Hazard Areas. Development may be permitted to occur in landslide hazard areas if the development complies with the recommendations of a qualified professional engineer, or qualified professional geologist, and approved by the County.

C. Development in Rockfall Hazard Areas. Development may be permitted to occur in rockfall hazard areas if the applicant demonstrates that the development cannot avoid such areas and the development complies with the recommendations of a qualified professional engineer, or a qualified professional geologist, and approved by the County.

D. Development in Alluvial Fan Hazard Area. Development may be permitted to occur in an alluvial fan if the applicant demonstrates that the development cannot avoid such areas, and the development complies with recommendations of a qualified professional engineer, or qualified professional geologist, and approved by the County.

E. Slope Development. Development on slopes 20% or greater may be permitted to occur if the applicant demonstrates development complies with recommendations of a qualified professional engineer, or qualified professional geologist, and approved by the County.

Section 7-208 Reclamation.

A. Reclamation of Disturbed Areas. These standards shall apply to any activity that requires a Land Use Change Permits, division of land, or other Rio Blanco County permitted activity. Areas disturbed during development or areas on which activities requiring a permit are conducted shall be restored as natural-appearing landforms that blend in with adjacent undisturbed slopes.

1. Contouring and Revegetation. Abrupt angular transitions and linear placement on visible slopes shall be avoided. Areas disturbed by grading shall be contoured so they can be revegetated, and shall be planted and shall have vegetation established and growing within two growing seasons, using species with a diversity of native and/or desirable non-native vegetation capable of supporting the post-disturbance land use.
2. Application of Top Soil. Top soil shall be stockpiled and placed on disturbed areas.
3. Retaining Walls. Retaining walls made of wood, stone, vegetation or other materials that blend with the natural landscape shall be used to reduce the steepness of cut slopes and to provide planting pockets conducive to revegetation.
4. Slash Around Homes. To avoid insects, diseases and wildfire hazards all vegetative residue, branches, limbs, stumps, roots, or other such flammable lot-clearing debris shall be removed from all areas of the lot in which such materials are generated or deposited, prior to final building inspection approval.
5. Removal of Debris. Within 6 months of substantial completion of soil disturbance all brush, stumps and other debris shall be removed from the site, unless otherwise required by local, state or federal permit requirements.

DIVISION 3 SITE PLANNING AND DEVELOPMENT STANDARDS.

Unless a use is explicitly identified elsewhere in these regulations as being exempt, the following standards shall apply to all uses, divisions of land and PUDs. Single-family dwelling units are specifically exempt from these Division 3 standards. These standards shall apply in addition to the basic standards set forth in Divisions 1 and 2 of this Article.

Section 7-301 Compatible Design.

The design of development associated with the land use change shall be compatible with the existing character of adjacent uses.

A. Site Organization. The site shall be organized in a way that considers its relationship to streets and lots.

B. Operational Characteristics. The operations of activities on the site shall be managed to avoid nuisances to adjacent uses relating to hours of operation, parking, service delivery, and location of service areas and docks.

1. Objectionable Emissions. Dust, odors, gas, fumes, and glare shall not be emitted at levels that are objectionable to adjacent property.
2. Noise. Shall not exceed State noise standards pursuant to CRS. Article 12 of Title 25, unless the use is regulated by the Colorado Oil and Gas Conservation Commission (COGCC). In this case, the use shall be subject to COGCC Rules regarding noise abatement.
3. Hours of Operation. Hours of operation shall be established to minimize impacts to adjacent land uses.

Section 7-302 Off-Street Parking and Loading Standards

A. Off-Street Parking Required. All uses shall be required to provide the number of off-street parking spaces that complies with the standards set forth in Table 7-302 A, Minimum Off-Street Parking Standards By Use.

1. Multiple Uses. If two (2) or more principal uses occupy a single parcel or structure, the number of required off-street parking spaces for the parcel or structure shall be the cumulative total for each principal use of the parcel or structure.
2. Shared Parking or Loading Areas. A parking or loading space that is required by these Regulations shall not be a required parking or loading space for another use, unless it can be shown that the shared use will not result in a shortage of parking at any time. Use of approved shared parking or loading spaces, based upon the following conditions, may reduce the number of off-street parking spaces by up to 20% of the total required for all uses.
   a. The peak use periods for the required parking or loading space will not overlap with one another.
   b. The shared use arrangement for parking or loading spaces shall be for two (2) or more uses located on the same site or adjoining sites.
3. Required Fractional Spaces. When any calculation of the number of required off-street parking spaces results in a fractional space being required, such fraction shall be rounded up to the next higher number of spaces.
4. Uses Not Listed. The number of required off-street parking and loading spaces for any use not specifically listed in Table 7-302.A, Minimum Off-Street Parking Standards By Use shall be determined by the Board of County Commissioners, considering a report and recommendation by the Assigned Staff.

TABLE 7-302 A - MINIMUM OFF-STREET PARKING STANDARDS BY USE	
USE	**PARKING STANDARD**
Single-Family or Two-Unit Residential Dwelling	2 spaces per dwelling unit[1]
Multi-Unit Residential Dwelling 1 bedroom or studio	2 spaces per dwelling unit[1]
Multi-Unit Residential Dwelling 2 to 3 bedrooms	2.5 spaces per dwelling unit1 3 spaces per dwelling unit[1]
Multi-Unit Residential Dwelling 4 or more bedrooms	2.5 spaces per dwelling unit1 3 spaces per dwelling unit[1]
Bed and Breakfast	1 space per rental unit offered for guest accommodations[3]
Lodging Unit (including hotel, motel, lodge, boarding house, and similar use	1 space per room
Retail, Service, Commercial, and Office	1 space per 250 sq. ft. of net leasable floor area[2]
Restaurant	1 space per every 4 seats
Auditorium and Public Assembly Areas	1 space per 100 sq. ft. of floor area used for seating or assembly
Public Facilities and Health Facilities (excluding Auditorium and public assembly facilities)	1 space per 300 sq. ft. of floor area2
Manufacturing Establishment	1 space per 1,000 sq. ft. of floor area
Wholesale Establishment, Warehouse, Rail, or Truck Freight Terminals	1 space per 2,000 sq. ft. of floor area

NOTES:
[1]The parking requirement for a studio or one-bedroom dwelling unit shall be two (2) spaces per unit.
[2]Net leasable areas include only those areas that are designed to be leased to a tenant and occupied for commercial or office purposes, exclusive of any area dedicated to foyers, bathrooms, stairways, circulation corridors, and mechanical areas and storage areas used solely by tenants on the site.
[3]Guest parking requirements are in addition to any parking required for the primary residential dwelling unit.

B. Off-Street Loading Required. Buildings or structures that are designed to receive and distribute materials and merchandise by truck, or that are substantially altered so as to receive and distribute materials and merchandise by truck, shall provide and maintain off-street loading berths or loading spaces in sufficient number to meet their own needs. Where the property or use is served or designed to be served by tractor-trailer delivery vehicles, the standards in Table 7-302 B, Minimum Off Street Loading Requirements shall be used in establishing the minimum number of off-street loading berths required:

TABLE 7-302 B - MINIMUM OFF-STREET LOADING REQUIREMENTS	
GROSS FLOOR AREA OF THE BUILDING	**NUMBER OF REQUIRED BERTHS OR SPACES**
Up to 10,000 Sq. Ft.	1
Greater than 10,000 Sq. Ft.	2

C. Continuing Obligation. The provision and maintenance of off-street parking and loading spaces that comply with these Regulations shall be a continuing obligation of the property owner.

D. Prohibited Uses of Required Spaces. Required parking spaces shall be available only for the parking of operable passenger automobiles of residents, guests, customers, patrons, and em-

ployees of the use for which they are required. Prohibited uses of required parking spaces shall be as follows:

1. Inoperable Vehicles or Materials. Materials or inoperable vehicles shall not be stored in required parking spaces.
2. Delivery Vehicles. Delivery vehicles or trucks used in conducting the business or use shall not be parked in required parking spaces during business hours.
3. Vehicles for Sale. Vehicles shall not be displayed for sale in any parking area required for a non-residential use, except for the casual display of a vehicle by its owner, when the owner is an employee or customer using the premises.
4. Repair Work. Repair work shall not be conducted in any parking area required for a non-residential use if the repairs render a vehicle inoperable for more than 24 hours.
5. Commercial Vehicles on Residential Property. Commercial vehicles or heavy equipment used in a business operation shall not be parked in required parking spaces for a residential use, unless the commercial vehicle is used for an allowed home occupation or is a company vehicle used for commuting that is parked overnight.

E. Location of Required Parking Spaces. Required off-street parking spaces shall be located on the same lot or an adjacent lot.

F. Loading and Unloading. Loading and unloading of vehicles serving commercial and industrial uses shall be conducted on private property and not on any street or alley.

G. Parking and Loading Area Surface.

1. Surface Materials. Off-street parking and loading areas shall have a durable, all weather surface made of materials that are suitable for the uses to which the area will be put, and are compatible with the character of the proposed development and the surrounding land use. Appropriate parking and loading surface materials may include asphalt, concrete, paving blocks, and gravel surface. Grass ring surface may be used for temporary or emergency purposes.
2. Grading. Parking and loading surfaces shall be designed to ensure proper drainage.
3. Striping. Paved surfaces shall be striped to demarcate the parking spaces for all commercial lots and for residential lots containing over four contiguous spaces.

H. Minimum Dimensions of Parking Areas.

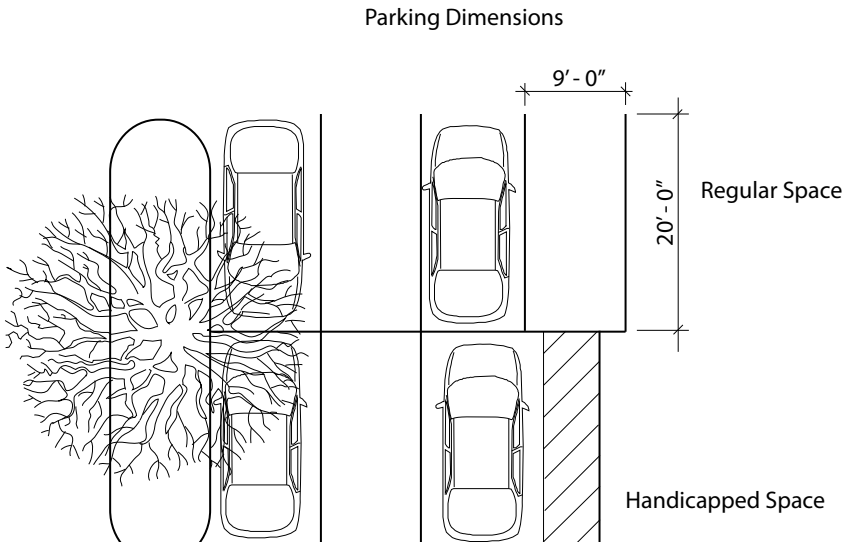


Figure 7-302 A, Parking Space Dimensions

1. The minimum dimension of a regular parking space shall be 9' x 20'.
2. The length of a parking space may be reduced to 18 feet, including wheel stop, if an additional area of two feet in length is provided for the front overhang of the car, provided that the overhang shall not reduce the width of an adjacent walkway to less than four feet.

I. Handicapped or Accessible Parking.

1. Design and Construction. Design and construction of handicapped or accessible parking shall be in accordance with the ICC.

J. Tandem Parking.

1. Conditions for Tandem Parking to Meet Off-Street Parking Standards. Tandem parking (a vehicle parking directly behind another) that meets the following conditions may be applied to meet the off-street parking standards of these Regulations.
   a. Use of the space does not impede the movement of other vehicles on the site.
   b. Tandem spaces serving multi-family dwelling units are assigned to the same dwelling unit.
2. Credit Limited to One (1) Space. A tandem parking space may be used to obtain credit for one (1) required parking space.
3. Tandem Parking Prohibited in Parking Structure. Tandem parking shall not be allowed when required parking is located within a parking structure or within a garage that serves multiple dwelling units.

K. Minimum Dimensions of Loading Berths. The minimum dimension of any loading berth shall be 10 feet wide by 35 feet long, with a vertical clearance of 14 feet. If the typical size of vehicles used in connection with the proposed use exceeds these standards, the dimensions of these berths shall be increased accordingly.

L. Backing Onto Public Streets Prohibited. All parking areas shall be located and designed in conjunction with a driveway, so that vehicles exiting from a parking space shall not be required to back onto the right -of-way of a public street. Vehicles exiting from a parking space for a single-family or two-unit residential dwelling may back onto a residential street. Vehicles exiting from a parking space for any use may back onto the right -of-way of an alley adjacent to the property.

M. Unobstructed Access. Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley, except for approved residential tandem parking.

N. Access Driveways. Access driveways for required off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site.

1. Minimum Width of Access Driveways.
   a. The minimum width of the access driveway for a commercial or industrial use shall be 12 feet for a one-way drive and 24 feet for a two-way drive.
   b. The minimum width of the access driveway for a residential use shall be 10 feet for a one-way drive and 20 feet for a two-way drive.
2. Clear Vision Area Requirements for Access Driveways. Access driveways shall have a minimum clear vision area formed by the intersection of the driveway centerline, the street right -of-way line, and a straight line joining said lines through points 20 feet from their intersection. Landscaping restrictions for a clear vision area are set forth in Section 7-303.A.6.

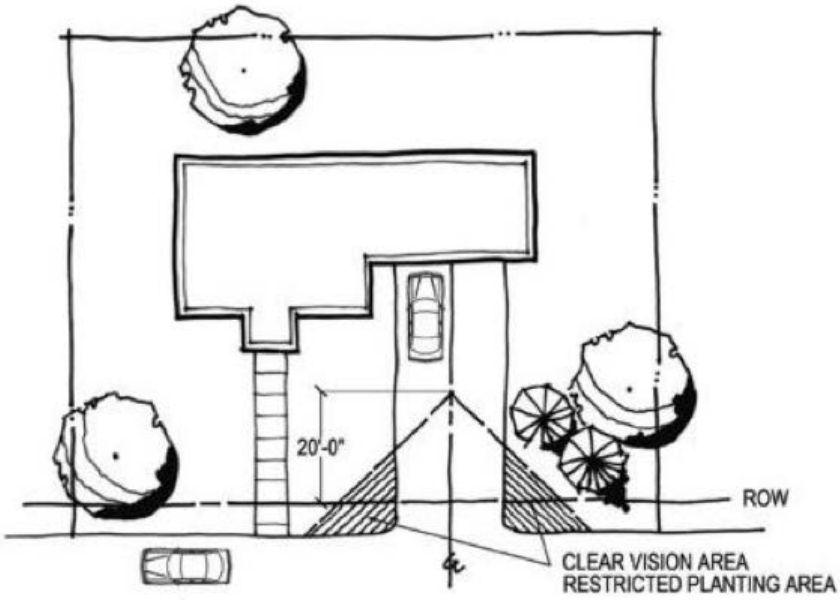


Figure 7-302 B, Clear Vision Areas

O. Parking and Loading Area Landscaping and Illumination. Off-street parking and loading areas for non-residential uses located adjacent to residential uses or residential zoning districts shall be landscaped to minimize disturbance to residents, including installation of perimeter landscaping, proper screening of loading areas with opaque materials and control of illumination. The landscaping and screening shall comply with the standards of Section 7-303.A.7, Landscaping Within Off-Street Parking Areas. Lighting shall comply with the standards of Section 7-303.B, Lighting Standards.

Section 7-303 Landscaping and Lighting Standards.

A. Landscaping.

1. General Standards for Multi-Family and Non-Residential Uses

   a. Applicability. This section shall apply to all major subdivisions and non-residential development. It does not apply to agricultural uses.

   b. Maintenance. All plant materials must be kept in a healthy condition.

   c. Restoration and Revegetation of Disturbed Areas. All portions of the site where existing vegetative cover is damaged or removed, that are not otherwise covered with new improvements, shall be successfully revegetated with a mix of native, adaptive and drought tolerant grasses and ground covers. The density of the reestablished vegetation must be adequate to prevent soil erosion and invasion of weeds after two growing seasons.

   d. Planning for the Protection of Existing Trees and Shrubs. The landscape plan shall be designed so that healthy trees, native vegetation and natural or significant rock outcroppings and other valuable features are preserved and integrated within planting areas. Existing healthy trees and shrubs that are preserved shall count towards the landscaping standards of this Division. Any existing trees and shrubs designated by the developer as remaining and shown on the landscape plan shall be protected during construction.

   e. Landscaping Must Be Located On-Site. All required landscaping must be located on the property it serves unless an agreement is executed to permit landscaping on adjacent properties.

   f. Location of Plantings With Regard to Right-of-Ways. All required landscaping must be

located outside of any adjacent right-of-way or public easement unless a written waiver is received from the Assigned Staff.

g. Fire Hydrants and Utilities. Landscaping shall not obstruct fire hydrants or utility boxes and shall be installed so it will not grow into any overhead utility lines.

2. Consistency with Character and Ecosystem Required. Landscaping in a major subdivision or planned unit development shall be consistent with the character of the development, the unique ecosystem and specific environment in which the development is located.

3. Minimum Size. To ensure healthy plant materials are installed in new development, trees and shrubs shall comply with the quality standards of the Colorado Nursery Act (1973) Title 35, Article 36, C.R.S., as amended.

   a. Deciduous Trees. Deciduous trees shall be a minimum of one and a half inches (1-1/2") in caliper measured four (4) inches above the ground.

   b. Coniferous Trees. Coniferous trees shall be a minimum of four (4) feet in height, measured from the top of the root ball to the top of the tree.

   c. Ornamental Trees. Ornamental trees shall be a minimum of one and one-half (1.5) inches in caliper, measured four (4) inches above the ground.

   d. Shrubs and Vines. Shrubs shall be a minimum of one (1) foot in height at time of planting. Vines shall be in a minimum one (1) gallon container.

4. Minimum Number of Trees and Shrubs. Trees and shrubs must be grouped in strategic areas and not spread thinly around the site. Where screening is required, plant materials must be sufficient to create a semi-opaque wall of plant material between the property and the adjoining area to be screened.

5. Parking and Storage Prohibited. Areas required as landscaping shall not be used for parking, outdoor storage and similar uses, but may be used for snow storage if designed in compliance with Section 7-304, Snow Storage Standards.

6. Obstruction Prohibited.

   a. Clear Vision Area. Clear vision areas shall be designated in compliance with Section 7-305, provisions of the Rio Blanco Road Standards, applicable requirements of the Colorado Department of Transportation, and as otherwise deemed necessary for public health and safety. Plant materials shall be limited to 30 inches in height within the clear vision area to avoid visibility obstructions or blind corners at intersections.

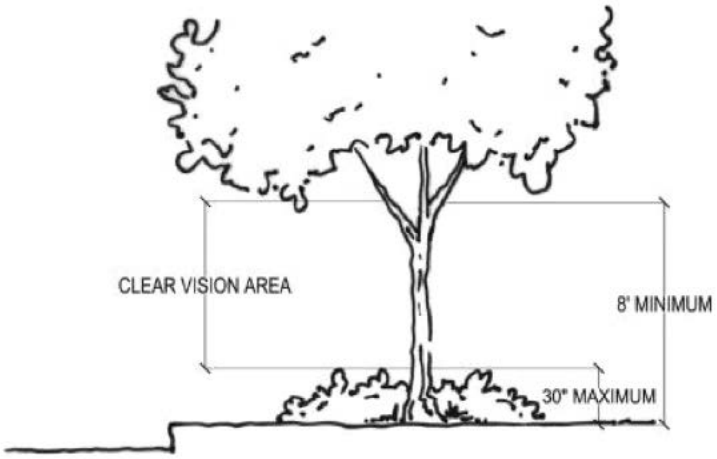
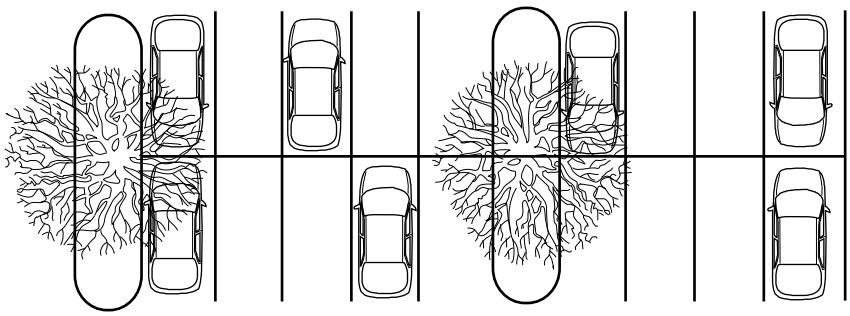


Figure 7-303 A, Clear Vision Areas

7. Landscaping Within Off-Street Parking Areas. All off-street parking areas containing 15 or more spaces shall provide landscape buffers when adjacent to street rights-of-way. Landscape buffers may be achieved through the use of earthen berms, shrubs, trees or other appropriate materials to effectively screen the parking area from the rights-of-way.
   a. Interior Parking Areas. Planting shall be established to break up the interior of all parking areas. Landscape planting islands shall be a minimum of eight feet (8') in width and length to ensure adequate room for planting.

Parking Lot Landscaping



One tree per 10 parking spaces

Figure 7-303 B, Planting

B. Lighting Standards. Any outdoor light used for the illumination of parking areas, loading areas and recreation areas, or for any other private or public purpose, shall meet the following conditions.
   1. Downcast lighting. Exterior lighting shall be designed so that light is directed downward, towards the interior of the subdivision or site.
   2. Shielded Lighting. Exterior lighting shall be fully shielded or arranged in a manner so that concentrated rays of light will not shine directly onto other properties or into a right-of-way.
   3. Hazardous Lighting. The direct or reflected light from any light source shall not create a traffic hazard. Colored lights shall not be used in such a way as to be confused or construed as traffic control devices.
   4. Flashing Lights. Blinking, flashing or fluttering lights, or other illuminated device which has a changing light intensity, brightness, or color shall be prohibited in all zoning districts.
   5. Height Limitations. There are no height limitations for light sources. Compliance with the Lighting Standards above is required.

Section 7-304 Snow Storage Standards.

The following standards shall apply on any property that contains two-unit or multi-unit residential development ,commercial or industrial uses, or a common outdoor parking area established pursuant to Section 7-302, Off-Street Parking and Loading Standards.

A. Designated Snow Storage Area Required. A designated area, sufficient to store snow from the entire parking area, shall be provided. As a general guideline, and considering the varying elevations and snowfall amounts throughout the County, it is anticipated that a minimum area equivalent to two and one-half percent (2.5%) of the total area of the required off-street parking and loading area, including access drives, shall be designated to serve as a snow storage area.

B. Storage in Parking Spaces Prohibited. Required off-street parking and loading areas shall not be

used for snow storage.

C. Storage in Yards and Open Space Permitted. Snow stored in a required yard or open space shall not be located in a manner that restricts access or circulation, or obstructs the view of motorists.

D. Storage on Public Roadways Prohibited. The traveled area of public roadways shall not be used for snow storage.

E. Drainage. Adequate drainage shall be provided for the snow storage area to accommodate snow melt and to ensure it does not drain onto adjacent property.

Section 7-305 Roadway and Access Standards.

All roadways and access shall comply with the construction specifications contained in the Rio Blanco County Subdivision Road Standards and Specifications and included in the Table 7-305 below.

Table 7-305 Road and Access Design Standards

Standard (in feet)	Minor Collector	Rural/Residential Collector	Local
Minimum ROW Width	80′	60′	60′
Driving Surface Width	24′	24′	24′
Shoulder	4′ gravel	3′	2′
Number of lanes	2	2	2
Utility easement		10′ each side	
Speed Limit	31 – 55 mph	25 – 55 mph	15 – 40 mph
Maximum Grade	7%	8%	9%
Minimum Stopping Site Distance	300′ – 650′ *	300′ – 650′ *	300′

* Based on speed – different standards on vertical and horizontal curves (see RBC Subdivision Road Standards and Specifications - Section IV C and D)

A. Driveway Standards. Driveways shall be constructed to provide safe ingress and egress and adequate access for emergency responders to protect the health, safety and welfare of the community.

1. Driveways surfaces shall be all season, and capable of supporting any emergency vehicles that may be required to respond. Driveway sub grade shall be scarified and compacted to a minimum depth of 12 inches below finished grade and shall be free of roots, sod, weeds, wood, ice, snow, or other deleterious matter, the surface must consist of a minimum of 4″ of Class 6 (3/4 minus) gravel surface over the compacted subgrade.
2. Cut and fill slopes. Cut slopes shall not be greater than (1) foot horizontal to (1) foot vertical and (4) feet high. Fill slopes shall not be greater than two (2) feet horizontal to one (1) foot vertical and four (4) feet high. Slopes exceeding these cut or fill requirements must be certified as stable in its finished state by a Colorado licensed Engineer or shall be designed by a Colorado licensed Engineer.
3. Maximum grade shall be 12% straight and 10% on curves.
4. Width shall be 14′ where straight and 16′ on curves with a 150′ or less centerline radius.
5. Turnouts required every 400′ unless the driveway is less than 600′. Turnouts must meet the same surface requirements of the driveway.
6. Turnarounds are required within 150′ of the structure on driveways longer than 400′.

7. Minimum overhead clearance of 13'6" must be maintained.
8. Minimum inside driveway curve shall be 30'.
9. Driveways must have a clear space on each side of 2' without brush, trees, rocks, or unmovable obstructions. (clear spaces are not required to be gravel surfaced)
10. Driveway access to County Roads or State Highways must comply with the requirements of those agencies.
11. Driveways in flood hazard areas must comply with Article 18 of the Rio Blanco County Land Use Regulations.
12. Driveway drainage shall be designed to not adversely affect the drainage on a roadway and any adjacent properties.
13. Bridges associated with driveways must be constructed meeting the requirements of the Rio Blanco County Building Code and these regulations if in a flood hazard area.

B. Well Pad Access Road. Well Pad Access Roads are not considered Driveways or Roads and are not required to be constructed in compliance with Table 7-305

Section 7-306 Utility Easement Standards.

Adequate gas, electric power, telephone and any other utilities shall be available to serve the land use.

A. Approval of Utility Easement by Utility Company. Utility easements shall be subject to approval by the applicable utility companies and, where required, additional easements shall be provided for main switching stations and substations. The applicant shall work with the utility companies to provide reasonably sized easements in appropriate locations.

B. Utility Location. Unless otherwise provided in these Regulations, the following conditions shall apply to the location of utility services.

1. Underground Location. All utilities except major power transmission lines, transformers, switching and terminal boxes, meter cabinets and other appurtenant facilities shall be located underground throughout the development, unless it is demonstrated to the satisfaction of the Board of County Commissioners that compliance is impractical or not feasible and will result in undue hardship.
2. Easement Location. All utility lines, including appurtenances, shall be placed either within public road rights-of-way or within the subdivision easements or rights-of-way provided for the particular facilities.
3. Dimensional Requirements.
   a. Easements centered on common rear lot lines shall be at least 16 feet wide.
   b. Where an easement abuts a rear lot line which is not the rear lot line of another lot, or which is on the perimeter of the development, the easement width shall be 10 feet or more.
   c. Where easements are combined with a water course, drainage way, channel, or stream and the use would be in conflict with drainage requirements or wetlands, an additional utility easement of at least 10 feet in width shall be provided.
   d. Multiple use of an easement is encouraged to minimize easements.
   e. Where inclusion of utilities within the rear lot lines is impractical due to topographical or other conditions, perpetual unobstructed easements at least 10 feet in width shall be provided alongside lot lines with satisfactory access to the road or rear lot lines.

C. Final Plat Requirements. The final plat shall note all easements, shall include notation regarding the purpose and ownership of the easement, and the use or uses for each easement shall be

designated on the final plat to avoid use conflicts.

D. Construction and Installation of Utilities. Applicants shall make the necessary arrangements with each service utility for the construction and installation of required utilities. Utilities shall be installed in a manner that avoids unnecessary removal of trees or excessive excavations, and shall be reasonably free from physical obstructions.

E. Conflicting Encumbrances. Easements shall be free from conflicting legal encumbrances.

DIVISION 4 SUBDIVISION STANDARDS AND DESIGN SPECIFICATIONS

Section 7-401 General Subdivision Standards.

A. Maintenance of Common Facilities. Maintenance of common facilities shall be accomplished either through covenants and a homeowners association, a separate maintenance agreement, or some other perpetual agreement.

Section 7-402 Subdivision Lots.

All lots in the subdivision shall conform to the following specifications:

A. Developable Lots. The division of land shall result in the creation of lots which can be developed for use in conformance with these regulations.

1. The division of land does not create lots which are illegal or nonconforming lots under these Regulations. Any existing lot that is nonconforming shall not increase its degree of nonconformity.
2. The proposed building lots shall contain safe, adequate building sites capable of complying with applicable use restrictions and standards set forth in these Regulations.
   a. Appropriate for Location. Lot characteristics shall be appropriate for the location of the development. The minimum lot size allowed by the applicable zone district requirements may be increased for lots developed in areas posing a potential hazard to health or safety due to soil conditions or geology.
   b. Appropriate for Use. Lot characteristics shall be appropriate for the type of use allowed.
      i. Depth and width of lots shall be adequate to provide for the required off-street parking and loading facilities required by the type of use and development contemplated.
      ii. The width of residential corner lots shall be sufficient to accommodate the required building setback from both roads.

B. Lots Have Access to Public Roadways. All lots shall front on and have access to a public right -of-way or approved private access easement.

C. Double Frontage Lots Avoided. Lots with double frontage shall be avoided except where essential and unavoidable to provide separation from major arterials, incompatible land uses or topographical or other environmental considerations.

D. Side Lot Line Alignment. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.

E. Lot Configuration - Cul-de-Sacs. Wedge shaped lots or lots fronting on cul-de-sacs shall be a minimum of 30 feet in width at the front property line.

F. Lot Division by Boundaries, Roads or Easements Prohibited. No lots shall be divided by County or municipal boundaries or roads. Utility, access or drainage easements shall not divide a lot.

Section 7-403 Subdivision Blocks.

Subdivision block lengths and widths shall be appropriate to the types of land use anticipated in the subdivision, consistent with the applicable zoning district provisions and compatible with the terrain.

A. Block Size Adequate for Proposed Use. The size of blocks shall be adequate to accommodate the proposed use.

B. Block Size Adequate for Access and Safety. The size of blocks shall be designed for convenient access, vehicular and pedestrian circulation, and control and safety of street traffic.

C. Block Size Adequate to Accommodate Proposed Onsite Wastewater Treatment Systems. The size of blocks shall be adequate to accommodate leaching fields where Onsite Wastewater Treatment systems are proposed.

D. Block Size Adequate to Accommodate Both Proposed Wells and Onsite Wastewater Treatment Systems. The size of blocks shall be adequate for the location of domestic wells where Onsite Wastewater Treatment systems are used.

E. Accommodation for Future Subdivision. When a tract is to be subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged to allow the opening of future rights-of-way and logical further subdivision of the tract and adjoining lands.

Section 7-404 Fire Protection.

Fire protection shall be provided in accordance with the Rio Blanco County Fire Code.

Section 7-405 Survey Monuments.

Permanent survey monuments shall be set within all subdivisions pursuant to Sections 38-51-104 and 38-51-105, C.R.S.

A. Monuments Located Within Streets. Monuments located within streets shall be No. 5 rebar steel, 30 inches or longer in length, placed so that their tops are six (6) inches below the final street surface. When a street is paved or otherwise surfaced, all such monuments within the paved or surfaced area shall be fitted with monument boxes of sturdy construction and monuments set after paving or surfacing shall also be provided with sturdy monument boxes.

Section 7-406 Standards for Public Sites and Open Space.

A. Dedication of Public Land. For all major subdivisions and PUDs, the Board of County Commissioners shall require reservation or dedication of public sites and open space for schools and parks that are reasonably necessary to serve the residents of the proposed subdivision and future residents. In lieu of a dedication of sites and land areas, the Board may allow payment of a sum of money not exceeding the full market value of such sites and land areas, or a combination of land dedication and payment in lieu of dedication.

B. Final Plat Requirements.

1. All dedicated lands shall be designated on the final plat and deeded to Rio Blanco County or the appropriate agency at the time of recordation of the final plat.
2. Title insurance, provided by a title insurance company authorized to do business in the State of Colorado and acceptable to the Board of County Commissioners, shall be required at the time of recordation of the final plat.
3. A certificate of representations and warranties concerning title and usability of the property, in a form acceptable to the Board of County Commissioners, shall be required at the time of recordation of the final plat.

C. Amount of Public Land Dedicated. The proportion of land to be reserved or dedicated for public sites and open space shall be based upon the size, location and characteristics of the proposed

subdivision, the current and likely future uses of the surrounding area, and the impact of the subdivision on public services and facilities. The amount of land dedicated for public purposes shall be roughly proportionate to the impacts of the subdivision.

1. Road Dedications. The following road dedications shall be required for development.
   a. Unless specifically approved as private rights-of-way and so designated on the final plat, all roads, streets, alleys or other public traffic ways located within the subdivision and benefiting current or future residents of the subdivision shall be dedicated as public rights-of-way. Roads, streets, alleys or other public traffic ways will not be accepted as County Roads unless the Board of County Commissioners specifically designates and accepts them as such.
   b. Land for rights-of-way for perimeter streets and roads shall be dedicated to Rio Blanco County.
   c. When, due to topography, hazards or other design constraints, additional road width is necessary to provide for the public safety by cut and/or fill area, drainage area, or other road appurtenances along roadways, then dedication or right-of way in excess of the minimum standards set forth in these Regulations shall be required.
2. Public Site and Open Space Dedication. The following considerations shall be applied in determining which land areas are appropriate for dedication as public sites and open space.
   a. Continuity. The continuity of open space links, trails, and other major components of the recreation system.
   b. Compliance with Rio Blanco Master Plan and Intergovernmental Agreements. Compliance with applicable provisions of the Rio Blanco Master Plan and intergovernmental agreements with adjoining municipalities.
   c. Suitability. The suitability of proposed land dedications for, recreation and open space needs. Considerations shall include site conditions such as size, shape, topography, geology, presence and condition of ground cover and timber, condition of soil, drainage, location, access, and the availability of water to lands proposed for recreation uses.
   d. Protection of Unique Site Features and Natural Resources. Protection of natural and historical features, scenic vistas, watersheds, air quality, timber and wildlife.

DIVISION 5 EXCEPTIONS TO SUBDIVISION REGULATIONS

Section 7-501 Basic Criteria.

The following basic subdivision exception criteria shall apply to all proposed exceptions to subdivision regulations.

A. Not Within the Purposes of Subdivision Statutes or This Land Use Code. The division of land created by the exceptions to subdivision regulations process is not within the purposes of the state subdivision statutes or these regulations.

B. Compliance with Land Use Regulations. The development and use of parcels created through the exceptions to subdivision regulations process complies with the land use regulations and applicable standards of these regulations.

C. Adequate Water Supply. The lots created by the land division must have a legal, adequate and dependable potable water supply, in compliance with the requirements of these Land Use Regulations set forth in Section 7-104, Source of Water.

D. Adequate Water Distribution and Wastewater Disposal System. The lots created by the land division must have an adequate water distribution system and wastewater disposal system in

compliance with the requirements of these Land Use Regulations set forth in Section 7-105, Central Water Distribution and Wastewater Systems

E. Adequate Access. The lots created by the land division must have legal and adequate access in compliance with the requirements of these Land Use Regulations set forth in Section 7-107, Access and Roadways.

F. Hazards. The land division must not create hazards identified in Section 7-206 and Section 7-207, or exacerbate existing hazards.

G. Consistency with the Rio Blanco County Master Plan and Intergovernmental Agreements. The proposed exception to subdivision regulations is consistent with applicable provisions of the Rio Blanco County Master Plan and any intergovernmental agreements between the County and a municipality that apply to the area where the division of land will occur.

DIVISION 6 ADDITIONAL USE STANDARDS

Section 7-601 Additional Standards Applicable to Aircraft Landing Strip or Helistop, Privately Owned.

A. Basic Requirements.

1. Privately owned aircraft landing strips or helistops shall comply with the applicable development standards set forth in these regulations, and with the standards for landing strips and heliports/helistops must comply with all applicable state and federal requirements including FAA standards.

Section 7-602 Additional Standards Applicable to Campground / Recreational Vehicle (RV) Park.

The following standards shall apply to applications for both a new campground/RV park and additions to an existing campground/RV park.

A. Site Improvements.

1. Access. The campground / RV park shall have access to a public road.
2. Drainage. The campground / RV park shall be located on a well- drained site that is free from stagnant pools of water.
3. Landscaping. Landscaping shall be provided in compliance with the requirements of Section 7-303.
   a. The campground / RV park shall be adequately landscaped to provide a buffer from adjacent uses and roadways, and to prevent erosion.

B. Obstruction of Roadways or Walkways Prohibited. Camping units and recreational vehicles shall not be installed or parked in any manner that any part of the RV or unit would obstruct or block any portion of a roadway or walkway.

C. Driveways. All recreational vehicle spaces shall abut upon a driveway, graded for drainage and maintained in a rut free and dust free condition, which provides unobstructed access to a public street or highway. The minimum unobstructed width of such driveways shall be 15 feet for one-way traffic or 25 feet for two-way traffic. No parking shall be allowed on the driveways.

D. Water Supply and Distribution and Wastewater Systems.

1. Comply with Standards. A domestic water supply that is in compliance with the drinking water standards set forth in Section 7-104, Source of Waters, and Section 7-105, Central Water Distribution and Wastewater Systems of these Regulations shall be provided in each camp-

ground/RV park.

E. Fire Protection. Adequate fire protection shall be provided and shall be in compliance with all applicable fire codes and standards. All campgrounds shall be equipped at all times with fire extinguishing equipment in good working order.

F. Service Buildings. All service buildings, recreation buildings and other community service facilities such as management offices, repair shops and storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park occupants shall meet the requirements of the Rio Blanco Building Code.

Section 7-603 Additional Standards Applicable to Group Home Facilities.

A. Location Restrictions

1. Location Shall Not Create a Concentration of Group Homes in Neighborhood. A group home facility shall not be located within 300 feet of another group home facility.

   a. Separation by Physical Barrier. The County may permit two such facilities to be located closer than three hundred feet apart if they are separated by a physical barrier such as an arterial collector, a commercial district, or a topographic feature.

2. Health, Safety and Welfare of the Community. The location and operation of the group home facility does not constitute a direct threat to the health, safety or welfare of the community.

B. Transitional Housing.

1. Parking Requirements. The facility shall provide one off-street parking space for each dwelling unit on the site.

2. Density. The maximum number of dwelling units shall be the same as is allowed within the underlying zoning district. For an Industrial zoning district, the number of dwelling units allowed shall not exceed one dwelling unit for each 1,600 square feet of lot area on the site.

Section 7-604 Additional Standards Applicable to Home Occupation.

A. Home Occupation is Incidental to Residential Use. The primary residence of the person(s) conducting the home occupation activity is located on the property, and all home occupation activities shall remain incidental and secondary to the use of the property for residential purposes.

B. Activity Confined to Same Lot as Primary Residence. At all times the home occupation activity shall be located on the same lot as the primary residence of the person conducting the home occupation.

C. Activity Contained Within a Closed Building. The home occupation activity shall be contained within a closed building, except for home day care.

D. Activity Does Not Interfere with Provision of Required Parking for Primary Use. The location of the home occupation shall not interfere with the provision of mandatory parking spaces for that property.

E. Activities Conducted by Persons Residing at Location. All home occupation activities must be conducted by the person(s) who reside at the location. The activity may be supported by no more than one person living off- site, such as an employee, independent contractor, officer, agent, partner, volunteer, or any person serving in any other capacity for the benefit of the home occupation.

F. Activity Does Not Create Nuisance. The home occupation activity shall not result in any objectionable noise, fumes, dust or electrical disturbance.

G. Activity Does Not Increase Traffic Volumes. The home occupation activity shall not result in substantial increase in traffic volumes in the immediate neighborhood.

H. Storage Meets Code Standards. All storage shall meet the requirements for storage, set forth in Section 7-608, Additional Standards Applicable to Storage Areas and Facilities.

I. Window or Outdoor Display of Goods Prohibited; Retail Sales Prohibited. No home occupation activity may include any window or outdoor display of goods, any stock in trade or any other commodities. No home occupation activity may conduct retail sales on the premises.

L. Signage Must Comply with Sign Regulations of these Regulations. Any signs advertising a home occupation activity must comply with the regulations for signs, set forth in Section 11-106 of Article 11, Signs.

Section 7-605 Additional Standards Applicable to Small Animal Boarding

A. Basic Requirements.

1. Noise. All kennels shall be enclosed within a building that prevents any sounds in excess of the maximum permissible noise levels for residential zone districts, set forth in Section 25-12-103, C.R.S.
2. Waste Disposal.
   a. Adequate Disposal System. The feces and urine waste shall be stored in a sealed container capable of being pumped for disposal by a commercial hauler.
   b. Prevention of Surface and Groundwater Contamination. All liquid and solid wastes shall be stored and removed for final disposal in a manner that protects against surface and groundwater contamination.
   c. On-Site Disposal Prohibited. No permanent disposal of any waste shall be allowed on-site.
   d. Measures to Protect Health and Safety. Animal and food wastes, bedding, debris and other organic wastes shall be disposed of so that vermin infestation, odors, disease hazards and nuisances are minimized. Such wastes shall be removed at least weekly, or more frequently, from the facility and hauled by a commercial hauler to an approved solid waste disposal site.

Section 7-606 Additional Standards Applicable to Manufactured Homes Located in a Manufactured Home Park.

A. Certification. All manufactured homes placed in or relocated to a manufactured home park after adoption of these regulations shall meet the following certification requirements, excluding homes permitted as Temporary Living Quarters. Updated RESOLUTION 2018-06

1. The manufactured home shall have certification pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq., as amended).
2. Manufactured homes first occupied in Rio Blanco County after 1972 shall have affixed a data plate and heating certificate stating compliance with the following standards.
   a. The home is designed to comply with federal mobile or manufactured home construction and safety standards in force at the time of manufacture.
   b. The home is designed for Colorado structural and wind zone requirements.
   c. The home is designed for Colorado outdoor winter design temperature zones.
   d. The heating equipment installed in the home has capacity to maintain an average 70° F temperature inside the home with an outdoor temperature of -20° F.

B. Design.

1. The exterior shall be of brick, wood, or cosmetically equivalent siding and roof shall be pitched.
2. Prior to delivery to site, manufactured home shall meet, on an equivalent performance engineering basis, unique public safety requirements of the Building Code such as snow load, wind shear and energy conservation factors.

C. Foundation Required. The manufactured home shall be installed on a foundation meeting the following requirements.

1. Adequate Foundation for Placement and Anchoring. The manufactured home shall be installed on a permanent, engineered foundation adequate for placement and anchoring of a manufactured home.
2. Ground Anchors. Ground anchors and tie downs shall be placed at least at each corner of the foundation, and able to sustain a minimum tensile strength of 2,800 pounds. Anchoring shall be sufficient to secure the manufactured home against uplift, sliding, rotation and overturning.
3. Foundation Approval Prior to Delivery of Manufactured Home. The foundation shall be approved by the Building Official prior to delivery of the manufactured home to the site.

D. Storage Areas and Buildings.

1. Area Below Manufactured Home. The space below each manufactured home shall be kept clean and free from refuse. Such space may be used for storage provided the ground is covered with an impervious material and the area is maintained to prevent harboring of rodents. No flammable materials shall be stored beneath a manufactured home.
2. Storage Buildings. Storage buildings shall be designed in a manner which enhances the appearance of the manufactured home and shall be constructed in a professional manner from durable materials. The area occupied by storage buildings shall be included in the calculations that determine if the proposed development complies with limits on impervious surface coverage.
3. Liquid Propane Tanks. Liquid propane tanks shall be stored in accordance with the requirements of the adopted Fire Code.
4. Firewood. Firewood stored outdoors shall not encroach into the setback area between manufactured homes.

E. Manufactured Home Complete with Utility Hook-Ups. The manufactured home shall be complete with sanitary, heating and electrical systems and be ready for occupancy when delivered to the site except for minor assembly.

F. Skirting. Skirting shall be installed, and shall be provided with doors to permit convenient access to sewer, water and gas connections. Skirting material shall be weatherproof, fire-resistant and durable. The inspection panels shall be not less than four square feet in area, and having no less than 18 inches in the least dimension.

Section 7-607 Additional Standards Applicable to Park, Open Space or Greenbelt.

A. Basic Requirements. Unless otherwise provided in these Regulations, open space and greenbelt areas shall not be considered synonymous with required yard areas or lands that are unusable or undevelopable.

1. Open Space may include:

a. Areas within the community designated for the common use of the residents of an indi-

vidual development and/or the community at large.

b. Areas designated for preservation and protection of environmental resources including floodplains, natural drainage ways, and wetland areas.

c. Areas impacted by subsidence.

d. Areas designated for agricultural preservation.

e. Areas of archaeological and historic significance.

2. Open Space shall not include:

a. Required setback areas around oil and gas production facilities;

b. Private yards;

c. Required parking lot landscaping associated with all uses, except parking specifically designated for access to open space areas and within commercial/industrial projects.

B. Designation. Land dedicated or reserved as a park, open space or greenbelt shall be designated as such on the plat or other document recorded to formalize the project approval.

C. Ownership. Documentation of ownership and responsibility for maintenance shall be recorded with the plat or other document recorded to formalize the project approval.

Section 7-608 Additional Standards Applicable to Storage Areas and Facilities.

A. Storage of Hazardous Materials. Flammable or explosive solids or gases shall be stored according to the manufacturer's standards and shall comply with the national, state and local fire codes.

B. Materials and Wastes Contained on Property. No materials or wastes shall be deposited on the property in a form or manner that may be transferred off the property by any reasonably foreseeable natural cause or force.

C. Outdoor Storage Enclosed or Concealed. Outdoor storage facilities shall be enclosed or have adequate provisions to conceal these facilities from adjacent property.

D. Use and Storage of Heavy Equipment.

1. Loading and unloading activity shall be conducted on private property and not on any public row.

2. Storage area is not located any closer than 300 feet from an existing residential dwelling.

3. Equipment storage will be enclosed in area with screening at least 8 feet in height and obscured from view at the same elevation or lower.

Section 7-609 Additional Standards Applicable to Telecommunications Facilities Greater than 50 feet in Height

A. Shared Facilities. Shared use/co-location of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a free-standing structure of its own shall be used unless it can be demonstrated to the satisfaction of the Board of County Commissioners that shared use/co-location is not feasible or practical. Owner approval of co-location is required and must be demonstrated at the time of application.

B. New Towers and Facilities. No new transmission tower greater then 50 feet in height and associated facility shall be allowed unless the applicant demonstrates to the satisfaction of the County that no existing tower, structure or utility facility can be used by the applicant. To gain approval to construct a new transmission tower or facility, the applicant must demonstrate that:

1. No existing transmission tower, facility or utility structure is located within a distance which

meets the applicant's engineering requirements; or

2. No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment; or
3. The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or the antennas of existing transmission towers, facilities or utility structures or that such existing facilities would interfere with the applicant's uses such that co-location is not possible; or
4. No owner of existing towers, structures or utility structures, within a distance that meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon.

C. Structural and Engineering Standards. The applicant shall submit evidence concerning structural and engineering standards prepared by a qualified professional engineer licensed by the State of Colorado. The safety of the property and the neighborhood shall be protected.

D. Interference. Every transmission tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

E. Health Standards. Transmission towers and telecommunication facilities shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.

F. Public Utility Structures. Transmission towers or telecommunication facilities mounted on existing structures of public utilities that have a franchise or other written permission from the County and use concealed transmission towers and telecommunication facilities are allowed in all non-residential zoning districts, unless otherwise specified by these regulations. The County may approve the placement, extension or replacement of a transmission tower or telecommunication facility on an existing public utility structure up to 50 feet above the highest point on the same; the County may waive public notice and other submittal requirement if the Director believes that the public interest will not be harmed by such a waiver.

G. Design, Materials and Color. Transmission towers and telecommunication facilities shall be designed and maintained to minimize visual impact; carry gravity and wind loads required by law. At a minimum, the transmission towers and facilities shall meet the following design standards:

1. Architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape.
2. Located on existing vertical infrastructure such as utility poles and public building or utility structures.
3. Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building.
4. Equipment shelters and antennas shall not extend more than 10 feet from the top of the building unless expressly approved by the County.
5. Located in areas where the existing topography, vegetation, buildings or other structures provide screening.

H. Lighting and Signage. Only lighting required by a federal agency is allowed. Only signage that is required by state or federal law is allowed. No advertising shall be allowed.

I. Exterior Transmission Tower or Telecommunication Facility Equipment Building(s) or Cabinet(s). Exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall not contain more than 400 square feet of gross floor area, shall not be more than 12 feet in height, and shall maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.

J. Modification or Demolition. Any transmission tower or telecommunications facility being modified, demolished or rebuilt shall be in compliance with the standards adopted in these regulations.

K. Maintenance. Every owner of a transmission tower or telecommunications facility shall take special care to operate, repair and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, state and local regulations, and in such a manner that will not interfere with radio communications, electronic transmissions or all other electromagnetic communications or otherwise cause a safety hazard.

L. Abandonment. The wireless telecommunication facility owner shall remove all wireless telecommunications facilities which are not in use for any six (6)-month period, within three (3) months of the end of such six (6) month abandonment. As a part of such removal, the owner shall re-vegetate the site so that it is compatible with the neighborhood. The Board of County Commissioners shall only determine abandonment after the owner has had notice and an opportunity to be heard.

M. Federal Aviation Agency ("FAA") Form. The applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, except that such form shall not be required for the following:

1. An amateur radio antennae if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae.
2. Any existing tower and antennae provided a building permit was issued for a tower or antennae prior to the adoption of these regulations.
3. Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities.
4. Any antennae used for Federal Communications Commission (FCC) licensees engaged in AM, FM or television broadcasting.
5. If the proposed use is not required to file the FAA Form 7460-1.

N. Telecommunications Act. All telecommunications facilities shall comply with the standards of these regulations, all applicable standards of the Federal Telecommunications Act of 1996, and all applicable requirements of the Federal Aviation Administration (FAA).

Section 7-610 Additional Standards Applicable to Recreational Vehicles

A. Recreational Vehicle use during the course of a construction project. A single Recreational Vehicle can be occupied on the same privately owned Legal Parcel as a Rio Blanco County Building Permit has been issued upon. Upon issuance of a Temporary Certificate of Occupancy by Rio Blanco County, the recreational vehicle will be required to be unoccupied. One of the conditions of issuance of a Certificate of Occupancy by Rio Blanco County will be the verification that the recreational vehicle is unoccupied. The use requires a waste disposal plan approved by the Building Official.

B. Recreational Vehicle use on single lots. Recreational Vehicles on privately owned Legal parcels are allowed to be occupied from April 1 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. Updated RESOLUTION 2018-06

ARTICLE 8 - TEMPORARY LIVING QUARTERS

Section 8-101 Temporary Living Quarters (TLQs).
All Temporary Living Quarters, constructed or installed in Rio Blanco County related to commercial, industrial, transportation, oil & gas or mineral extraction projects require a Special Use/ Building Permit (SU/BP) pursuant to Section 9-201 of these regulations.

Section 8-102 TLQs are divided and defined in three distinct categories as follows:

A. Type 1: Small On-site Quarters. These are for under 25 workers housed at the work location or in the case of oil and gas drilling, on the well pad. These quarters are temporary structures such as manufactured housing or recreational vehicles. On-pad quarters require an Administrative Review pursuant to Section 4-202 of these regulations. Off-pad quarters require an Limited Impact Review pursuant to Section 4-204 of these regulations. A separate building permit is also required for off-pad quarters.

B. Type 2: Small Central Location Quarters. These quarters are for up to 50 workers and are located away from the work site or well pad. These quarters are temporary structures such as manufactured housing or recreational vehicles. These quarters require a Major Impact Review pursuant to Section 4-205 of these regulations. A separate building permit is also required.

C. Type 3: Large Central Location Quarters. These quarters are for in excess of 50 workers, located away from the work site or well pad. These quarters are permanent structures. These quarters require a Major Impact Review pursuant to Section 4-205 of these regulations. A separate building permit is also required.

Section 8-103 The following provisions apply to all three types of TLQs with exceptions as noted.

A. General Requirements.

1. On or before 30 days after the date the land use change permit expires all housing structures and associated infrastructures shall be removed. The reclamation and re-vegetation plan submitted within the application materials shall then be implemented.
2. Off-pad Type 1 and Type 2 TLQs, except licensed motor homes, recreational vehicles and camp trailers, and all type 3 TLQs require a Rio Blanco County building permit and certificate of occupancy before occupancy.
3. All TLQs must be located on property owned by or leased for the period of the permit by the Applicant, except TLQs located on Federal land which must have an approved Right Of Way issued by the BLM or U.S. Forest Service.
4. TLQ sites must be related to one or more commercial, industrial, transportation, oil & gas, or mineral extraction projects.

B. Time Limitations.

1. TLQs permitted by a SU/BP expire with the completion of the associated wells.
2. Land use change permits issued for Type 2 TLQs are for a maximum of two years. For good cause shown, a permit may be extended annually by Administrative Review. Applications for extensions must be made on forms provided by the County. Approval of annual extensions will be granted for good cause provided the Applicant is in compliance with the terms and conditions of the existing land use change permit as well as in compliance with these regulations.
3. Type 3 TLQs are issued for multiple years and do not require annual extensions. These TLQs re-

quire only annual Administrative Reviews for determination of whether there is compliance with the terms and conditions of the land use change permit and these regulations.

C. Application Process.

1. Application requirements and information for a Type 1 TLQ (on-pad) are included in the SU/BP as described in Article 8 .
2. Application requirements and information for a Type 1 TLQ (off-pad), Type 2 and Type 3 TLQs are permitted by the Limited or Major Impact Review process as described in Section 2-105.
3. Additional information required for Type 2 and Type 3 TLQ applications.
   a. A statement of the estimated total length of time the TLQ will be at the proposed location.
   b. Applicant's Drug and Alcohol Policy including the mechanism for enforcement.
   c. Applicant's Firearms and Weapons Policy including the mechanism for enforcement.
   d. The Site Security Plan including the registration/check-in policy. If a professional security service is to be used information must be provided concerning the service.
   e. On site medical and emergency medical services to be provided.
   f. A copy of House Rules for the TLQ.
   g. Complete details of the water system proposed to service the TLQ. (See requirements in Section 7-104).
   h. Complete details of the Wastewater System proposed to service the TLQ. (See requirements in Section 7-105).
   i. Complete details of the Fire Protection System proposed to service the proposed TLQ. (See requirements in Section 7-404).
   j. Complete details of waste disposal system proposed to service the proposed TLQ. (See requirements in Article 17).

D. Requirements Related To The Operation Of TLQs

1. Water Systems.
   a. Water Systems proposed to service TLQs must comply with all applicable state and local laws and regulations.
   b. Water used for human consumption, food preparation, bathing and all other domestic uses associated with the TLQ must be potable water obtained from a Colorado Public Water System as recognized by the Colorado Department of Public Health and Environment. Water from sources other than a Colorado Public Water System may be used if approved by the Rio Blanco Public Health Department (RBCPH).
   c. Type 1 TLQs (serving under 25 persons) must conduct total coliform analysis of samples taken from onsite potable water supplies. One sample will be taken and analyzed from each discrete water system monthly in accordance with procedures provided by Rio Blanco County Public Health Department (RBCPH). Copies of all results will be submitted electronically to RBCPH upon request. Any coliform-positive results must be reported to RBCPH within 24 hrs. In the case of coliform positive results consultation with RBCPH is required. RBCPH may order the immediate discontinuation of use of any discrete water system which analysis has indicated as total coliform or e. coli positive until subsequent analysis demonstrates that water from this system is total coliform and e. coli negative. All records related to water supply and testing must be maintained for inspection by the RBCPH for the life of the permit.

d. Water systems serving 25 people or more for more than 60 days in a given year (Type 2 and 3 TLQs) must demonstrate conformance to state regulations by registering as a Public Water System with the Colorado Department of Public Health and Environment prior to the scheduling of a TLQ public hearing.

e. In no case shall any used water or other liquids be discharged on to the surface of the ground unless specifically Permitted through a Colorado Department of Public Health and Environment Discharge Permit or Rio Blanco Wastewater Reuse Permit, as applicable.

2. Wastewater Systems.

a. Wastewater systems proposed to service TLQs must comply with all applicable state and local laws and regulations. All wastewater must be disposed of onsite using an Individual Sewage Disposal System (OSWT) or Community Wastewater Facility or may be used in compliance with a Rio Blanco Wastewater Reuse Permit. Regular septage removal, as is required for maintenance of the OSWT, is permitted.

b. Any and all septage or wastewater releases/spills shall be reported within 24 hours of discovery to the Rio Blanco County Public Health Department (RBCPH) via the contact information provided on the applicable permit or license. The Rio Blanco County Sheriff's dispatch shall also be contacted.

c. A specific TLQ may be granted an exemption from the OWTS/Community Septage/ Wastewater Facility requirement described above in (a), if it is determined that:

i. An OWTS is not feasible due to environmental, topographic or engineering conditions where the TLQ is to be located; and

ii. A Community Wastewater Facility is not appropriate; and

iii. Year-round access is available and maintained for safe and regular access for septage/ wastewater hauling vehicles.

d. If a pump and haul system is approved, the following requirements must be met:

i. All septage/wastewater must be disposed of at an approved disposal/treatment facility.

ii. All wastewater and septage removed from the site must be removed and hauled by a systems cleaner with a current and valid Rio Blanco County Systems Cleaner License.

iii. The Applicant must provide documentation of an arrangement for collection and hauling of septage/wastewater. This must include an appropriate contract with a licensed systems cleaner as well as a letter of understanding from a back up licensed systems cleaner in the event the primary systems cleaner fails to provide adequate service.

iv. Applicant must provide a letter from an approved treatment/disposal facility stating the facility has the capacity and willingness to receive and treat Applicant's anticipated wastewater.

v. Written records of all wastewater/septage removed from the system shall be provided to RBCPH upon request. These records must be maintained and available for inspection and/or audit by RBCPH for one year from date of haul.

vi. In no case shall wastewater be discharged on the ground surface or disposed of at any location other than an approved facility unless specifically permitted through a Rio Blanco Wastewater Reuse Permit.

3. Fire Protection

a. A Site Fire Plan must be provided with the application and must include at least the fol-

lowing:

i. Provisions for giving alarm in case of fire.

ii. A duly authorized attendant or caretaker who has the responsibility to inform all tenants about means for summoning fire apparatus, the sheriff's office and resident employees.

iii. Open burning is not allowed on any TLQ site.

iv. Provisions for location of one or more approved fire extinguishers of a type suitable for flammable liquid or electrical fires (Class B and Class C), carbon dioxide or dry chemical, in one or more open stations so that it will not be necessary to travel more than 100 feet from any location in the TLQ to reach the nearest fire extinguisher.

v. Sprinkler systems if required by the Rio Blanco Building Code.

vi. A water storage tank if required by the Rio Blanco Building Code.

vii. An inspection every 2 months of the fire alarm and extinguishing equipment is required. Records of the inspections must be available for review by the Building Division of the Community Development Department.

4. Waste Disposal

a. Bear-proof refuse containers must be provided for trash. At least one 30 gallon (4 cubic feet) container must be provided for each unit or the equivalent in a central trash collection facility. These containers must be durable, washable, non-absorbent metal or plastic with tight-fitting locking lids.

b. For Type 2 and 3 TLQs, a central bear-proof wire fenced trash storage site with a covered top may be used as an alternative to or in addition to individual containers.

c. Trash must be disposed of not less than once weekly.

d. Outdoor food storage is prohibited unless facilities that prevent the attraction of animals to the TLQ site are provided.

e. Visual screening of trash facilities may be required.

5. Reclamation

a. In all instances, reclamation provisions of a Surface Use Agreement, or on Federal property an Environmental Assessment, will supersede County standards for this section.

b. The Applicant shall submit as part of the land use change permit application a reclamation and revegetation plan (or comparable plan in a COGCC application) for each specific site satisfying the following requirements:

i. Construction debris and waste materials, including, but not limited to structures, concrete, footings, sewage disposal systems and related infrastructure, water storage and related distribution infrastructure, roads, and other sand, plastic, gravel, pipe and cable must be removed.

ii. All pits, cellars, and other holes must be backfilled and compacted as soon as possible after all equipment is removed to conform to surrounding terrain.

iii. All access roads to the site and associated facilities must be closed, graded and recontoured.

iv. Culverts and any other obstructions that were part of the access road(s) must be removed.

v. Upon closure of a TLQ, wastewater tanks and leach fields must be completely pumped out and removed. Any waste material pumped from a wastewater tank or leach field

or waste debris from tank and leach field removal must be disposed of at an approved facility that is permitted by Colorado Department of Public Health and Environment (CDPHE) and/or Rio Blanco County to receive said wastes. Materials may not be burned or buried on the premises.

vi. All areas compacted by TLQs and subsequent operations must be cross-ripped. On cropland, such compaction alleviation operations shall be undertaken when the soil moisture at the time of ripping is below 35% of field capacity. Ripping shall be undertaken to an appropriate depth based upon seed type and dependent upon soil conditions.

c. All disturbed areas affected by TLQ sites must be reclaimed as nearly as practicable to their original condition and shall be maintained to control dust, noxious weeds and minimize erosion. Reclamation shall occur no later than three months after termination of the TLQ unless the Planning Department extends the time period because of conditions outside the control of the Applicant.

d. For disturbed areas not regulated by the COGCC, the following regulations apply:

i. Revegetation of crop lands. All segregated soil horizons removed from crop lands shall be replaced to their original relative positions and contour, and shall be tilled adequately to re-establish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to control erosion. Any perennial forage crops that were present before disturbance shall be reestablished.

ii. Revegetation of non-crop lands. All segregated soil horizons removed from non-crop lands shall be replaced to their original relative positions and contour as near as practicable to achieve erosion control and long-term stability, and shall be tilled adequately in order to establish a proper seedbed. The disturbed area then shall be reseeded in the first favorable season. Reseeding with species consistent with the adjacent plant community is encouraged. In the absence of an agreement between the Applicant and the affected surface owner as to what seed mix should be used, the Applicant shall consult with a representative of the local soil conservation district to determine the proper seed mix to use in revegetating the disturbed area.

e. During occupation and reclamation operations, all disturbed areas must be managed for all noxious weeds as required by the Colorado Noxious Weed Act, Section 35-5.5-101, et seq., C.R.S. and the State Regulations List A and List B Noxious Weed Species.

f. Successful reclamation of the site and access road will be considered accomplished and completed when:

i. On crop land, reclamation has been performed as per this section, and observation by the County over two growing seasons confirms no significant unrestored subsidence. Successful reclamation shall be determined by using the same standards as utilized by the Colorado Department of Public Health and Environment- Water Quality Control Division, Colorado Discharge Permit System General Permit Number COR-030000 and the Final Stabilization criteria set forth in Section C.4.c. of the Colorado Oil and Gas Conservation Commission Rule 1004.d.

ii. On non-crop land, or Federal property via an Environmental Assessment, reclamation has been performed as per this Section, and the total cover of live perennial vegetation, excluding noxious weeds, provides sufficient soils erosion control confirmed by the Planning Division of the Community Development Department by a visual inspection. Successful reclamation shall be determined by using the same standards as

utilized by the Colorado Department of Public Health and Environment- Water Quality Control Division, Colorado Discharge Permit System General Permit Number COR-030000 and the Final Stabilization criteria set forth in Section C.4.c. of the Colorado Oil and Gas Conservation Commission Rule 1004.d.

iii. A final reclamation inspection has been completed by the County and there are no outstanding compliance issues relating to Rio Blanco County rules, regulations, orders or TLQ permit requirements and conditions.

iv. The County has notified the Applicant that final reclamation has been approved.

6. Miscellaneous TLQ Provisions

a. This Article is not intended to apply to emergency or disaster situations where temporary housing is necessary.

b. TLQ structures must be removed and the site restored upon expiration or revocation of the land use change permit.

c. TLQ sites must be maintained in a clean, safe and sanitary condition, free from refuse and managed for noxious weeds. Any hazardous or noxious materials that must be stored on site for operational or security reasons must be managed in accordance with all applicable federal, state and local laws and regulations.

d. Inhabitants of the temporary housing must be Applicant's employees and/or subcontractors, working on the related construction or mineral extraction operation, and not dependents of employees or other family members. Unused space at a TLQ may be leased to other entities with notice to the County and written acceptance of the TLQ requirements by the lessee.

e. No animals are allowed at TLQ sites.

f. If a land use change permit for TLQ is granted, the Applicant shall notify the County when site construction begins. For Type 1 TLQs requiring a SU/BP the Applicant shall notify the County when occupancy begins.

g. As to Type 3 TLQs, on-site County emergency services and/or law enforcement staff may be required.

h. The Planning and Building Divisions of the Community Development Department, or Environmental Health shall have the right to inspect a TLQ site, at reasonable times without notice, to assess compliance with the TLQ permit. A determination of noncompliance with any Temporary Living Quarters, permitted by Rio Blanco County, is grounds for revocation or suspension of said Permit.

i. TLQ Permits may include additional requirements as may be necessary to ensure the health, safety and welfare of the public.

7. Reporting Requirements

a. When the need for a TLQ at a given location is ended and the TLQ facility and associated structures are to be removed, the Applicant must notify the Planning Division of the Community Development Department at least 10 days prior to removal.

b. Each Applicant must submit an annual summary of TLQ use, January 1 through December 31, including number of persons housed in each TLQ. Reports are due by January 31st of each year.

8. Revocation and Penalties

a. Failure to comply with the requirements or conditions of a TLQ, permitted by Rio Blanco County may be grounds for revocation pursuant to Article 12 of these regulations.

ARTICLE 9 - OIL AND GAS REGULATIONS

DIVISION 1 GENERAL PROVISIONS

Section 9-101 Authority.
These Oil and Gas Regulations are authorized by, inter alia, Section 30-28-101,C.R.S., et seq.; Section 30-28-201, C.R.S., et seq.; and Section 29-20-101, C.R.S. et seq. These regulations are not intended to supersede state laws, federal laws, regulations, and rules pertaining to oil and/or gas development, but rather are meant to supplement those requirements where appropriate.

Section 9-102 Applicability.
These Regulations shall apply to all Oil and Gas Operations on public or private land in the unincorporated areas of Rio Blanco County.

Section 9-103 Oil and Gas Permit Required.
No person shall engage in, cause, allow or conduct any Oil and Gas Operations prior to obtaining an Oil and Gas Permit from Rio Blanco County unless the Operations fall within the exemptions in Section 9-104.

Section 9-104 Oil and Gas Operations Exempted From Permit Requirements.
The following Oil and Gas Operations are exempt from the Oil and Gas Permit requirements of these Regulations:

A. Mapping Activities. Mapping activities that do not result in any significant surface disturbance.

B. Operation and Maintenance of Existing Oil and Gas Operations. Operation and maintenance of well sites, wells, pipelines, and other Oil and Gas operations that were established before the effective date of these Regulations. Ordinary repairs, replacement, and maintenance relative to these Operations, shall be allowed to continue, so long as these Operations otherwise remain legal and comply with applicable state and federal permit requirements.

C. Damage or Destruction. An existing oil or gas operation that is damaged or destroyed or through any manner, may be restored, regardless of the extent of damage or destruction.

Section 9-105 Existing Oil and Gas Operations (Permit Required).

A. Extension, Expansion and Alteration of Existing Oil and Gas Operations. Existing Oil and Gas Operations altered, extended or expanded resulting in increased impacts shall comply with the requirements of these Regulations.

B. Relocation of Existing Oil and Gas Operations. An existing oil or gas operation shall not be relocated within Rio Blanco County, in whole or in part, unless the relocation is in compliance with the requirements of these Regulations.

Section 9-106 Classification of Impact Review for Oil and Gas Permit.
Unless the Operation falls within the exemptions in Section 9-104, Oil and Gas Operations shall be classified and reviewed within one of the three following classes of Oil and Gas Permits. For purposes of determining the classification of impact review, all proposed land use applications of the applicant within unincorporated Rio Blanco County shall be taken into consideration.

A. No Significant Impact Oil and Gas Operation. An application for an Oil and Gas Permit for a No Significant Impact Oil and Gas Operation shall be reviewed by the Assigned Staff. An Oil and Gas Operation shall be classified as a No Significant Impact Oil and Gas Operation if it consists of the

following elements:

1. The construction, drilling, operation and maintenance of any number of wells, or injection wells, on a single pad, as permitted by the Colorado Oil and Gas Conservation Commission (COGCC). County permitting for the well pad and production facilities on the pad is accomplished by the Well Pad Special Use/Building Permit (SU/BP) process and application form as set forth in Section 9- 202 and must meet the standards set forth in Section 9- 401. Pipelines of up to 2000 feet connecting wells to collection system(s) may be included in the Well Pad SU/BP if permitted at the same time as the well pad.
2. The construction and use of pipelines 12" or less in diameter up to 5 miles in length permitted as a Pipeline SU/BP described in Section 9-301.
3. Temporary storage and construction staging areas or five (5) acres or less of off pad disturbance, not including pipelines.
4. Conversion of an existing natural gas well to an injection well shall be considered an amendment to the existing permit and will consist of an administrative review if applicable.

B. Limited Impact Oil and Gas Operation. An application for an Oil and Gas Permit for a Limited Impact Oil and Gas Operation shall be subject to the review process in Section 4-204, and requires a public hearing and decision by the BOCC. An Oil and Gas Operation shall be considered a Limited Impact Oil and Gas Operation if it consists of the following elements:

1. The Oil and Gas Operation will consist solely of the installation or construction of off pad processing, compression facilities, storage yards and/or construction staging areas disturbing greater than five acres but less than fifteen acres.
2. Pipelines 20" or less in diameter up to 10 miles in length permitted as a Pipeline SU/BP described in Section 9-301.
3. The Oil and Gas Operation, without mitigation, in its proposed location is unlikely to have any significant adverse impact to the County, taking into consideration the standards for Oil and Gas Operation in Section 9-401.
4. See Section 3-302, Use Regulations- Industrial Uses/Contractors Storage Yard that is synonymous with a permanent laydown area.

C. Major Impact Oil and Gas Operation. An Oil and Gas Operation that is not classified or reviewed as a No Significant Impact Oil and Gas Operation or a Limited Impact Oil and Gas Operation shall require review as a Major Impact Oil and Gas Operation or Major Impact Pipeline SU/BP, as applicable. An application for a permit for a Major Impact Oil and Gas Operation or Major Impact Pipeline SU/BP shall be subject to the review process set forth in Section 4-205. The application requires public hearings before the PC and the BOCC with a recommendation from the PC, and a final decision by the BOCC.

Section 9-107 Expiration of Permit.

A. Commencement of Operation. No Significant Impact Oil and Gas Operations land use change permits shall not have an expiration date. Construction of facilities approved via Limited Impact or Major Impact Oil and Gas Operation must be commenced within (3) three years from the date of permit approval under these Regulations or the permit shall expire and be of no further force or effect.

B. The term of a permit issued pursuant to this Article may be extended upon application by the permittee and approved by the Board of County Commissioners. An application for an extension must be filed not later than 30 days prior to the end of the initial term.

Section 9-108 Transfer of Permit.

An Oil and Gas Permit and/or a SU/BP may be transferred only with the written approval of the Assigned Staff. The proposed transferee must agree to comply with all the requirements, terms, and conditions contained in the permit and these Regulations, and appropriate state and federal regulations and conditions. In considering the transfer, the Assigned Staff, in consultation with the permittee(s), will determine whether such requirements, terms, and conditions remain sufficient to protect the health, welfare and safety of the public and the environment. The transferee must provide a guaranty of financial security in at least the same amount as the original permittee.

DIVISION 2 OIL AND GAS WELL PAD SPECIAL USE/BUILDING PERMIT

Section 9-201 Requirements for Oil and Gas Well Pad SU/BP

A. All drilling activities related to exploration and production of oil or natural gas in Rio Blanco County whether on Federally owned, State of Colorado owned or privately owned surface land require a Well Pad SU/BP as follows:

B. A separate Well Pad SU/BP must be obtained for each new pad location before commencement of construction of the pad or access road. The original and additional individual wells are permitted as needed under the original Well Pad SU/BP with the submittal of well information and payment of fees. Any number of wells may be permitted on each pad.

C. Temporary Living Quarters (TLQs) for up to 24 people (Type 1) are permitted as a part of the SU/BP process.

D. Well Pad SU/BPs issued pursuant to this Section are valid from start of construction of the pad or the access road to final reclamation of the site.

E. All applicable taxes and fees must be paid before a Well Pad SU/BP can be issued. Use Tax must be calculated, accounted, and paid as required by the Use Tax resolution.

F. All production equipment and structures, regardless of size, which by standard practice are placed on a well pad and covered by the Well Pad SU/BP, do not require separate building permits. Limited inspection is required. All equipment and structures permitted with the Well Pad SU/BP must be constructed to RBC Building Code or Occupational Safety and Health Administration (OSHA) standards, whichever is applicable.

G. All production buildings must meet Colorado Division of Housing requirements, if applicable. (Section 24-32-3301 et. seq., C.R.S.)

H. All equipment and buildings permitted with the Well Pad SU/BP must comply with all Floodplain regulations and LUR requirements.

I. All drilling activities must be conducted in accordance with all applicable Federal, State of Colorado, and Rio Blanco County laws, rules, and regulations, including all required conditions of approval of the Well Pad SU/BP.

Section 9-202 Well Pad SU/BP Application Process

A. A complete application for a Well Pad SU/BP as required herein, must be filed with the Rio Blanco Building Division of the Community Development Department no later than thirty days prior to the date of estimated commencement of construction of the well pad or Well Pad Access Road.

B. Application forms are provided by the Rio Blanco Building Division of the Community Development Department or are available on the County Web site.

C. An application for a Well Pad SU/BP is not considered complete until the applicant provides the

information and documentation required in the application form.

Section 9-203 Miscellaneous Provisions for Well Pad SU/BP

A. By acceptance of a Well Pad SU/BP, the applicant grants permission to Rio Blanco County, its agents and employees, the right to inspect the site without notice, during regular business hours and in compliance with Company safety procedures, to assess compliance with the permit.

B. Bear-proof refuse containers must be provided at all well pads for all trash.

C. The Terms and Conditions of a Well Pad SU/BP may contain additional provisions such as needed to ensure the health, safety and welfare of the citizens of Rio Blanco County.

DIVISION 3 PIPELINES

Section 9-301 Pipeline Special Use/Building Permit (SU/BP)

A. All off pad pipelines, unless permitted under a Well Pad SU/BP, require a Pipeline SU/BP. Permitting is accomplished through an Administrative, Limited Impact, or Major Impact review process as described in Section 9-106.

B. The design, construction, cover, and reclamation of all pipelines and gathering lines for oil and gas operations are subject to the requirements of the COGCC. Evidence of compliance with COGCC requirements must be provided to the County by the applicant as part of the County Pipeline SU/BP application process for any oil and gas facility proposing to include pipelines or gathering lines.

C. A map showing the as-built location of any approved pipeline or gathering system must be provided to the County Building Division of the Community Development Department for recording in the records of the County Clerk and Recorder. Locations must be accurate to within 10 feet. The location of any pipelines and gathering lines which are proposed for abandonment must also be recorded in the records of the County Clerk and Recorder upon completion of abandonment.

D. Failure to provide the map showing as-built locations is cause for cancellation of a Pipeline SU/BP.

E. Water Tanks and Storage Pits are considered appurtenant facilities and are included in the SU/BPP process.

DIVISION 4 OPERATION STANDARDS AND TECHNICAL INFEASIBILITY WAIVER

Section 9-401 Oil and Gas Operation Standards.

A Limited Impact, or Major Impact Oil and Gas Operation shall comply with the standards stated in Article 7, Division 1, Basic Approval Standards; Division 2, Natural Resource Protection Standards; Division 3, Site Planning and Development Standards; and Division 8, Additional Use Standards, as applicable unless a Technical Infeasibility Waiver is granted under Section 9-402.

Section 9-402 Technical Infeasibility Waiver.

One or more of the standards referenced in Section 9-201 may be waived during the application process, if the Applicant demonstrates to the satisfaction of the Assigned Staff that it is technically infeasible to comply with the standard(s). To be granted a Technical Infeasibility waiver, the burden is on the applicant to demonstrate one of the following:

A. Conflict with State or Federal Regulation. Conduct of the Oil and Gas Operation in compliance with the LUR standard would result in an operational conflict with a mandatory state or federal oil and gas regulation, condition or other requirement; or

B. No Technology Available. There is no technology commercially available to conduct the Oil and Gas Operation in compliance with the LUR standard for which the waiver is being sought, and the applicant agrees to implement the best available technology in accordance with industry standards.

DIVISION 5 APPLICATION AND REVIEW PROCEDURES FOR OIL AND GAS PERMITS

Section 9-501 Application Submittal Requirements for Oil and Gas Permits.

A. Basic application materials required for each level of review; Administrative, Limited, and Major, are describe in Article 4, Division 2.

Section 9-502 Coordination with State and/or Federal Requirements.

A. A copy of the Application for Permit to Drill (APD) or other application submitted to the COGCC, and/or federal Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be submitted to satisfy one or more of the submittal requirements if it contains information sufficient to demonstrate compliance with this LUR.

B. Final action by the County on an Oil and Gas Permit application may be delayed until any required EA, EIS or required permit by a State or Federal agency is issued, so that the County will have the benefit of the analysis and determinations made by other entities in reaching its own decision.

Section 9-503 Basic Permit Review Procedures for Oil and Gas Operations.

A. Review procedures for Oil and Gas Operations which include a land use change, other than those covered by a SU/BP, are given in Article 4, Division 1, Basic Review Land Use Change Applications and Article 4, Division 2, Review Procedures for Land Use Change Applications.

B. Review of a SU/BP is by Administrative Review by the Assigned Staff.

ARTICLE 10 - NONCONFORMITY

Section 10-101 Generally.

Any parcel of land, use, easement, structure, sign or feature lawfully existing on the date of any text change in these regulations, or on the date of a zoning map change that does not conform to the requirements of the zoning district in which it is located may be continued and maintained in accordance with the provisions of this Article and other applicable provisions of these regulations. Nonconformities may continue as prescribed, but the provisions of this Article are designed to curtail substantial investment in nonconformities and to bring about their eventual conformity or elimination.

Section 10-102 Nonconforming Parcels.

A nonconforming parcel is a parcel existing legally at the time of the passage of these regulations which does not by reason of design or dimensions conform to the regulations of the zoning district in which it is situated. A parcel established after the passage of these regulations which does not conform to regulations of the zoning district in which it is situated shall be considered an illegal nonconforming parcel and is a violation of this these regulations. Legal nonconforming parcels may continue only in accordance with the following provisions.

A. Vacant Parcels. Vacant parcels for which plats or deeds have been recorded in the office of the Rio Blanco County Clerk and Recorder, which fail to comply with the minimum area or other dimensional requirements of the zoning districts in which they are located may be used for any of the uses permitted in the zoning district in which it is located,

B. Recombination of Nonconforming Parcels. When the owner of a nonconforming parcel also owns land adjacent to the nonconforming parcel, and the adjacent land or portion thereof can be combined with the nonconforming parcel to create a conforming parcel or a more conforming parcel (without creating other nonconformities).

Section 10-103 Nonconforming Uses.

A legal nonconforming use is a use existing legally at the time of the passage of these regulations which does not by reason of use conform to the regulations of the zoning district in which it is situated. A use established after the passage of these regulations which does not conform to regulations of the zoning district in which it is situated shall be considered an illegal nonconforming use and is a violation of these regulations. Legal nonconforming uses of land or structures may continue only in accordance with all of the following provisions.

A. Expansion Prohibited. A nonconforming use shall not be expanded. Expansion shall include a physical expansion that results in increased capacity or activity associated with the use, an extension of the hours of operation or number of days of activity and any similar change in activity or location.

B. Relocation Restricted. A nonconforming use shall not be moved from one location on a site to another location on the same site unless the property owner can demonstrate to the satisfaction of the Assigned Staff that the relocation of the use will not increase the impacts of such use on the public, will not adversely affect adjacent properties, and will not have the effect of making the nonconformity more permanent.

C. Change of Use Must Conform. A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is changed to a conforming use, a nonconforming use shall not be re-established.

D. Reestablishment Restricted. A legal nonconforming use, when discontinued or abandoned,

shall not be resumed. Discontinuance or abandonment shall be defined as follows:

1. When land used for a legal nonconforming use shall cease to be used in a bona fide manner for six (6) calendar months.
2. When a building designed or arranged for a nonconforming use ceases to be used in a bona fide manner as a legal nonconforming use for a continuous period of six (6) consecutive calendar months.

E. Reversion Prohibited. A legal nonconforming use if changed to a conforming use may not thereafter revert or be changed back to a nonconforming use.

Section 10-104 Nonconforming Structures, Excluding Signs.

A legal nonconforming structure is a structure, including a building, existing legally at the time of the passage of this these regulations which does not by reason of design or dimensions conform to the regulations of the zoning district in which it is situated. A structure established after the passage of these regulations which does not conform to regulations of the zoning district in which it is situated shall be considered an illegal nonconforming structure and is a violation of these regulations. Legal nonconforming structures may continue only in accordance with all of the following provisions.

A. Continuation Permitted. A nonconforming structure, devoted to a use permitted in the zoning district in which it is located, may continue only in accordance with the provisions of this Section.

B. No additional Units. An existing nonconforming residential structure may be enlarged or altered provided that no additional dwelling units result therefrom. Any such enlargement or alterations shall be in compliance with all yard requirements and standards of the zoning district and use.

C. Repair and Maintenance Permitted. Normal repair and maintenance may be performed to allow the continuation of a nonconforming structure. Structural changes ordered by an authorized official in order to insure the safety of the structure shall be permitted.

D. Certain Enlargements Permitted. Any nonconforming structure may be enlarged if the expansion does not increase the nonconformity of the structure, provided the use contained within the structure is a conforming use.

E. Changes for Conversion Permitted. Structural changes necessary to convert a nonconforming use to a conforming use shall be permitted in compliance with these regulations.

F. Movement Restricted. A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.

G. Repair and Restoration Restricted. A nonconforming structure, destroyed or damaged so that less than 50 percent of its floor area is destroyed, may be repaired or restored if:

1. Restoration or reconstruction of the structure must be commenced within 12 months after the date on which the structure was damaged or destroyed. Any new portion of the structure shall conform to the standards of the regulations for the zoning district in which it is located.
2. The total amount of space devoted to a nonconforming use is not increased and the degree of nonconformity in the structure is not increased.

H. Conformation Required. If the Assigned Staff determines the building or structure has been damaged in excess of 50 percent of the floor area, future use of the building and site shall conform to the regulations of the zoning district in which it is located. However, any building or structure listed on the National Register of Historic Places or any building certified as a state historic building may be rebuilt or restored to its original dimensions or the dimensions of the building or structure before such damage occurred, provided such restoration conforms to the

United States Secretary of Interior Standards for Rehabilitation.

I. Replacement Restricted. A nonconforming structure shall not be replaced with another nonconforming structure regardless of the degree of nonconformity.

Section 10-105 Nonconforming Signs.

A. A legal nonconforming sign is a sign existing legally at the time of the passage of these regulations which does not by reason of design, dimensions or location conform to the regulations of the zoning district in which it is located. A sign erected or created after the passage of these regulations which does not conform to regulations of the zoning district in which it is situated shall be considered an illegal nonconforming sign and is a violation of this these regulations. Legally nonconforming signs shall be allowed to continue as a legally nonconforming sign for a period of eight (8) years from the effective date of these regulations, under the following conditions:

B. Increase in Nonconformity Prohibited. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged, reduced or altered in such a manner as to increase the nonconformity. Nor may illumination be added to any nonconforming sign.

C. Movement and Replacement Restricted. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with these regulations.

D. Reconstruction Limited. If a nonconforming sign structure is destroyed by natural causes or accident, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of these regulations, and the remnants of the former sign structure shall be cleared from the land.

E. Message Change Permitted. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities, expansion of existing nonconformities.

F. Removal after Eight (8) Years. The nonconforming sign shall be removed or brought into compliance with the applicable County land use regulations at the end of the eight-year period.

G. Abandonment. If a nonconforming sign remains blank for a continuous period of 180 calendar days, that sign shall be deemed abandoned and shall, within six (6) months after such abandonment, be altered to comply with this Article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Section, a sign is "blank" if any of the following apply:

1. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted.
2. The advertising message it displays becomes illegible in whole or substantial part.
3. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

H. Conformity Required. The following types of nonconforming signs or signs that are nonconforming in any of the following ways shall be altered to comply with the provisions of this article or removed within 90 days after the effective date of these regulations:

1. Enterprise or activity that is no longer operating or being offered or conducted.
2. Portable signs and temporary signs.

I. Removal Required. Nonconforming signs, if present anywhere on the site, shall be removed prior to issuance of a land use change permit, or commencement of new construction on the site.

Section 10-106 Additional Requirements.

A. Additional Requirement for Nonconforming Accessory Uses and Structures. No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, discontinuance, damage, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.

B. Changes of Tenancy or Ownership. There may be a change in tenancy or ownership of an existing nonconforming use or structure provided there is no change in the nature or character of such nonconforming use or structure except as provided herein and all other applicable requirements of this these regulations are met (e.g., parking, screening, landscaping, etc.).

ARTICLE 11 - SIGNS

DIVISION 1 GENERAL PROVISIONS

Section 11-101 Applicability.
The regulatory provisions of this Article shall apply to the display, construction, erection, alteration, use, maintenance and location of all signs within the unincorporated areas of Rio Blanco County.

Section 11-102 Sign Permit Required.
Unless specifically exempted by provisions of these Regulations, all signs require a Sign Permit, issued by the Assigned Staff, prior to installation or placement. Modification or deviation from the terms or conditions of an approved Sign Permit is prohibited without approval of the Staff.

Section 11-103 Temporary Signs.

A. Temporary Signs Do Not Require Permit. The following temporary signs and advertising devices are allowed in all zone districts and do not require a sign permit. Temporary signs shall be subject to compliance with the restrictions set forth in Section 11-105, Prohibited Signs.

1. Construction Sign. Individual signs for the participating building contractors, subcontractors, participating professional firms, participating lending institution and property owners located on a construction site. Each sign shall not exceed 32 square feet total area of signs. No more than four (4) signs shall be permitted. All signs shall be removed no later than seven (7) days after the issuance of the Certificate of Occupancy for the project.
2. Temporary Political Campaign Signs. Signs announcing candidates seeking public office, and signs relating to ballot issues:
3. Real Estate Signs. One (1) real estate sign on the lot being offered for sale, rent or lease. The real estate sign shall be removed no later than seven (7) days after the closing of the real estate conveyance.
4. Garage Sale Signs. One (1) garage sale sign not exceeding six (6) square feet of sign area for all sign faces, which is installed on the lot or series of contiguous lots under the same ownership on which the garage sale is located, shall be installed not more than seven (7) days prior to the garage sale, and removed no later than two (2) days after the garage sale.
5. Community Event and Non-Profit Fund Raising Signs. Signs announcing any public, charitable, educational, or religious event or function, with a total sign area of not more than 20 square feet for all sign faces. Such signs shall be installed for a period of not more than 21 days prior to and shall be removed not later than seven (7) days after the event.
6. Temporary Decorations and Displays. Temporary decoration or displays which are clearly incidental to and are customarily associated with any national, local or religious holiday or celebration.

B. Restricted Location. Unless otherwise allowed by these Regulations, temporary signs must be placed only on private property, located outside any right-of-way or easement, and placed to avoid any sight obstruction for motorists, cyclists and pedestrians.

Section 11-104 Signs That Do Not Require a Sign Permit.
The following signs and advertising devices do not require a sign permit. Signs and advertising devices that do not require a sign permit shall comply with the restrictions set forth in Section 11-105, Prohibited Signs.

A. Government Signs and Notices.
   1. Government signs for local, state and federal agencies, including "Neighborhood Watch" signs.
   2. Official government notices posted by government officers in the performance of their duties by a landowner required to post a public notice by government officials.

B. Signs Warning of Hazardous or Dangerous Conditions.
   1. Temporary or permanent signs erected by a public utility company or construction company to warn of dangerous or hazardous conditions.
   2. Warning signs such as "No Trespassing," "Danger," and "Do Not Enter."

C. Building Identification and Commemorative Signs. Building name, date of erection, monumental citations and commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent-type construction and located as an integral part of the structure.

D. Residential Signs. Personal identification signs for places of residence, provided that there is a maximum of one (1) per residence and the sign does not exceed a maximum sign area of two (2) square feet.

E. Membership Signs. Identification signs identifying membership in organizations such as the Farm Bureau, provided each sign does not exceed a maximum sign area of two (2) square feet.

F. Vehicle Signs and Advertising Devices. Signs permanently affixed to a vehicle, such as advertisements painted on trucks and cars, unless the vehicle is parked specifically for advertising purposes, in violation of Section 11-105, Prohibited Signs.

G. Gasoline Pump Signs. Signs over gas pumps which indicate gas prices, provided that these signs shall be limited to one (1) per pump island and shall be no larger than four (4) square feet per sign face, with a maximum of two (2) sign faces per pump island.

H. Art Displays. Works of fine art which do not serve to identify a product or business and which are not displayed in conjunction with a commercial enterprise that may benefit or realize direct commercial gain from the display.

I. Directional Traffic Signs. Directional traffic signs which do not exceed four (4) square feet per sign face, do not exceed six (6) feet in height above ground level, and which do not carry any commercial messages or advertisements.

J. Signs Identifying a Place of Religious Assembly. Signs identifying a building as a place of religious assembly or as a religious institution, provided that:
   1. The sign is not larger than 90 square feet of total sign area in a residential or agricultural zone district, or 150 square feet of total sign area in a commercial or industrial zone district.
   2. The sign otherwise complies with restrictions and conditions set forth in these Regulations.

Section 11-105 Prohibited Signs.

The following signs and advertising devices are prohibited in all zone districts.

A. Structurally Unsafe Signs. Signs that are structurally unsafe or hazardous.

B. Signs Blocking Ingress or Egress. Signs that prevent free ingress or egress from any door, window or fire escape. No sign shall be attached to a standpipe or fire escape, except those signs that may be required by other codes, regulations, or ordinances for public safety.

C. Signs Obstructing Visibility. Signs that obstruct or interfere with traffic signs or signals, or that impair visibility in the public right -of-way, or that are located within a clear vision area.

D. Signs with Moving Parts. Signs with visible moving, revolving or rotating parts, flashing or

fluttering lights or other illuminating devices that have a changing brightness or intensity or color, or any mechanical movement or apparent movement achieved by electrical, electronic or mechanical means, except time, temperature and date signs or holiday decorations.

E. Displays With Open Light Bulbs. External displays, other than temporary decorative holiday lighting, consisting of unshielded or open light bulbs.

F. Signs Without Adequate Clearance from Power Lines. Signs that have been constructed or maintained with less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by state law or required by the utility provider.

G. Off-Premises Signs. Signs not located upon the property or business identified or advertised by the sign, and signs located in the public right -of-way or easement, unless the Board of Adjustment determines that an off-site sign is necessary to promote the interests of the use to which it relates.

1. An off-site sign shall otherwise conform to these regulations and the regulations applicable for the zone district in which the sign is located.

H. Vehicle Signs. Signs placed on vehicles or trailers that are parked or located for the apparent purpose of advertising a product, service or activity or to direct people to a business or activity located on the premises or nearby.

I. Obsolete Signs. Signs that are located on property that becomes vacant and unoccupied for a period of six months or more, or signs that pertain to a time, event or purpose that no longer applies. The sign face of an obsolete sign shall be removed by the owner of the sign or the owner of the property. The following types of signs shall be excepted from these provisions.

1. Exception for Change of Ownership. Signs displayed on a business temporarily suspended because of a change of ownership or management of the business shall not be construed to be obsolete unless the property remains vacant or the business is closed for a period of 12 months or more.

2. Exception for Seasonal Business. Permanent signs displayed on a business that is open only on a seasonal basis shall not be construed to be obsolete unless the property remains vacant or the business is closed for 12 months or more.

J. Signs Imitating or That May Be Construed To Be Traffic Signals.

1. Signs which imitate an official traffic sign or signal or which contain the words "stop," "slow" or other similar words.

2. Signs which are of a size, location, movement, content, coloring or manner of illumination that may be confused with or construed as a traffic-control device.

K. More than One Sign Per Lot. More than one sign per lot, unless otherwise allowed by these Regulations.

Section 11-106 Signs for Home Occupation.

A. One Exterior Sign Allowed. A home occupation conducted in compliance with the regulatory provisions of this Code shall be allowed one exterior advertising sign identifying the home occupation, meeting the following conditions:

1. Area of Sign Face. The sign shall be no larger than one square foot in total area of signs.

2. Location. The sign shall be located on-site, mounted flat against the exterior wall of a principal or accessory structure, or located on or in a windowpane or door panel.

3. Compliance. Unless otherwise provided in these Regulations, the sign shall comply with the conditions and restrictions for signs in the applicable zone district, set forth in the Sign Table

at Section 11- 301.

Section 11-107 Development Identification Signs.

A. New Development. A sign proposed to identify a development is subject to review and approval by the Board of County Commissioners as part of the land development review and approval process. An approved plan establishing compliance with the regulatory provisions shall be required for final plat approval. There is a limit of one (1) freestanding and one (1) identification sign.

B. Existing Development. Existing commercial and industrial uses that are legally platted or subdivisions shall be allowed one (1) freestanding sign per development and one (1) identification sign for each business located in the development. The sign height and area of the sign face shall be in compliance with the sign code provisions applicable to the underlying zone district.

DIVISION 2 SIGN PERMIT APPLICATION, REVIEW, AND APPROVAL

Section 11-201 Application and Review Process.

A. Application Materials. Any application for a sign permit shall include the following materials. The Assigned Staff may require additional materials or information as deemed necessary to properly evaluate the proposed sign.

1. Application Form and Fees. The owner of the property on which the sign is to be located, or the owner's authorized agent shall make the application for a sign permit. The permit fee shall be established by resolution of the Board of County Commissioners and the fee schedule provided to the applicant by the Assigned Staff. Application shall be made on forms provided by the Assigned Staff and shall include the following information.
   a. The name, address and phone number of the applicant.
   b. The physical address of the property.
   c. Zoning of the property.
   d. The nature of the principal use to be identified by the proposed sign.
2. Scale Drawing of the Sign. A scale drawing of the proposed sign, that includes exact dimensions and area calculations, text, and color and materials proposed for the sign.
3. Site Plan. A site plan, drawn to scale, showing the proposed location and orientation of the sign. The site plan shall include all easements and rights-of-way of record that may affect or be affected by the location of the proposed sign.
4. Description of Sign Illumination. A detailed description of the sign illumination. This may be shown on the scale drawing of the proposed sign. Description of illumination shall include target illumination levels, hours of operation, control methods, lamp and luminaire information, and manufacturer description.
5. Building Permit Required. A building permit and any associated trade permits applicable are required for the construction and installation of signs.
6. No sign shall be permitted to overhang a public right-of-way.

B. Review and Approval.

1. Determination of Completeness. The Assigned Staff shall determine whether the application is complete, based upon the requirements for application materials set forth in A above. Determination of completeness shall occur within 21 calendar days after submittal.

a. Application is Not Complete. If the application is not complete, the Assigned Staff shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied.

b. Application is Complete. If the application is complete, the Assigned Staff shall certify it as complete and stamp it with the date of determination of completeness.

2. Evaluation. Upon determination of completeness, the Assigned Staff shall review the application for compliance with Section 11-203, Sign Permit Review Criteria.

a. Notice to Adjacent Property Owners. Notice to adjacent property owners shall be required if the Assigned Staff determines that the proposed sign is likely to affect adjacent property owners. If notification is required, the applicant shall mail a written notice by certified mail, return receipt requested, to the owners of record of all property adjacent to the property. The notice shall include a vicinity map, the property's legal description, a description of the land use and proposed sign, and the contact information and deadline for comments to be submitted. The comment period for adjacent property owners shall be within 21 calendar days from the date of the notice.

3. Staff Decision. Within 10 business days of the date of determination of completeness, or close of the comment period if the application is referred for comment, the Assigned Staff may approve, approve with conditions or deny the application for Sign Permit. The Staff decision shall be based upon compliance with Section 11-203, Sign Permit Review Criteria.

a. Approval of Application. If the application satisfies all of the applicable standards, the application shall be approved. The application may be approved with conditions determined necessary for compliance with applicable standards.

b. Denial of Application. If the application fails to satisfy all of the applicable standards, the application shall be denied.

4. Written Notice of Decision. The Assigned Staff shall inform the applicant and adjacent property owners of the approval, conditions of approval or basis for denial in writing within five (5) working days of the date of decision. Notice of the Staff decision shall also be provided to the Board of County Commissioners.

Section 11-202 Variance.

The applicant for a sign permit may apply to the Board of Adjustment for a variance from provisions of these Regulations. The process for application and review of a variance request is set forth in Section 4-209.

Section 11-203 Sign Permit Review Criteria.

A. On-Premises Advertising. The sign identifies or advertises the legally established principal use of the lot on which the sign is located.

B. Dimensions. The size and height of the sign complies with standards set forth in the Sign Table, Section 11-301.

1. Where a sign has two display faces, the combined area of each side shall be considered the total area of signs for that sign.

C. Changeable Message. Signs with a changeable message shall remain motionless for no less than one (1) minute.

D. Illumination.

1. No Impact to Neighboring Property. Illuminated signs shall not cause glare or otherwise adversely impact residential areas.

2. No Impact to Traffic. Neither the direct or reflected light from any light source illuminating the sign shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares. Colored lights shall not be used at any location or in a manner so as to be confused with or construed as a traffic control device.

E. Location.

1. The sign will be entirely located on private property.
2. The sign will not create an obstruction for traffic or create any hazard for motorists, cyclists or pedestrians.

F. Safety. The sign shall be constructed in a manner that does not present a hazard situation.

1. Wind Load. Signs over 10 feet in height and/or 40 square feet in surface area shall be engineered to withstand a wind loading of a minimum of 30 pounds per square foot of sign area without failure of the face retention system or sign structure.
2. Electrical Wiring. Electrical wiring for the sign shall be underground in the case of freestanding signs, and behind the sign cabinet in the case of wall or projecting signs.
3. Support. Roof signs, signs mounted on marquees, or projecting signs shall be engineered in such a manner that no guy wires are needed for support, other than for the sign structure itself.
4. Protection of Anchors and Supports. Anchors and supports shall be protected when near driveways, parking lots or similar locations where they could be damaged by moving vehicles. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. No anchor or support of any sign, except flat wall signs, shall be connected to or supported by a parapet wall that is not braced.

DIVISION 3 USE RESTRICTIONS, CONSTRUCTION AND MAINTENANCE

Section 11-301 Sign Requirements.

Table 11-1 Signs

Zoning District	Structural Types of Signs	Sign Type				Max Height (feet)	Max Sign Area per Face (sq. ft.)
		Business	Construction	Identification	Temporary		
A, RR, CR	Freestanding	X	X	X	X	4’	32 sq. ft.
	Wall	X	X	X	X	NA	2.5 sq. ft.
LR	Freestanding	X	X	X	X	20’	90 sq. ft.
	Wall	X	X	X	X	NA	2 sq. ft. per lineal foot of building, no more then 32 sq. ft.
	Projecting	X	X	X	X	NA	
	Suspended	X	X	X	X	NA	
	Roof	X	X	X	X	Not to exceed peak	
C, I	Freestanding	X	X	X	X	30’	150 sq. ft.
	Wall	X	X	X	X	NA	2 sq. ft. per lineal foot of building, no more then 64 sq. ft.
	Projecting	X	X	X	X	NA	
C, I	Suspended	X	X	X	X	NA	
	Roof	X	X	X	X	Not to exceed peak	

Section 11-302 Maintenance.

Signs and sign structures shall be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or constructed of rust resistant metals.

Section 11-303 Changes to Advertising Copy.

Changing the advertising copy or message on an advertising structure, unless a structural change is made, is permitted.

DIVISION 4 ENFORCEMENT OF SIGN PERMIT REGULATIONS

Unless otherwise provided by these Regulations, violations of the regulatory provisions in this Article

are subject to the applicable provisions for inspection, notice of violation, abatement of violation and penalty set forth in Article 12, Enforcement, Violation and Penalties.

Section 11-401 Complaint and Verification of Violation.

A. Verify Violation. Upon complaint made or filed by a member of the public or by a County official or employee, the Assigned Staff shall verify the complaint as a violation.

B. Authority to Enter and Inspect. The Staff's authority to enter and inspect property for the purpose of verifying a violation of these regulations shall be governed by the same procedures set forth in Section 12-202, Inspection and Administrative Action against Violations.

Section 11-402 Notice of Violation.

A. Notice of Violation. If the Assigned Staff verifies a complaint as a violation, the Assigned Staff shall serve written notice of the violation to the property owner of record, pursuant to Section 12-202, Inspection and Administrative Action against Violations.

B. Response. The property owner shall have 10 calendar days from the date of service of the notice of violation in which to correct the alleged violation or to file an appeal with the Board of Adjustment.

Section 11-403 Remedies.

A. Repair or Removal of Hazardous Signs. The Assigned Staff shall order the repair, alteration, painting or removal, at the owner's expense, of any sign that constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

1. The Assigned Staff shall send, or post a notice requiring compliance within 30 days. The removal shall be at the expense of the owner of the sign or premises.

B. Removal of Abandoned or Obsolete Sign. The Assigned Staff shall provide notice ordering the removal of any sign that has been abandoned or determined to be obsolete.

C. Removal of Prohibited Sign. The Assigned Staff shall order the removal of any prohibited sign(s) within five (5) days of service of written notification.

D. Revocation of Sign Permit. If the Assigned Staff finds that the sign under any permit issued does not comply with the information supplied in the permit application and/or is in violation of these Regulations, or finds that there has been any misrepresentation in connection with the application for the permit, the Assigned Staff shall revoke the permit.

1. The permit holder shall have five (5) business days in which to reply to the notice of revocation.

E. Preservation of Remedies. The remedies as provided in this Article, and as may be available under other applicable regulations of the County or pursuant to state or federal law, are not exclusive in any way, and may be pursued by the County singularly or in combination to achieve the most expeditious abatement of a violation.

ARTICLE 12 - ENFORCEMENT, VIOLATIONS AND PENALTIES

DIVISION 1 GENERAL PROVISIONS

Section 12-101 Enforcement Authority.

A. All provisions of these regulations have been adopted in accordance with the procedures required by Sections 30-28-111, 112, 113, and 116, C.R.S., as amended, and may be enforced provided herein, and/or by:
Section 30-28-110, (3)(a), C.R.S. - Recording of Plat Required
Section 30-28-110, (4), C.R.S. - Selling of Lots before Final Plat Approval
Section 30-28-114, C.R.S. - Enforcement by Withholding Building Permits
Section 30-28-124, C.R.S. - Criminal Penalties
Section 30-28-124.5, C.R.S. – Civil Remedies
Section 30-28-133, C.R.S. – Enforcement of Subdivision Regulations
Section 30-28-137, (1,2,3), C.R.S. – Enforcement of Subdivision Improvement Agreement
Section 30-28-137, (4), C.R.S. - Enforcement of Plat Notes
Section 24-67, et seq., CRS – Planned Unit Development Enforcement
Section 25-10-110, C.R.S. – Individual Sewage Disposal Systems
Section 25-1-506, C.R.S. – County or District Public Health Agency
Section 25-1-518, C.R.S. - Nuisances

B. In addition to the remedies specified above, all provisions of these regulations may be enforced by any legal or equitable means recognized by the Colorado State Statutes and Colorado Court Rules, as amended.

Section 12-102 Unlawful to Violate This Land Use Regulation.

It is unlawful to erect, construct, reconstruct, or alter any building, structure or individual sewage disposal system (ISDS), or use any building, structure, or land in unincorporated Rio Blanco County in violation of these regulations, as amended.

Section 12-103 Enforcement Officials

Provisions of these regulations shall be enforced by the BOCC and by their authorized staff through their authority granted by Colorado law. The County Assigned Staff, the Environmental Health Officer, the County Weed Inspector, the County Building Official, the County Engineer, or their authorized representatives (Enforcement Officials) are hereby delegated the power to enforce all provisions of the LUR, adopted building codes, adopted regulation of areas and activities of state interest, including, without limitation, any condition imposed on approval, and may utilize any remedies authorized under Colorado Law and/or the provisions of these regulations.

Section 12-104 Non-liability of County.

These regulations shall not be construed to hold Rio Blanco County or any of its employees or officials acting within the scope of their employment in any manner responsible or liable for any damages to persons or property resulting from any inspection or enforcement as herein authorized or resulting from any failure to so inspect or enforce, or resulting from the issuance or denial of any building permit or the institution of or failure to institute any court action as herein required or authorized. In enacting these regulations the BOCC intends to preserve all rights of the County, its agencies and departments, and its elected and appointed officials and employees, to immunity from liability as set forth in the Colorado Governmental Immunity Act, Section 24-10-101, et seq. C.R.S.

DIVISION 2 ZONING REGULATION ENFORCEMENT

Section 12-201 Building Permit Requirements.

The Building Official shall not issue any building permit unless the following requirements are met:

A. The plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all applicable provisions of these regulations, including but not limited to any existing approval granted under these regulations;

B. The Rio Blanco County Environmental Health Department has issued a permit for or has otherwise approved the sanitation system to serve the proposed structure or use, if applicable;

C. The County Engineer has approved the access for the proposed structure or use pursuant to these regulations and the County Road and Bridge Standards and Specifications; and

D. The proposed plans comply with all applicable provisions of the Rio Blanco County Building Code.

Section 12-202 Inspection and Administrative Action against Violations

A. The Enforcement Officials or their authorized representatives are empowered, in conformity with the requirements of this subsection to inspect and examine any building, other structure, or parcel or other area of land (collectively, 'premises'), concerning which they have reasonable cause to believe that a use exists or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of these regulations.

1. When an Enforcement Official or authorized representative has reasonable cause to believe that a violation of these regulations is likely to exist on a premises, and that entry onto the premises is necessary to verify the violation, the Enforcement Official shall first make a reasonable effort to locate the owner or other person having charge or control of the premises, or portion thereof desired to be inspected, and request consent to enter and inspect the premises.
2. If entry is denied, the County shall have the authority to discontinue application processing, revoke approved permits and applications, and/or to seek an order from the proper court of jurisdiction to obtain entry.
3. If the owner or other person in charge or control of the premises cannot be located or if entry is refused, the enforcing official may seek entry by submitting a sworn affidavit to the proper court of jurisdiction, setting forth facts sufficient to support a reasonable belief that the violation is likely to exist, and that further investigation of the premises is warranted. Any subsequent entry and inspection shall be conducted in accordance with an administrative search warrant issued by the court.

B. Consent to enter or an administrative search warrant shall not be required in the following circumstances:

1. To conduct inspections during regular County business hours under an applied for or issued building permit, for work authorized under that permit prior to the issuance of a final Certificate of Occupancy;
2. To conduct inspections during regular County business hours within the scope of another official applied for or issued County permit which grants express or implied consent to enter and inspect;
3. To make observations of the premises in plain view from public property or from portions of the premises which are open or accessible to the public, or in which the owner or occupant otherwise lacks a reasonable expectation of privacy;

4. To make observations of the premises from private property when the owner of the private property gives consent to do so; or
5. In emergency situations when an Enforcement Official has a reasonable belief that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.

Section 12-203 Remedies

A. Written Order. If a violation is found to exist, an Enforcement Official shall by written order direct that such remedial action be taken forthwith as will result in full compliance with the applicable provisions of these regulations or any permit issued pursuant to these regulations. Provided, however, the issuance of such order shall in no way or manner be deemed a prerequisite to the institution of such enforcement proceedings as are set forth in this Article 12. Provided further, that compliance with such order shall not necessarily be deemed to be a defense to any alleged violation of these regulations in any court action instituted seeking full compliance therewith.

B. Cease and Desist Orders. After notice of a violation and an opportunity to correct the violation, an Enforcement Official may halt work on any land where there is a violation of a provision of these regulations or of a permit issued hereunder, through issuance of a cease and desist order. All work shall immediately halt upon issuance of such order.

C. Revocation of Permits Failure to comply with the requirements or conditions of approval of a permit may be grounds for revocation of the subject permit.

D. Withholding Permits. In addition to any other enforcement remedy specified in these regulations, an Enforcement Official may withhold or demand the withholding of the issuance of any building permit or other permit under these regulations, or may refuse to accept or process any application or authorization for a structure, activity, or use, involving any property on which a violation of these regulations has been determined to exist.

E. Fees for Permits. Fees for development initiated before required permits are obtained are double the applicable fee(s) plus an additional $100 per day from the day of initiation of the development to the day of permitting.

Section 12-204 Acceleration of Enforcement Process to Protect Public Health, Safety and the Environment.

The enforcement process set forth in this Article may be accelerated if the Enforcement Official makes a written finding that the public health, safety, welfare, or the environment could be endangered by a continuing violation. After such finding is made, the County Attorney shall take immediate action to end the threat to the public health, safety, welfare, or the environment through, but not limited to, ex-parte restraining orders as authorized under the Colorado Rules of Civil Procedure and/or action by local law enforcement or public safety agencies as deemed appropriate and necessary.

Section 12-205 Abatement by the County.

A. Authorization for Abatement by County. If the alleged violator fails to comply with the County's requirements for correction of the violation, an Enforcement Official may request that the BOCC, at a public meeting, authorize the Enforcement Official to arrange for an abatement of the violation.

1. Notice of Public Meeting. At least 14 calendar days prior to the date of the public meeting, an Enforcement Official shall provide notice of the public meeting to the alleged violator by certified mail, return receipt requested to both the address in the County tax records and the property address, if different.

B. Execution of Warrant and Abatement of Violation. Upon authorization by the BOCC for abatement by the County, the Enforcement Official shall seek an administrative entry and seizure warrant from the Rio Blanco County Court or the Rio Blanco County District Court having jurisdiction over the subject property.

1. Within 10 calendar days following the date of issuance of an administrative warrant the Enforcement Official shall abate the violation in accordance with the direction of the Court. A copy of the issued warrant shall be provided to the land use permit holder and/or property owner, as applicable. Proof of the execution of the warrant, including a written inventory of any property impounded by the County, shall be submitted to the Court.
2. The proposed method of abatement may be accomplished through the use of County staff or by contract with a private party.

C. Cost of Abatement. A bill for the reasonable costs of abatement plus an inspection fee of five percent (5%) of that cost shall be sent certified mail, return receipt and regular mail to the land use permit holder and/or property owner of record, applicable, at both the address in the County tax records and the property address, if different. Payment of the bill shall be due within 30 days of the date of the bill.

D. Collection of Unpaid Bill for Cost of Abatement by County. If the bill is unpaid after 30 calendar days, the Enforcement Official through the County Clerk may certify the bill to the County Treasurer, who shall collect the assessment together with a 10% penalty for the cost of collection, in the same manner as other County taxes are collected.

Section 12-206 Judicial Action against Violations

A. Unless an Enforcement Official or the BOCC determines that immediate legal action is necessary to prevent imminent harm to the health, safety, or welfare of the public or to prevent a violation from occurring, the enforcing official shall provide written notice of the alleged violation to the alleged violator at least ten days prior to requesting that the County Attorney proceed with judicial enforcement action.

B. Violations of these regulations are misdemeanors and shall be punished by a fine in an amount not to exceed $100.00 for each violation, such fine to inure to Rio Blanco County, or by imprisonment in the County jail for not more than 10 days, or by both such fine and imprisonment, or by such other remedy as may be specified by amendment to Section 30-28-124, C.R.S., as amended. Each day during which such violation continues shall be deemed a separate offense.

C. Civil remedies for violations of these regulations may include civil penalties, injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate, or remove the violation. Civil fines may be recovered in the same civil action where injunction, mandamus and/or abatement is sought, or separate proceedings may be instituted seeking varying forms of relief, as provided in Section 30-28-124.5, C.R.S., as amended, or any other applicable provision of law may allow.

Section 12-207 Stay of Judicial Enforcement

A. Appeals to the Board of Adjustment (BOA)

1. A determination by an Enforcement Official that a violation of these regulations exists may be appealed to the BOA as set forth in Section 1-302 of these regulations.
2. Unless an Enforcement Official or the BOCC determines that immediate legal action is necessary to prevent imminent harm to the health, safety, or welfare of the public or to prevent a violation from occurring, judicial enforcement action against the violator will be stayed in the event of a timely appeal to the BOA until a final decision is rendered by the BOA, and, if

applicable, any reviewing court.

B. Permit Applications. Unless an Enforcement Official or the BOCC determines that immediate legal action is necessary to prevent imminent harm to the health, safety, or welfare of the public or to prevent a violation from occurring, the County Attorney shall stay, or request that the Court stay, any judicial enforcement action if:

1. a complete application for a permit or other approval is submitted to the Planning Division of the Community Development Department that, if approved would fully resolve all violations; and
2. the application is for a use or activity that may be approved under the current provisions of these regulations; and
3. the application is for a use or activity that is not the same or similar to an application or permit that was previously denied; and
4. in the opinion of the Enforcement Official or the BOCC, the application is being pursued diligently and in good faith; and
5. in the opinion of the County Attorney, the application was filed in good faith and not for the purpose of causing unreasonable delay or confusion in an ongoing enforcement action.
6. unless otherwise ordered by the Court, the stay shall remain in effect until a final decision is reached on the application or permit.

DIVISION 3 SUBDIVISION REGULATION ENFORCEMENT

Section 12-301 Requirement for County Subdivision Approval

A. No division of land constituting a subdivision under applicable state law shall occur unless it has been approved under these regulations, or has received approval from the BOCC for a subdivision exception or subdivision exemption plat.

B. Any subdivider or agent of a subdivider who transfers legal or equitable title or sells any subdivided land before a final plat, as required, for such land has been approved and recorded pursuant to these regulations or applicable state law, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $1000.00 nor less than $500.00 for each parcel of or interest in such land which is sold or transferred. All fines collected under this provision shall be credited to the General Fund of the County. No person shall be prosecuted, tried, or punished under this provision unless the indictment, information, complaint, or action for the same is instituted prior to the expiration of eighteen months after the recordation or filing in the office of the Rio Blanco County Clerk and Recorder of the instrument transferring or selling such illegally divided land. (Section 30-28-110(4)(a), C.R.S.)

C. The BOCC shall have the power to bring an action to enjoin any person from selling subdivided land before a final plat for such subdivided land has been approved and recorded pursuant to these regulations or applicable state law. (Section 30-28-110(4)(b), C.R.S.)

D. In addition to any other enforcement remedy specified in these regulations and/or the Rio Blanco County Building Code, an Enforcement Official may demand the withholding of the issuance of any permit under these regulations and/or the Rio Blanco County Building Code. Rio Blanco County may refuse to accept or process any application or authorization for a structure, activity, or use, involving any property which is determined to have been divided without the required County approval. (Section 30-28-110(4)(a), C.R.S.)

E. Properties that were divided in violation of regulations or resolutions in effect at the time of

such division shall be further subdivided only if the proposal includes provisions which bring the entire original parcel, including the area previously divided in violation of regulations or resolutions into compliance with current zoning or subdivision requirements.

Section 12-302 Subdivision Regulation Enforcement

A. Enforcement of Subdivision Regulations Process and Platting Requirements

1. No sketch plan, preliminary plan or final plat for proposed subdivided land shall be recommended for approval or conditional approval by the Planning Commission and approved or conditionally approved by the BOCC, unless it conforms to the provisions of Article 5, Subdivision Regulations.
2. The BOCC or the Planning Commission may take appropriate action to deny or to suspend or withdraw any approval of a plan or plat, or to require certain corrective measures to be taken, following a determination that the information provided by the applicant or developer upon which such approval was based is materially false or inaccurate or that new significant information has been brought to the Planning Commission's or BOCC's attention. Such action may occur at any step in the platting process up to the approval of the final plat by the BOCC, and shall take place at a regular or a special public hearing. The Planning Commission or BOCC shall determine at the hearing the nature and extent of the alleged false or inaccurate information, shall consider any new significant information that has been brought to its attention, and shall have power, upon good cause being shown, to deny the plat or plan or suspend or withdraw any approval or require corrective measures to be taken. No action to deny or to suspend or withdraw an approval or require corrective measures shall be taken until after a public hearing where adequate notice and opportunity to be heard are given to the applicant or developer, any successor property owners, and any affected adjacent property owners, referral agencies, or service providers.
3. If it is determined after any final plat is approved or filed for recording that the plat approval was based on inaccurate, false, or misleading information of a material nature, the BOCC may take appropriate action to withdraw or reconsider the approval, to require corrective measures, or to void the plat, after a public hearing where adequate notice and opportunity to be heard are given to the applicant or developer, any successor property owners, and any affected adjacent property owners, referral agencies, or service providers.
4. The BOCC or any purchaser of any lot, lots, tract, or tracts of land subject to a plat restriction which is the security portion of a subdivision improvements agreement shall have the authority to bring an action in any district court to compel the enforcement of any subdivision improvements agreement on the sale, conveyance, or transfer of any such lot, lots, tract, or tracts of land or of any other provision of Part 1, Article 28, Title 30, C.R.S., as amended. Such authority shall include the right to compel rescission of any sale, conveyance, or transfer of title of any subdivided lot, lots, tract, or tracts of land contrary to the provisions of any such restriction set forth on the plat or in any separate recorded instrument, but any such action shall be commenced prior to the issuance of a building permit by the County. (Section 30-28-137(3), C.R.S., as amended.)
5. In addition to any other remedy set forth in Part 1, Article 28, Title 30, C.R.S., as amended, the BOCC or any purchaser of any subdivided lot, lots, tract, or tracts of land in a recorded plat shall have the authority to bring an action for injunctive relief to enforce any plat restriction (including all obligations contained in documents required to be executed and recorded as part of the final plat approval and all commitments of record of the applicant or developer related to the County's approval of the final plat), plat note, plat map, or provision of a subdivision improvements agreement, and for damages arising out of failure to adhere to any

such plat restriction, plat note, plat map, or provision of a subdivision improvements agreement. The BOCC is not required to bring any action authorized in this provision. (Section 30-28-137(4), C.R.S., as amended.)

6. In addition to any other enforcement remedy specified in these regulations, an Enforcement Official may withhold or demand the withholding of the issuance of any permit under these regulations and/or the Rio Blanco County Building Code. Rio Blanco County may refuse to accept or process any application or authorization for a structure, activity, or use, involving any property for which a final plat has not been approved or recorded, or which is the subject of a violation of the final plat approval, including any plat note or restriction or any condition of the County's final plat approval.

B. Temporary Cessation on Acceptance of Applications for Approval of Subdivided Land while Planning Studies or Regulatory Amendments in Process

1. If the BOCC determines at a public meeting that changes in the Article 5, Subdivision Regulations, related land use regulations, or the Master Plan (including but not limited to a proposed or existing comprehensive development plan under Section 29-20-105, C.R.S., as amended), that are under active consideration by the Planning Commission, the BOCC, or the County staff, are such that owners of property will attempt to circumvent the provisions under consideration by applying for approvals of Sketch Plan, Preliminary Plan and/or Final Plat prior to the effective date of the proposed change, then the BOCC may, by resolution, order the Assigned Staff to not accept applications for proposals that violate the provisions under consideration and order the Planning Commission and BOCC not to approve or conditionally approve any application that violates the provisions under consideration. Such resolution may be passed as an emergency measure without public notice. The resolution shall be effective for no more than six months; unless a reasonably longer time is specified in the resolution as necessary to complete actively pursued studies or is expressly authorized by intergovernmental agreement.

ARTICLE 13 - FINANCIAL GUARANTEES

Section 13-101 Financial Guarantee and Improvements Agreement Required.

A. Before any Land Use Change Permit is approved for a land use subject to the Subdivision (Article 5) or PUD (Article 6) provisions of this Code, the applicant shall:

1. File a guarantee of financial security deemed adequate by the Board of County Commissioners and payable to the County, and
2. Execute an Improvements Agreement regarding the conditions and improvements identified as requirements of project approval.

B. The purpose of the financial guarantee and Improvements Agreement is to ensure that:

1. The Project is Completed and (if applicable) Reclaimed. The Project is completed, including reclamation of property as applicable.
2. The Permit Conditions are Fulfilled. The applicant performs all improvements, mitigation requirements and permit conditions in connection with the construction, operation and termination of the Project.
3. The Applicant Addresses its Responsibility for Impacts to Public Facilities and Services. The applicant addresses responsibility for increased demand on public facilities and services as a result of the construction, operation and termination of the Project.
4. Funds are Available to the County to Complete Project, If Necessary. If the Project is suspended, curtailed or abandoned, the County can complete the Project and necessary improvements, or restore the property to its original condition or an acceptable condition at no cost to the County.

Section 13-102 Amount of Financial Guarantee.

In determining the amount of the financial guarantee, the Board shall consider the following factors:

A. The estimated cost of completing the Project and or returning property to its original condition or to a condition acceptable to the County, as applicable.

B. The estimated cost of performing all mitigation requirements and permit conditions in connection with the construction, operation or termination of the project.

C. Estimated Cost.

1. The estimated cost shall be based on the applicant's cost estimate and the following considerations:
   a. The County's estimated cost for the County to bring in personnel and equipment to complete any unperformed purpose of the financial guarantee;
   b. Contingency costs.
   c. Consultant fees, including engineering and legal fees.
   d. The duration of project construction or activity and a reasonable projection of increased project cost due to inflation, if appropriate.
2. The Board may require, as a condition of the permit, that the amount of financial security be adjusted based upon bids received for construction of the Project in compliance with permit conditions.

Section 13-103 Form of Financial Guarantee.

The form of the financial guarantee:

A. May be in any form acceptable to the Board, and

B. Shall be set forth in an Improvements Agreement executed by the County and the Applicant.

Section 13-104 Release of Guarantee.

The financial guarantee may be released if:

A. The permit has been surrendered to the Board before commencement of any physical activity on the Project site; or

B. The Project has been abandoned and the site has been returned to its original condition or to a condition acceptable to the County; or

C. The Project has been satisfactorily completed; or

D. A phase or phases of the Project have been satisfactorily completed allowing for partial release of the financial guarantee consistent with project phasing and as agreed to in the Improvements Agreement.

Section 13-105 Cancellation of the Financial Guarantee.

A financial guarantee may be canceled only upon written consent by the Board. The Board may grant a request to cancel all or a portion of a financial guarantee if canceling the guarantee will not detract from the purposes of the security.

Section 13-106 Forfeiture of Financial Guarantee.

A. Notice and Response. If the Board determines that a financial guarantee should be forfeited because of any violation of the permit, the Board shall provide written notice to the surety and to the permit holder.

1. Notice Requirements.

a. The County shall send by certified mail, return receipt requested, a written notice of forfeiture of financial guarantee to the surety and to the permit holder.

b. Notices shall be mailed to the last known address of the applicant and of the surety.

c. The notice shall contain the following information.

i. The reason for forfeiture of the financial guarantee, specifying each permit violation with references to the section or sections of the these regulations or the improvements agreement violated.

ii. The permit holder's right to respond by request for a public hearing by the Board, and notice of automatic forfeiture if the permit holder does not respond.

iii. The deadline for response by the permit holder.

2. Response. The permit holder may request a hearing by the Board, by written request to the Assigned Staff within 30 calendar days of receipt of the notice of forfeiture of financial guarantee.

a. If the permit holder submits a timely request for hearing by the Board, the Assigned Staff shall schedule a public hearing within 45 calendar days of receipt of the permit holder's request for hearing by the Board.

b. If the permit holder does not submit a timely request for hearing by the Board, the Board shall order the financial guarantee forfeited.

B. Public Hearing and Action by the Board.

1. Notification of Hearing. At least 30 calendar days prior to the date of the scheduled public hearing before the Board of County Commissioners, the assigned staff shall publish a notice

of public hearing in a newspaper of general circulation in the Project area.

2. Notice to Adjacent Property Owners. At least thirty 30 calendar days prior to the date of the scheduled public hearing, the assigned staff shall send by certified mail, return receipt requested, a written notice of the public hearing to the owners of record of all adjacent property within a one mile radius, at the permit owners expense. The notice shall include a vicinity map, the property's legal description, and an announcement of the date, time and location of the scheduled hearing to consider forfeiture of the financial guarantee.
3. Action by Board of County Commissioners.
   a. The Board of County Commissioners shall conduct a public hearing pursuant to Section 4-101.J (Conduct of Public Hearing).
   b. The permit holder may present statements, documents, and other information for consideration by the Board with respect to the alleged violation(s) and forfeiture of financial guarantee.
   c. The Board shall either withdraw the notice or enter an order for forfeiture of the financial guarantee.

C. Default and Use of Financial Guarantee.
1. If there is a failure to perform its obligations under the improvement agreement by the permit holder, the Board may use the financial guarantee (performance bond, letter of credit, cash, escrow account, or other suitable guarantee) perform the permit obligations of the permit holder.

D. Inadequate Revenue and Cost Recovery. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County shall take any steps deemed proper to recover those costs.

Section 13-107 Substitution of Surety

A. If the license to do business in Colorado of any surety upon a security filed pursuant to this Article is suspended or revoked by the State of Colorado , the applicant shall substitute a good and sufficient surety licensed to do business in Colorado on or before the effective date of the suspension or revocation.

B. If the permit holder fails to make a timely substitution, the Board shall suspend the permit until proper substitution is made.

ARTICLE 14 - AREAS AND ACTIVITIES OF STATE INTEREST

DIVISION 1 GENERAL

Section 14-101 Purpose.

The purpose of these Regulations is to identify and designate certain areas and activities of state interest and to enact guidelines for their administration, in a manner that is consistent with the statutory requirements and criteria in C.R.S. Section 24-65.1-101, et seq.

Section 14-102 Authority.

These Regulations are authorized by, inter alia, 24-65.1-101, et seq.; 30-28-101, et seq.; 29-20-101, et seq.; and 24-32-111, C.R.S.

Section 14-103 Applicability.

A. These Regulations and Guidelines for Areas and Activities of State Interest shall apply to the designation and regulation of any area or activity of state interest wholly or partially in the unincorporated areas of Rio Blanco County that has been or may hereafter be designated by the Board of County Commissioners.

B. These Regulations and Guidelines shall apply to all Matters of State Interest designated by the County whether located on private or public lands within the unincorporated areas of Rio Blanco County. Designations of areas and activities are limited to those uses requested by any political subdivision, agency, instrumentality or corporation of the State of Colorado or the United States government, or private development regulated by the Federal or State governments, such as the Public Utility Commission.

Section 14-104 Findings

A. The Board of County Commissioners finds that:

1. The notice and public hearing requirements of Section 24-65.1-404, C.R.S. have been followed.
2. These Regulations and Guidelines are necessary because of the intensity of current and foreseeable development pressures on and within Rio Blanco County, the dangers that would result from uncontrolled conduct of such activity or development in an area of state interest, and the advantages of conduct of such activity in a coordinated manner.

Section 14-105 Relationship with Other Requirements

A. Where these Regulations and Guidelines overlap with the County's requirements for zoning special use approval, Divisions of Land, or Exceptions To Subdivision Regulations, these Regulations and Guidelines shall control, and a separate review process under special use review, zoning, or division of land shall not be required, unless expressly stated to the contrary in these regulations. Where these Regulations and Guidelines overlap with other applicable County requirements, the most restrictive shall apply. All applicable regulations shall be followed and all required County permits or approvals shall be obtained.

B. Review or approval of a project by a federal or state agency does not obviate, and will not substitute for, the need to obtain a permit for that project under these Regulations and Guidelines. However, where in the opinion of the Board, federal or state review and approval processes adequately address the impacts that these Regulations and Guidelines are designed to address, the County may agree to rely on that review and approval.

Section 14-106 Designated Matters of State Interest

A. Areas of State Interest. The following areas are designated to be of state interest and subject to the guidelines and regulatory provisions of this Article 14.

1. Mineral resource areas.
2. Areas containing or having a significant impact upon historical, natural, or archaeological resources of statewide importance.
3. Areas around a key facility.
   a. Areas around an Airport.
   b. Areas around Major Facilities of a Public Utility.

B. Activities of State Interest. The following activities are designated to be of state interest and subject to the regulatory provisions of this Article 14.

1. Site selection and construction of major facilities of a public utility.
2. Efficient utilization of municipal and industrial water projects.
3. Site selection and development of solid waste disposal sites.

Section 14-107 Exemptions

A. Statutory Exemptions. These Regulations and Guidelines shall not apply to any development in an Area of State Interest or any Activity of State Interest if any one of the following is true:

1. As of May 17,1974,
   a. The specific development or activity was covered by a current building permit issued by the County;
   b. The specific development or activity was directly approved by the electorate of the state or the County, provided that approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity;
   c. The specific development or activity is on land which has been finally approved by the County, with or without conditions, for Planned Unit Development or land use similar to a Planned Unit Development;
   d. The specific development or activity is on land which was either zoned or rezoned in response to an application which contemplated the specific development or activity; or
   e. The specific development or activity is on land for which a development plan has been conditionally or finally approved by the appropriate governmental authority.

B. Specific Exemptions. The regulatory provisions of this Article shall not apply to any of the following:

1. Replacement of an existing water diversion structure without change in the point of diversion or point of use of the water, or yield from the diversion.
2. Irrigation facilities used for agricultural purposes.
3. Upgrade of an existing Water or Wastewater Project where the primary purpose of the system is to serve existing development.
4. Improvements and upgrades to existing Water and Wastewater Project facilities that are maintenance or other upgrades required by federal, state, or local regulations provided the improvements or upgrades do not expand levels of service beyond design capacity or alter the location of the facility.
5. Development in areas around an Airport if the Project proposes development that meets all of the following criteria

a. All buildings and structures are less than 35 feet in height; and

b. All proposed development occurs on property located entirely outside the Approach Surface; and

c. The proposed development does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and

d. The proposed development does not involve the creation of wetlands or wetland mitigation, enhancement or restoration.

Section 14-108 Relationship to Other Regulations.

A. Inconsistencies or Conflict with Other Regulations and Plans.

1. If any provision of these Regulations and Guidelines for Areas and Activities of State Interest is found to be inconsistent or in conflict with provisions of any other regulation or enactment, the Rio Blanco Master Plan, or the statutory criteria for administration of Matters of State Interest set forth in §§ 24-65.1- 202 and 204, C.R.S., the more stringent standards or requirements shall control.

B. Compliance with Other Applicable County, State and Federal Requirements Not Waived. Compliance with these Regulations for Areas and Activities of State Interest does not waive the requirements to comply with any other applicable state, local or federal law or regulation.

C. No Intent to Conflict. These regulations shall not be applied to create an operational conflict with any state or federal laws or regulations.

1. Coordinated Review. The applicant may request that the County application and review process be coordinated with the applicable state or federal agency review process. The County will eliminate redundant application submittal requirements and will coordinate its review of the application with that of other agencies, as appropriate.

2. Coordinated Permit Conditions. To the extent practicable and appropriate, the County will coordinate its approval of the application, including the terms and conditions of such approval, with that of other agencies.

Section 14-109 Severability.

If any section, subsection, sentence, clause or phrase of these Regulations and Guidelines is held to be invalid or unconstitutional by a court of law, such decision shall not affect the validity of these Regulations and Guidelines as a whole or any part other than the part declared invalid.

DIVISION 2 DESIGNATION PROCESS FOR AREAS AND ACTIVITIES OF STATE INTEREST

Section 14-201 Applicability of Designation Process.

The designation process set forth in these Regulations for Areas and Activities of State Interest shall apply to the designation of any Matter of State Interest after the effective date of these Regulations.

Section 14-202 Board of County Commissioners to Make Designation.

The Board of County Commissioners may in its discretion propose designations and amendment or revocation of designations of Matters of State Interest.

Section 14-203 Effect of Determination, Moratorium Until Final Designation.

After a matter is determined to be of state interest pursuant to these Regulations, no person shall engage in development in such area and no such activity shall be conducted until the designation is

finalized and guidelines for such area or activity are finally adopted.

Section 14-204 Public Notice and Designation Hearing by Board of County Commissioners.
A request for designation of a Matter of State Interest shall be considered by the Board of County Commissioners at a properly noticed public hearing.

A. Notice of Proposed Designation and Designation Hearing. The Board of County Commissioners shall prepare a Notice of the proposed designation and designation hearing, which shall include:
   1. The time and place of the hearing.
   2. The place where materials relating to the proposed designation and regulations for the administration thereof may be examined.
   3. The telephone number where inquiries may be answered.
   4. A description of the area or activity proposed to be designated as a Matter of State Interest, in sufficient detail to provide reasonable notice for property or land use which would be included.

B. Publication of Notice. No less than 30 calendar days but no more than 60 calendar days before the designation hearing, the Board of County Commissioners shall publish the Notice in a newspaper of general circulation in the County, and shall mail the Notice by first class mail to each of the following:
   1. Persons on the mailing list established pursuant to paragraph C below.
   2. In the discretion of the Board of County Commissioners, members of the news media and any other person considered likely to be affected by the proposed designation.
   3. In the discretion of the Board, any other local governmental jurisdiction that would be directly or indirectly affected by the proposed designation.

C. Factors to be Considered at Designation Hearing. At the designation hearing, the Board of County Commissioners shall consider and receive into the public record such evidence, as the Board deems appropriate, including testimony and documents addressing the following factors.
   1. The intensity of current and foreseeable development pressures.
   2. The reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.
   3. The boundaries of any area proposed for designation.
   4. The matters and considerations set forth in any applicable guidelines for identification and designation.
   5. The applicable criteria for administration of the proposed area or activity as set forth in these Regulations and Guidelines and 24-65.1-201, et seq., C.R.S.
   6. Applicable policies of the Rio Blanco Master Plan, and any duly adopted intergovernmental agreements affected by the area or activity under consideration.
   7. The extent to which other governmental entities regulate the area or activity proposed to be designated.
   8. All testimony, evidence and documents taken and admitted at the public hearing.
   9. The recommendations of the Planning Commission [if the County's process includes Planning Commission review and recommendation].

D. Action by Board of County Commissioners. At the conclusion of the designation hearing, or

within 30 calendar days of the conclusion of the designation hearing, the Board shall take action by resolution to adopt, adopt with modifications, or reject the proposed designations.

1. In the event the Board finally determines that an area or activity is a Matter of State Interest, it shall be the Board's duty, acting by resolution, to designate the Matter of State Interest and adopt regulations for the administration thereof.
2. Each resolution designating a Matter of State Interest adopted by the Board shall include the following:
   a. Boundaries. The Resolution shall specify the boundaries of the designated Area of State Interest or boundaries of the area in which an Activity of State Interest has been designated.
   b. Findings. The Resolution shall state the reasons why the Board finds that the particular area or activity is of state interest. Findings shall be based upon the factors considered pursuant to Section 14-204 C, above.
3. If the proposed designation is rejected, the Board may at its discretion regulate the matter under any other available land use control authority or it may reject regulation of the matter entirely.

E. Record of Designation Proceedings. The record of designation shall include the following materials.
   1. Notice of the hearing;
   2. Certificate of publication of the notice;
   3. Written testimony presented by any persons at the public hearing;
   4. An audio recording of the hearing; and
   5. The written resolution or order making appropriate findings supporting any designation and adopting the accompanying guideline and regulation.

F. Recordation with County Clerk. The resolution adopted by the Board of County Commissioners designating a Matter of State Interest shall be certified by the Board to the County Clerk and Recorder for filing in the same manner as any document affecting real property.

G. Combined Designation and Permit Hearing.
   1. If a person proposes to engage in development in an Area of State Interest or to conduct an Activity of State Interest not previously designated and for which regulations have not been adopted, the Board of County Commissioners may hold a combined hearing to determine and designate the Matter of State Interest, adopt the regulations and approve or deny the Permit.

H. Applications for Multiple Activities or Development in More Than One Area of State Interest. When approval is sought to conduct more than one Activity of State Interest and/or engage in development in more than one Area of State Interest, the applications for all such activities or developments may be submitted and reviewed simultaneously, to the extent feasible and practicable.

DIVISION 3 PERMIT APPLICATION AND REVIEW PROCESS

Section 14-301 Permit Required.

No person may engage in development in a designated area of state interest or conduct a designated activity of state interest without either first obtaining a Permit or a Finding of No Significant Impact under these Regulations and Guidelines.

A. Compliance Required for Final Plat Approval. If a development or activity subject to these Regulations and Guidelines is proposed as an integral part of a Subdivision or Planned Unit Development, the applicant shall comply with these Regulations and Guidelines prior to obtaining final plat approval.

B. Compliance Required for Building Permit. No Building Permit shall be issued by the County for an activity or development subject to these Regulations and Guidelines without the applicant having first obtained a Finding of No Significant Impact or a Permit under these Regulations and Guidelines.

Section 14-302 Permit Authority Established.

The Board of County Commissioners shall serve as the Permit Authority. The Permit Authority shall exercise all powers and duties granted it by these Regulations and Guidelines.

Section 14-303 Levels of Permit Review and Determination of Level of Review.

A. Levels of Permit Review. There are two possible levels of permit review for a proposed project: a Finding of No Significant Impact; or, Major Permit Review.

B. Determination of Level of Permit Review. The Assigned Staff determine the appropriate level of permit review based upon the Pre-Application Conference and submittals.

1. Finding of No Significant Impact (FONSI). The Assigned Staff make a Finding of No Significant Impact, and a Permit under these Regulations and Guidelines will not be necessary, if the construction or operation of the activity, without mitigation, in its proposed location is unlikely to have any significant adverse impact to the County. The Staff decision shall take into consideration the approval standards set forth in Division 5, Permit Approval Standards.

2. Major Permit Review. If the Assigned Staff determines that a Finding of No Significant Impact is not appropriate based upon review of the Pre-Application submittals and the information obtained at the Pre-Application Conference, then the Project shall be subject to Major Permit Review.

C. Notice of Determination of Level of Permit Review. The Determination of Level of Permit Review shall be made by the Assigned Staff within a reasonable time following the Pre-Application Conference.

1. Written Notice. Within five (5) calendar days of the Determination of Level of Permit Review, the Assigned Staff shall notify the applicant, the Board, and the County Attorney, in writing, of the determination. The notice shall include a description of the project and the procedure for requesting reconsideration of the Assigned Staff determination.

2. Publication of Notice of Staff Determination of Level of Permit Review. A notice of the Assigned Staff Determination of Level of Permit Review shall be published once in a newspaper of general circulation in the County, not more than 14 calendar days after the date of determination. The notice shall describe the Project and the procedure for requesting reconsideration of the Assigned Staff determination.

D. Reconsideration of Staff Determination of Level of Permit Review.

1. Call-up by the Board. The Board may, at its discretion, review and amend the Staff determination at the next regularly scheduled meeting of the Board for which proper notice can be accomplished following the date of written notice of determination.

2. Request for Reconsideration. Any affected party may request that the Board reconsider the Assigned Staff determination at the next regularly scheduled meeting for which proper notice can be accomplished following the request. The request shall be in writing, within seven (7) calendar days following the date of written notice of determination.

E. Change in Level of Permit Review. At any time prior to the final decision on an application, the Assigned Staff may decide that information received subsequent to the Pre-Application Conference indicates that the nature and scope of the impacts of the Project are such that a different level of permit review is required.

1. If a different level of permit review is required, the Assigned Staff shall immediately notify the applicant, the Board, and the County Attorney in writing.
2. The Assigned Staff decision to change the level of permit review shall be subject to the reconsideration provisions in paragraph D of this Section.

Section 14-304 Consultant and Referral Agency Review.

The following provisions for referral review apply to all applications proposing to engage in an activity of state interest or development in an area of state interest.

1. Consultant Review. The County may retain legal and technical consultants to review all or a portion of the application.
2. Referral Agency Review. The Assigned Staff may send a copy of the complete application to and seek review comments from any local, state or federal agency that may have expertise or an interest in impacts that may be associated with the Project.
3. Applicant Responsible for Consultant and Referral Agency Review Fees. The costs of consultant and referral agency review are the responsibility of the applicant.
   a. The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated review costs, at the time of application and in addition to the application fees.
   b. The County may suspend the application review process pending payment of review fees.

Section 14-305 Major Permit Review Process.

A. Outline of Process. The Major Permit Review process shall consist of the following procedures:
   1. Pre-Application Conference
   2. Application
   3. Determination of Completeness
   4. Staff Review
   5. Planning Commission Review
   6. Public Hearing and Decision by the Board of County Commissioners

B. Review Process.
   1. Pre-Application Conference.
      a. An application for permit to engage in an activity or development subject to these Regulations and Guidelines shall begin with a Pre-Application Conference between the applicant and the Assigned Staff. Participants in the Pre-Application Conference shall include appropriate staff to address potential issues raised by the Project.
      b. At the conference, the Assigned Staff shall explain the regulatory process, the application fee and requirements and begin to evaluate the level of permit review that will be required.
   2. Materials. At or before the Pre-Application Conference, the applicant shall submit a brief explanation of the Project, including the following materials.

a. The applicant's name, address and phone number. If the applicant is not the owner of the property where the activity or development will occur, applicant shall also provide the name, address and phone number of the property owner and documentation that the property owner consents to the activity or development.

b. Map prepared at an easily readable scale as required by Assigned Staff:

i. Boundary of the proposed activity or development.

ii. Relationship of the proposed activity or development to surrounding topographic and cultural features such as roads, streams and existing structures.

iii. Proposed building(s), improvements and infrastructure.

iv. Topographic information in intervals not less than 40 feet.

c. Written summary of the project that is sufficient for determining the Level of Permit Review that will be required for the application.

3. Application. The application materials required for an application for permit to engage in an activity of state interest or development in an area of state interest are set forth in Division 4, Permit Application Submittal Requirements.

4. Determination of Completeness. An application shall not be accepted unless it is complete. Within 28 calendar days of receipt of the application materials, the Assigned Staff shall determine whether the application is complete based on compliance with the submittal requirements set forth in Division 4, Permit Application Submittal Requirements.

a. Application is Not Complete. If the application is not complete, the Assigned Staff shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within 60 calendar days, the application shall be considered withdrawn and returned to the applicant.

b. Application is Complete. If the application is complete, the Assigned Staff shall certify it as complete and stamp it with the date of Determination of Completeness.

c. Extension of Time for Determination of Completeness. The Assigned Staff may extend the time to complete review for Determination of Completeness, up to an additional 30 working days. The extension of time for Determination of Completeness shall be based upon the following considerations.

i. Scope of Application. The scope of application is sufficient to require additional time for the Assigned Staff to review the application for a Determination of Completeness.

ii. Staff Workload. The Department's workload due to the volume and scope of pending land use change applications justifies the need for an extension of time to review the application for a Determination of Completeness.

5. Schedule Public Hearing. Not later than 30 calendar days after receipt of a complete application for a Permit, the Assigned Staff shall set a date for public hearing by the Planning Commission and the BOCC.

6. Notice of Public Hearing.

a. Notice by Publication. No less than 30 calendar days but no more than 60 calendar days prior to the date of the public hearing, the applicant shall have published a notice of public hearing in a newspaper of general circulation in the area that the Project is located. The notice shall follow a form prescribed by the County. Notice of the Planning Commission hearing will also be set within the time frame from notice until the BOCC hearing, but not less then seven days from the date of the BOCC hearing notice.

b. Notice to Adjacent Property Owners. At least 30 calendar days but no more than 60 calendar days prior to the date of the public hearing, the applicant shall send by certified mail, return receipt requested, a written notice of the public hearing to the owners of record of all adjacent property. The notice shall include a vicinity map, the property's legal description, a short narrative describing the Project, and an announcement of the date, time and location of the scheduled hearing(s).

7. Review by Planning Commission, Referral Agencies and Consultants.
   a. The Planning Commission shall hold a hearing and provide a recommendation to the Board on the application prior to the Board's hearing. Notice of any hearing before the Planning Commission shall be published no less than seven days before the Planning Commission hearing date in a newspaper of general circulation in the County.
   b. The Assigned Staff may refer the application to consultants and referral agencies for review, pursuant to this Section.
8. Staff Review. The Assigned Staff shall review the application to determine if the Project satisfies the applicable standards set forth in Division 5, Permit Approval Standards. The Assigned Staff shall prepare a staff report discussing whether the standards have been satisfied, issues raised through staff and referral review, mitigation requirements and recommended conditions for approval to ensure that approval standards are satisfied, and additional information pertinent to review of the application.
   a. Staff Report. Seven (7) calendar days, or greater, prior to the date of a public hearing, the Assigned Staff shall submit a staff report to the applicant and to the Board. A copy of the staff report shall also be available for public review prior to the hearing.
9. Review and Action by the Board of County Commissioners. The Board of County Commissioners shall consider the application at a public hearing, upon proper public notice.
   a. Conduct of Public Hearing.
      i. The Board shall conduct the hearing in a manner to afford procedural due process to the applicant and any person who supports or opposes the issuance of the Permit.
      ii. The Board shall hear relevant testimony and receive relevant evidence, including the recommendations of the Assigned Staff.
      iii. The Board may impose reasonable time limits on presenters and witnesses.
   b. Decision by Board. Following a public hearing, the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the applicable standards in Division 5, Permit Approval Standards.
      i. Approval of Application. If the application satisfies the applicable standards, the application shall be approved.
      ii. Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied; or
      iii. Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.

Section 14-306 Technical Revisions and Permit Amendments.

Any change in the construction or operation of the Project from that approved by the Board shall require staff review and a determination of technical revision or permit amendment.

A. Technical Revisions. A proposed change shall be considered a technical revision if the Assigned Staff determines that:

1. There will be no increase in the size of the area affected or the intensity of impacts as a result of the proposed change(s); or
2. Any increase in the area or intensity of impacts is insignificant.

B. Permit Amendments. Changes other than technical revisions shall be considered permit amendments. A permit amendment shall be subject to review as a new permit application.

C. Staff Review of Proposed Changes. The following information and materials shall be submitted by the permittee for staff review of the proposed changes.
1. Documentation of the current permit approval.
2. As-built drawings of the project, if available.
3. Drawings and plans of proposed changes to the project.
4. Statement of need for proposed changes.
5. Description of additional or changed mitigation plans.

D. Notice of Staff Determination.
1. Written Notice. Within five (5) working days of the date of determination, the Assigned Staff shall notify the applicant, the Board, and the County Attorney, in writing, regarding the determination of whether the change is a technical revision or permit amendment.
2. Publication of Notice of Staff's Determination of Level of Permit Review. A notice of the Staff determination shall be published once in a newspaper of general circulation in the County, not more than 14 calendar days after the date of determination.

E. Reconsideration of Staff Determination of Whether Change is a Permit Amendment or a Technical Revision.
1. Call-up by the Board of County Commissioners. The Board may, at its discretion, review and amend the Staff determination of whether the change is a permit amendment or a technical revision at the next regularly scheduled meeting for which proper notice can be accomplished, following the date of written notice of the determination.
2. Request for Reconsideration. Any Affected Party may, within seven (7) calendar days of the date of written notice of determination, request that the Board reconsider the Assigned Staff determination at its next regularly scheduled meeting for which proper notice can be accomplished. The Board may review and/or amend the Assigned Staff determination at its discretion.

Section 14-307 Review of Major Facilities of a Public Utility.

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

A. Outline of Process.
1. Major Permit Review
2. Statutory Requirements for Notice, Action and Appeal

B. Review Process.
1. Major Permit Review. The process for Major Permit Review is set forth in Section 14-305, Permit Review Process.
a. Application Materials. The application materials required for Major Facilities of a Public Utility are set forth in Section 14-409.

2. Notice. A public utility or power authority shall notify the Assigned Staff of its plans to site a Major Electrical or Natural Gas Facility prior to submitting the permit application, but in no event later than filing a request for a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or an annual filing with the public utilities commission that proposes or recognizes the need for construction of a new facility or the extension of an existing facility. If a public utility or power authority is not required to obtain a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or file annually with the public utilities commission to notify the public utilities commission of proposed construction of a new facility or the extension of an existing facility, then the public utility or power authority shall notify the County of its intention to site a Major Electrical or Natural Gas Facility when such utility or authority determines that it intends to proceed to permit and construct the facility.
3. Consultation with County. The public utility or power authority shall consult with the County to identify the specific routes or geographic locations under consideration and attempt to resolve land use issues that may arise from the contemplated permit application.
4. Alternatives Analysis. In addition to the alternative described within its permit application, the public utility or power authority shall consider and present reasonable siting and design alternatives or explain why no reasonable alternatives are available.
5. Final Application. Any application submitted by a public utility or power authority which relates to the location, construction or improvement of a Major Electrical or Natural Gas Facility as contemplated by Section 29-20-108, C.R.S. and which is presented only to the Board of County Commissioners for review shall be considered to be a "final application" pursuant to Section 29-20- 108, C.R.S., on which final County action shall be taken within 90 calendar days from Determination of Completeness.
6. Review and Decision on Application for Major Electrical and Natural Gas Facilities. Within 90 calendar days from the date the application is determined to be complete, the County shall decide whether to approve, approve with conditions or deny the application for Major Electrical or Natural Gas Facility. If the County does not take final action within such time, the application shall be deemed approved. Nothing in these provisions shall be construed to supersede any timeline set by agreement between the County and a public utility or power authority applying for a Permit for Major Electrical or Natural Gas Facilities under these Regulations and Guidelines.
    a. Determination of Completeness. For purposes of this Section B.6, Determination of Completeness shall be pursuant to the requirements of these Regulations and Guidelines, set forth in Section 14-305.B.4.
7. Appeal of Denial of Application for Major Electrical or Natural Gas Facility. If the County denies a Permit or application of a public utility or power authority that relates to the location, construction, or improvement of Major Electrical or Natural Gas Facilities, or if the County imposes requirements or conditions upon such Permit or application that will unreasonably impair the ability of the public utility or power authority to provide safe, reliable, and economical service to the public, the public utility or power authority may appeal the County action to the public utilities commission for a determination under 40-4-102, C.R.S., so long as one or more of the following conditions exist:
    a. The public utility or power authority has applied for or has obtained a certificate of public convenience and necessity from the public utilities commission pursuant to 40-5-101, C.R.S., to construct the Major Electrical or Natural Gas Facility that is the subject of the local government action;
    b. A certificate of public convenience and necessity is not required for the public utility or

power authority to construct the Major Electrical or Natural Gas Facility that is the subject of the local government action; or

c. The public utilities commission has previously entered an order pursuant 40-4-102, C.R.S., that conflicts with the local government action.

DIVISION 4 PERMIT APPLICATION SUBMITTAL REQUIREMENTS

Section 14-401 Description of Submittal Requirements.

The following submittal requirements shall apply to any application for a permit to conduct an Activity of State Interest or engage in development in an Area of State Interest subject to these Regulations and Guidelines. The Assigned Staff may waive one or more of the submittal requirements when the submittal information would not be relevant to a determination as to whether the proposed project complies with the applicable standards for approval.

A. Professional Qualifications. The professional qualifications for preparation and certification of certain documents required by these Regulations and Guidelines are as follows.

1. Civil Engineer. Improvement plans and reports for water supply, sanitation, drainage, utilities, soils, grading, roads, structures and other civil engineering required to satisfy the requirements of these Regulations and Guidelines shall be prepared and certified by a professional engineer qualified in the specific discipline and licensed by the State of Colorado.
2. Surveyor. All documents containing land survey descriptions shall be prepared and certified by a certified Colorado Professional Land Surveyor.
3. Geologist. Geology reports shall be prepared by either a member of the American Institute of Professional Geologists or a member of the Association of Engineering Geologists.
4. Other. Other professionals retained by applicant to provide studies and analysis required by these Regulations and Guidelines shall demonstrate qualification in the specific field, to the satisfaction of the Board.

B. Application Fees.

1. The application shall be accompanied by an application fee in the amount set forth in the most current Rio Blanco County Community Development Department Fee Schedule..
2. The County will take no action on the application package until all fees and expenses related to the application review process have been paid.

C. Application. The application form for a Permit to engage in a designated Activity of State Interest or development in an Area of State Interest shall be obtained from the County.

1. Authorized Applicant. Completed application forms and accompanying materials shall be submitted to the Assigned Staff by the owner, or any agent acting through written authorization of the owner.
   a. Authorized Agent. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.
   b. Applicant is Not the Sole Owner. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all other owners or an association representing all the owners, by which all owners consent to or join in the application.
2. Information Describing the Applicant.
   a. Names.

b. Addresses.
c. Email addresses.
d. Fax number.
e. Organization form, and business of the applicant and, if different.
f. The owner of the project.
g. Authorization of the application by the Project owner, if different than the applicant.
h. Documentation of the applicant's financial and technical capability to develop and operate the Project, including a description of the applicant's experience developing and operating similar projects.
i. The names, addresses and qualifications, including areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for constructing and operating the Project.
j. Written qualifications of those preparing reports and providing certifications required by these Regulations and Guidelines.

3. Information Describing the Project.
   a. Detailed plans and specifications of the Project.
   b. Detailed map(s) showing the location of existing and proposed structures together with proposed and existing transportation corridors and zoning classification, within a 2000' radius.
   c. Description of all conservation techniques to be used in the construction and operation of the project.
   d. Discussion of the alternatives to the Project that were considered and rejected by the applicant, including the general degree of feasibility of each alternative.
   e. Schedules for designing, permitting, constructing and operating the Project, including the estimated life of the Project.
   f. The need for the Project, including existing and proposed facilities that perform the same or related function, and population projections or growth trends that form the basis of demand projections justifying the Project.
4. Property Rights, Permits and Other Approvals.
   a. Description of property rights that are necessary for or that will be affected by the Project, and documentation establishing property rights and easement and right -of-way agreements connected with the property.
   b. A list and copies of all other federal, state and local permits and approvals that have been or will be required for the Project, together with any proposal for coordinating these approvals with the County's permitting process.
      i. For major electrical or natural gas facilities, documentation that the public utility or power authority has applied for or obtained a certificate of public convenience and necessity from the Public Utilities Commission, pursuant to Section 40- 4-102, C.R.S. and Section 29-20-108, C.R.S.
         A. Description of the water to be used by the Project and alternatives, including: the source, amount and quality of such water; the applicant's right to use the water, including adjudicated decrees, and application for decrees; proposed points of diversion and changes in the points of diversion; and, the existing uses of the water. If an augmentation plan for the Project has been decreed or an application for

such plan has been filed in court, the applicant shall submit a copy of that plan

1. For purposes of Water and Wastewater Projects involving storage, the applicant shall be the owner of the water rights to be stored in the facility. Applicant shall provide documentation of the applicant's ownership of the water rights to be stored in the facility.

B. Copies of all official federal and state consultation correspondence prepared for the Project; a description of all mitigation required by federal, state and local authorities; and copies of any draft or final environmental assessments or impact statement required for the Project.

5. Technical and Financial Feasibility of the Project.
   a. The estimated construction costs and period of construction for each development component , and the total mitigation costs for the Project.
   b. Revenues and operating expenses for the Project.
   c. The amount of any proposed debt and the method and estimated cost of debt service.
   d. Details of any contract or agreement for revenues or services in connection with the Project.
   e. Description of the persons or entities who will pay for or use the Project and/or services produced by the development and those who will benefit from any and all revenues generated by it.
6. Socioeconomic Impact Analysis. A comprehensive analysis of the socioeconomic impact of the Project. Descriptions in this section shall be limited to the Area of impact of the project, and shall include an analysis of existing conditions, supported with data, and a projection of the impacts of the Project in comparison to existing conditions. The analysis shall include a description of how the applicant will comply with the applicable standards set forth in Division 5, Permit Approval Standards of these Regulations and Guidelines.
   a. Land Use.
      i. Description of existing land uses within and adjacent to the Project.
      ii. Description of provisions from local land use plans, comprehensive plans/master plans, and intergovernmental agreements that are applicable to the Project, and an assessment of whether the Project will be consistent with or further the objectives of those provisions.
      iii. Description of impacts and net effect that the Project would have on existing and future land use patterns.
   b. Local Government Services.
      i. Description of existing capacity of and demand for local government services including roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure and other services necessary to accommodate development.
      ii. Description of the impacts and net effect of the Project on the capability of local governments that are affected by the Project to provide services.
   c. Financial Burden on County Residents.
      i. Description of the existing tax burden and fee structure for government services, including assessed valuation, mill levy, rates for water and wastewater treatment, and costs of water supply.
      ii. Description of impacts and net effect of the Project on existing tax burden and fee

structure for government services applicable to County residents.

d. Local Economy.

i. Description of the local economy, including revenues generated by the different economic sectors and the value or productivity of different lands.

ii. Description of impacts and net effect of the Project on the local economy; the use of land for agricultural, development and recreational purposes; and the opportunities for economic diversification.

e. Housing

i. Description of existing seasonal and permanent housing including number, condition and cost of dwelling units.

ii. Description of the impact and net effect of the Project on housing during both the construction and operation stages of the Project.

f. Recreational Opportunities.

i. Description of present and potential recreational uses in the area of the County where the Project will be located, including the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.

ii. Map depicting the location of recreational uses in the area of the County where the Project will be located such as fishery stream segments, access points to recreational resources, hiking and biking trails, and wilderness areas.

iii. Description of the impacts and net effect of the Project on present and potential recreational opportunities and revenues to the local economy derived from those uses.

g. Areas of Paleontological, Historic or Archaeological Importance.

i. Map and description of all sites of paleontological, historic or archaeological interest.

ii. Description of the impacts and net effect of the Project on sites of paleontological, historic or archaeological interest.

7. Environmental Impact Analysis. Description of the existing natural environment and an analysis of the impacts of the Project on the natural environment. Descriptions in this section shall be limited to the area of impact of the project. The analysis shall include a description of how the applicant will comply with the applicable approval standards set forth in Division 5, Permit Approval Standards of these Regulations and Guidelines.

a. Air quality.

i. Description of the airsheds that will be affected by the Project, including the seasonal pattern of air circulation and microclimates.

ii. Map and description of the ambient air quality and state air quality standards of the airsheds that will be affected by the Project, including particulate matter and aerosols, oxides, hydrocarbons, oxidants and other chemicals, temperature effects and atmospheric interactions.

iii. Descriptions of the impacts and net effect that the Project would have on air quality during both construction and operation under both average and worst case conditions.

b. Visual Quality.

i. Map and description of ground cover and vegetation, forest canopies, waterfalls and streams, viewsheds, scenic vistas, unique landscapes and land formations or other natural features of visual importance.

ii. Map and description of existing and proposed buildings, including structure design and materials to be used for the Project.

iii. Descriptions of the impacts and net effect that the Project would have on visual quality.

c. Surface Water Quality and Quantity.

i. Map and description of all surface waters that will be affected by the Project, including:

A. Description of provisions of the applicable regional water quality management plan that applies to the Project and assessment of whether the Project would comply with those provisions.

B. Description of applicable state water quality standards for water bodies that will be affected by the Project.

ii. Map and description of existing points of diversion for municipal, agricultural, industrial, and recreational uses of water within the County.

iii. Descriptions of the immediate and long-term impact and net effects that the Project would have on the quantity and quality of surface water under both average and worst case conditions.

iv. Description and net effects that the Project would have on municipal, agricultural, industrial, and recreational uses of water within the County, both under average and worst case conditions.

d. Groundwater Quality and Quantity.

i. Map and description of all groundwater, including any aquifers that will be affected by the Project. At a minimum, the following information shall be provided:

A. Seasonal water levels in each subdivision of the aquifer affected by the Project.

B. Artesian pressure in aquifers and a description of how the Project may affect adjacent communities and users on wells.

C. Groundwater flow directions and levels.

D. Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.

E. For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of the aquifer to impound groundwater and the aquifer storage capacity.

F. Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.

G. Existing groundwater quality and classification.

H. Location of all water wells and their uses.

ii. Description of the impacts and net effect of the Project on groundwater under both average and worst case conditions.

e. Water Quantity

i. Map and/or description of existing stream flows and reservoir levels.

ii. Map and/or description of existing Colorado Water Conservation Board held minimum stream flows.

iii. Descriptions of the impacts and net effect that the Project would have on water quantity under both average and worst case conditions.

iv. Statement of methods for efficient utilization of water.

f. Floodplains, Wetlands and Riparian Areas.

i. Map and description of all floodplains, wetlands, and riparian areas that will be affected by the Project, including a description of each type of wetlands, species composition, and biomass.

ii. Description of the source of water interacting with the surface systems to create each wetland (i.e., side-slope runoff, over-bank flooding, groundwater seepage, etc.).

iii. Description of the impacts and net effect that the Project would have on the floodplains, wetlands and riparian areas.

g. Terrestrial and Aquatic Animals and Habitat.

i. Map and description of terrestrial and aquatic animals that will be affected by the Project including the status and relative importance of game and non-game wildlife, livestock and other animals; a description of streamflows and lake levels needed to protect the aquatic environment; description of threatened or endangered animal species and their habitat.

ii. Map and description of critical wildlife habitat and livestock range that will be affected by the Project including migration routes, calving areas, summer and winter range, and spawning beds.

iii. Description of the impacts and net effect that the Project would have on terrestrial and aquatic animals, habitat and food chain.

h. Terrestrial and Aquatic Plant Life.

i. Map and description of terrestrial and aquatic plant life that will be affected by the Project including the type and density, and threatened or endangered plant species and habitat.

ii. Descriptions of the impacts and net effect that the Project would have on terrestrial and aquatic plant life.

i. Soils, Geologic Conditions and Natural Hazards.

i. Map and description of soil, geologic conditions, and natural hazards, including soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas.

ii. Descriptions of the risks to the Project from natural hazards.

iii. Descriptions of the impact and net effect of the Project on soil and geologic conditions in the area.

j. Nuisance. Descriptions of noise, glare, dust, fumes, vibration, and odor levels caused by the Project.

k. Hazardous Materials Description.

i. Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the Project, including the type and amount of such substances and their location, the practices and procedures to be implemented to avoid accidental release and exposure, and any foreseeable impacts to the environment of such substances.

ii. Location of storage areas designated for equipment, fuel, lubricants, chemical and

waste storage with an explanation of spill containment measures.

l. Balance Between Benefits and Losses.
   i. Description of foreseeable benefits to the County created by the Project.
   ii. Description of foreseeable losses to the County created by the Project.

m. Monitoring and Mitigation Plan.
   i. Description of all mitigation for the Project.
      A. Description of how and when mitigation will be implemented and financed.
      B. Description of impacts that are unavoidable and cannot be mitigated.
   ii. Description of methodology used to measure impacts of the Project and effectiveness of proposed mitigation measures.
   iii. Description, location and intervals of proposed monitoring to ensure that mitigation will be effective.

n. Additional Information May Be Necessary. The Assigned Staff may request that the applicant supply additional information related to the Project as may be necessary for the Board to make a determination on whether the Project satisfies approval standards.

Section 14-402 Additional Submittal Requirements Applicable to Mineral Resource Areas.

A. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in Mineral Resource Areas.
   1. Aerial photographs, if available, that reasonably portray the current condition of the area affected by the permit application. The area affected by the permit shall be outlined on the aerial photograph.
   2. List of the owners of mineral rights that will be affected.
   3. Type and location of mineral resources on and/or under the property.
   4. Analysis of the commercial feasibility of extracting the mineral resource.
   5. Map or maps portraying the geologic conditions of the area with specific attention to the designated mineral resource deposit. If appropriate or needed, subsurface geologic cross sections shall also be utilized to portray the geologic conditions at depth. If possible, the geologic maps shall be at the same scale and in the same format as the development plan maps.
   6. For applications proposing development of a mineral resource area without the intention of exploration or extraction of minerals, the following information shall be submitted.
      a. Evidence that the proposed development will not present an obstacle to extraction of the mineral resource on or under the subject property; or
      b. Evidence that the proposed development will be of greater economic value than the minerals present.

Section 14-403 Additional Submittal Requirements Applicable to Historical, Paleontological and Archaeological Resource Areas.

A. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in Historical, Paleontological and Archaeological Resource Areas.
   1. A state historical site survey form, completed by a qualified professional acceptable to the

State Historic Preservation Officer, for all designated historical, paleontological and archaeological resources affected by the development.

2. A description of the mitigating efforts that will be taken to preserve the designated resource.
3. Plans and procedures for notification to the State Historical Society and State Archaeologist upon discovery of historical, paleontological or archaeological resources.

Section 14-404 Additional Submittal Requirements Applicable to Natural Resource Areas – Significant Wildlife Habitat.

A. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in Significant Wildlife Resource Areas.

1. Survey of the wildlife species and habitat existing within the Area of impact of the project, prepared by a qualified professional.
2. Analysis of the effects of the proposed land use upon wildlife species and habitat needs within the Area of impact of the project.
3. Description of how the applicable habitat needs will be met and conflict with those needs will be avoided during construction and operation of the proposed land use. Where conflicts are unavoidable, the description shall include proposed measures to minimize the extent and degree of conflict, including compensation through replacement or enhancement of habitat on an alternate site.

Section 14-405 Additional Submittal Requirements Applicable to Natural Resource Areas – Shorelands of Major Publicly-Owned Reservoirs.

A. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in Natural Resource Areas comprised of shorelands.

1. Documentation of preliminary review and approval of the proposed land use by the following state agencies:
   a. Colorado Division of Water Resources.
   b. Colorado Water Conservation Board.
   c. Colorado Division of Parks and Wildlife.
2. Site plan locating the proposed land use with respect to the boundaries of public lands, and the boundaries of any associated floodplain.
3. A description of the potential impacts upon public lands.
4. Documentation of historical flooding activity and a description of the potential adverse impacts of the associated floodplain.

Section 14-406 Additional Submittal Requirements Applicable to Land Use in Areas Around an Airport or Heliport.

A. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in areas around Airports and Heliports:

1. A map or drawing showing the location of the subject property in relation to Airport Imaginary Surfaces.
2. Elevation profiles and a site plan including:

a. Location of existing and proposed structures in relation to Airport or Heliport Imaginary Surfaces

b. Height of all existing and proposed structures, measured in feet above mean sea level.

3. Written Agreements from the Airport/Heliport Sponsor and the FAA, if a height exception is requested.

4. A declaration of anticipated noise levels for property located within Noise Area of impact of the project boundaries.

a. For noise sensitive land use located in areas where the noise level is anticipated to be at or above 55 Ldn, the applicant shall demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

5. An Avigation and Hazard Easement dedicated to the Meeker - Coulter Field Airport, in a form acceptable to the Meeker - Coulter Field Airport. The Avigation Easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public.

a. The Avigation and Hazard Easement shall be recorded in the office of the Rio Blanco County Clerk and Recorder.

b. Applicant shall provide a copy of the recorded instrument prior to issuance of a building permit.

Section 14-407 Additional Submittal Requirements Applicable to Areas Around Major Facilities of a Public Utility.

A. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in areas around Major Facilities of a Public Utility.

1. Site plan showing the following:

a. Relationship of the subject property to the facility.

b. Relationship of the proposed land use to the boundaries of the facility's control zo ne.

2. Description of any relationship between the proposed land use and the facility.

Section 14-408 Additional Submittal Requirements Applicable to Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems, and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems.

A. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems, and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems.

1. Description of existing domestic water and wastewater treatment facilities in the vicinity of the Project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries, and reasons for and against hooking on to those facilities.

2. Description of how the Project will affect urban development, urban densities, and site layout and design of stormwater and sanitation systems.

3. Description of other water and wastewater management agencies in the Project area and reasons for and against consolidation with those agencies.

4. Description of how the Project may affect adjacent communities and users on wells.

Section 14-409 Additional Submittal Requirements Applicable to Major Facilities of a Public Utility.

A. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing Major Facilities of a Public Utility.

1. Detailed plans for the facility including, but not limited to, the associated system capacity and proposed service area plans and maps.
2. Description of existing and proposed service in the area to be served.
3. Description of the distribution network for the area proposed to be served.
4. Map and description of areas around the Project and likelihood of nearby activities disrupting utility services.
5. Description of how the Project will affect existing community patterns.
6. Description of the applicable provisions of the Rio Blanco Master Plan and any applicable intergovernmental agreements, and the Project's compliance with those provisions.

Section 14-410 Additional Submittal Requirements Applicable to Municipal and Industrial Water Projects.

A. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to Municipal and Industrial Water Projects.

1. Description of demands that the Project expects to meet and basis for projections of that demand.
2. Map and description of other municipal and industrial water projects in the vicinity of the Proposed Project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries and reasons for and against hooking on to those facilities.
3. Verification that the Project will not conflict with federal, state, regional or local planning policies or regulations applicable to land or water resources.
4. Description of efficient water use, recycling and reuse technology the Project intends to use.
5. Description of the proposed methods by which stormwater and wastewater will be prevented from contaminating aquifers, if municipal or industrial wastewaters or stormwater disposal methods are not subject to regulation by state and/or federal statutes or regulations.

Section 14-411 Additional Submittal Requirements Applicable to Site Selection and Development of Solid Waste Disposal Sites.

A. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing Site Selection and Development of Solid Waste Disposal Sites.

1. Analysis of capacity of existing landfills in the County, remaining life of existing landfill, and the need for a new major solid waste disposal site.
2. Report on wind conditions for the site.
3. Description of potential pollution problems related to the site.
4. Description of efforts to recycle waste and conservation practices to be employed at the site.
5. Expected effect and impact on nearby property owners and on current land uses, compared with alternate locations.

DIVISION 5 PERMIT APPROVAL STANDARDS

Section 14-501 Application of Standards.

Approval of a Permit to engage in activities of state interest or development in areas of state interest shall be based on whether the Project satisfies the approval standards. In determining whether the Project satisfies applicable standards, the Board shall take into consideration the construction, operation and cumulative impacts of the Project. A project cannot be segmented to avoid the requirements of these Regulations and Guidelines. If a project is to be phased over time or is composed of distinguishable elements, the impacts of all phases or elements of the development must be considered together when determining whether the project satisfies the applicable approval standards.

Section 14-502 Basic Approval Standards.

A. The following basic standards shall apply for these regulations

1. Necessary Permits Will Be Obtained. Documentation that prior to site disturbance associated with the proposed project, the Applicant can and will obtain all necessary property rights, permits, and approvals. The BOCC may, at its discretion, defer making a final decision on the application until outstanding property rights, permits, and approvals are obtained.
2. Expertise and Financial Capability. The Applicant has the necessary expertise and financial capability to develop and operate the proposed project consistent with all requirements and conditions.
3. Technical and Financial Feasibility. The proposed project is technically and financially feasible. This determination may include, but is not limited to, the following considerations:
   a. Amount of debt associated with the proposed activity;
   b. Debt retirement schedule and sources of funding to retire the debt;
   c. Estimated construction costs and construction schedule;
   d. Estimated annual operation, maintenance and monitoring costs; and
   e. Market conditions.
4. Compatibility with Surrounding Land Uses. The proposed operation will be located so as to mitigate cumulative impacts to roads, air, and water quality.
5. Risk From Natural Hazards. The proposed project is not subject to significant risk from natural hazards. This determination may include, but is not limited, to the following considerations:
   a. Faults and fissures;
   b. Unstable slopes including landslides, rock slides, and Avalanche Areas;
   c. Expansive or evaporative soils and risk of subsidence;
   d. Wildfire hazard areas; and
   e. Floodplains.
6. Consistent Plans. The proposed project will be in conformance with the Comprehensive Plan, municipal master plans, and any other applicable plan.
7. Effect on Local Government Services. The proposed project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems. This determination may include, but is not limited, to the following considerations:
   a. Existing and potential financial capability of local governments to accommodate development related to the proposed activity;
   b. Current and projected capacity of roads, schools, infrastructure, housing, and other ser-

vices and impact of the proposed activity upon the capacity;

c. Changes caused by the proposed activity in the cost of providing education, transportation networks, water treatment and wastewater treatment, emergency services, or other governmental services or facilities;

d. Changes in short- or long-term housing availability, location, cost, or condition;

e. Need for temporary roads to access the construction of the proposed activity;

f. Change in demand for public transportation; and

g. Change in the amount of water available for future water supply in the County.

8. Housing. The proposed project will not have a significant adverse effect on housing availability or cost.

9. Financial Burden. The proposed project will not create an undue financial burden on existing or future residents of the County. This determination may include, but is not limited to, the following considerations:

a. Changes in assessed valuation;

b. Tax revenues and fees to local governments that will be generated by the proposed activity;

c. Changes in tax revenues caused by agricultural lands being removed from production;

d. Changes in costs to water users to exercise their water rights;

e. Changes in costs of water treatment or wastewater treatment;

f. Effects on wastewater discharge Permits;

g. Inability of water users to get water into their diversion structures; and

h. Changes in total property tax burden.

10. Effect on Economy. The proposed project will not Significantly Degrade any sector of the local economy. This determination may include, but is not limited to, the following considerations:

a. Changes to projected revenues generated from each economic sector;

b. Changes in the value or productivity of any lands; and

c. Changes in opportunities for economic diversification.

11. Recreational Experience. The proposed project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience. This determination may include, but is not limited to, the following considerations:

a. Changes to existing and projected visitor days;

b. Changes to duration of kayaking and rafting seasons;

c. Changes in quality and quantity of fisheries;

d. Changes in access to recreational resources;

e. Changes to quality and quantity of hiking trails;

f. Changes to the wilderness experience or other opportunity for solitude in the natural Environment;

g. Changes to hunting; and

h. Changes to the quality of the skiing experience.

12. Conservation. The planning, design, and operation of the proposed project will reflect principles of resource conservation, energy efficiency and recycling or reuse.

ART 1 ADMINISTRATION
ART 2 LAND USE CHANGE PERMIT
ART 3 ZONING
ART 4 PERMIT APPLICATION & REVIEW
ART 5 DIVISIONS OF LAND
ART 6 PLANNED UNIT DEVELOPMENT
ART 7 STANDARDS
ART 8 TEMPORARY LIVING QUARTERS
ART 9 OIL AND GAS REGULATIONS
ART 10 NONCONFORMITY
ART 11 SIGNS
ART 12 ENFORCEMENT
ART 13 FINANCIAL GUARANTEES
ART 14 AREAS AND ACTIVITIES OF STATE INTEREST
ART 15 RUBBISH, JUNK, WEEDS AND BRUSH
ART 16 DEFINITIONS
ART 17 ONSITE WASTE TREATMENT SYSTEMS
ART 18 FLOODPLAIN REGULATIONS

13. Natural Environment. The proposed project will not Significantly Degrade the natural Environment. For purposes of this section, the term Environment shall include:
    a. Air quality;
    b. Visual quality;
    c. Surface water quality;
    d. Groundwater quality;
    e. Wetlands and Riparian Areas;
    f. Terrestrial and aquatic animal life;
    g. Terrestrial and aquatic plant life; and
    h. Soils and geologic conditions.
        i. The determination of effects of the proposed activity on air quality may include, but is not limited to, the following considerations:
            A. Changes to seasonal ambient air quality;
            B. Changes in visibility and microclimates; and
            C. Applicable air quality standards.
            D. The determination of visual effects of the proposed activity may include, but is not limited to, the following considerations:
            E. Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features;
            F. Interference with view sheds and scenic vistas;
            G. Changes in appearances of forest canopies;
            H. Changes in landscape character types or unique land formations; and
            I. Compatibility of building and structure design and materials with surrounding land uses.
        ii. The determination of effects of the proposed activity on surface water quality may include, but is not limited to, the following considerations:
            A. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water;
            B. Applicable narrative and numeric water quality standards;
            C. Changes in point and nonpoint source pollution loads;
            D. Increase in erosion;
            E. Changes in sediment loading to Water Bodies;
            F. Changes in stream channel or shoreline stability;
            G. Changes in stormwater runoff flows;
            H. Changes in trophic status or in eutrophication rates in lakes and reservoirs;
            I. Changes in the capacity or functioning of streams, lakes, or reservoirs;
            J. Changes in flushing flows; and
            K. Changes in dilution rates of mine waste, agricultural runoff, and other unregulated sources of pollutants.
        iii. The determination of effects of the proposed activity on groundwater quality may

include, but is not limited to, the following considerations:

A. Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces;

B. Changes in capacity and function of wells within the Impact Area; and

C. Changes in quality of well water within the Impact Area.

iv. The determination of effects of the proposed activity on Wetlands and Riparian Areas may include, but is not limited, to the following considerations:

A. Changes in the structure and function of Wetlands;

B. Changes to the filtering and pollutant uptake capacities of Wetlands and Riparian Areas;

C. Changes to aerial extent of Wetlands;

D. Changes in species' characteristics and diversity;

E. Transition from Wetland to upland species; and

F. Changes in function and aerial extent of Floodplains.

v. The determination of effects of the proposed activity on terrestrial or aquatic life may include, but is not limited to, the following considerations:

A. Changes that result in loss of oxygen for aquatic life;

B. Changes in flushing flows;

C. Changes in species composition or density;

D. Changes in number of threatened or endangered species;

E. Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals;

F. Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification, and any other conditions necessary for the protection and propagation of aquatic species; and

G. Changes to the aquatic and terrestrial food webs.

vi. The determination of effects of the proposed activity on terrestrial plant life or habitat may include, but is not limited to, the following considerations:

A. Changes to habitat of threatened or endangered plant species;

B. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity;

C. Changes in advancement or succession of desirable and less desirable species, including noxious weeds; and

D. Changes in threatened or endangered species.

vii. The determination of effects of the proposed activity on soils and geologic conditions may include, but is not limited to, the following considerations:

A. Changes to the topography, natural drainage patterns, soil morphology, and productivity, soil erosion potential, and Floodplains;

B. Changes to stream sedimentation, geomorphology, and channel stability;

C. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs;

D. Changes to Avalanche Areas, mudflows and debris fans, and other unstable and potentially unstable slopes; and

E. Exacerbation of seismic concerns and subsidence.

14. Nuisance. The proposed project will not cause a nuisance as defined within this Code.

15. Areas of Paleontological, Historic or Archaeological Importance. The proposed project will not Significantly Degrade areas of paleontological, historic, or archaeological importance.

16. Release of Hazardous Materials. The proposed project will not result in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the BOCC's consideration shall include:

a. Plans for compliance with Federal and State handling, storage, disposal, and transportation requirements;

b. Use of waste minimization techniques; and

c. Adequacy of spill prevention and response plans.

17. Benefits Versus Loss of Resources. The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.

18. Best Alternative. The proposed project represents the alternative that best complies with this Code.

19. Project Need. The proposed project is needed within the County and/or area to be served.

Section 14-503 Additional Standards Applicable to Mineral Resource Areas.

A. In addition to the standards in Section 14-502, the following standards shall apply to land use in Mineral Resource Areas.

1. Extraction and exploration of minerals shall be accomplished in a manner which causes the least practicable environmental disturbance. Surface area disturbance associated with the Project shall be reclaimed in accordance with the provisions of Article 32 of Title 34, C.R.S.

2. Areas containing only sand, gravel, quarry aggregate or limestone used for construction purposes shall be administered as provided by Part 3 of Article 1 of Title 34, C.R.S.

3. The proposed extraction and exploration of minerals would not cause significant danger to public health and safety.

4. If the economic value of the minerals present is less than the value of another existing or requested use, the other use should be given preference. Other uses which would not interfere with the extraction and exploration of minerals may be allowed.

Section 14-504 Additional Standards Applicable to Areas Containing or Having Significant Impact on Historical, Paleontological or Archaeological Resources.

A. In addition to the standards in Section 14-502, the following standards apply to land use in Areas Containing or Having Significant Impact on Historical, Paleontological or Archaeological Resources.

1. Development shall be designed to preserve the integrity of the resource.

2. Development shall be conducted in a manner which will be compatible with the preservation of the resource and minimize damage to the resource.

Section 14-505 Approval Standards Applicable to Areas Around Airports and Heliports.
In addition to all other applicable standards contained within these regulations, land use and development in and around public airports and heliports within Rio Blanco County must conform to the applicable master plan for each facility as well as all FAA guidelines related to the safe, efficient use and preservation of navigable airspace contained with FAR Part 77. Land use considerations within the airport planning area include, but are not limited to, structure height, glare and other visual obstructions, land use type, and features such as ponds that could encourage wildlife and birds which may pose a flight hazard. Applicants are encouraged to work with the FAA District Office in Denver as well as the managers of the local airports and heliports to ensure design and planning of new structures and development sites have addressed all applicable regulations and that such have received all required FAA approvals . Proof of FAA approvals may be required by Assigned Staff prior to approval of any type of zoning application including land use change applications, variances and rezoning requests.

Section 14-506 Additional Standards Applicable to Areas Around Major Facilities of a Public Utility.

A. In addition to the standards in Section 14-502, the following standards apply to land use in Areas Around Major Facilities of a Public Utility.
   1. The Project shall preserve the desirable existing community patterns.
   2. The Project shall not pose a danger to public health or safety or to property and the environment.

Section 14-507 Additional Standards Applicable to Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems.

A. In addition to the standards in Section 14-502, the following standards shall apply to applications proposing to locate and construct Major New Domestic Water and Wastewater Treatment Systems and major extensions of Existing Domestic Water and Wastewater Treatment Systems
   1. New domestic water and wastewater treatment systems and major extensions of existing domestic water and wastewater treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants within the County and will ensure the orderly development of domestic water and wastewater treatment systems of adjacent communities within the County.
   2. Major extensions of domestic water and wastewater treatment systems shall be allowed in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.
   3. The scope and nature of the Project will not compete with existing water and wastewater services or create duplicate services.
   4. Existing water and wastewater treatment systems servicing the area are at or near operational capacity.
   5. The age of existing domestic water and wastewater treatment systems, operational efficiency, state of repair or level of service is such that replacement is warranted.
   6. Existing facilities cannot be upgraded or expanded to meet waste discharge permit conditions of the Colorado Water Control Division.

Section 14-508 Additional Standards Applicable to Site Selection and Construction of Major Facilities of a Public Utility.

A. In addition to the standards in Section 14-502, the following standards shall apply to applications proposing to locate and construct Major Facilities of a Public Utility.

1. Facilities shall be sited and constructed in areas which will result in the proper utilization of existing facilities and associated systems within or serving the County.
2. Facilities shall be allowed in those areas in which the anticipated growth and development that may occur as a result of such facility can be accommodated within the financial and environmental capacity of the area to sustain such growth and development and are in accordance with the applicable County land use plans.
3. Existing facilities and associated systems servicing the area must be at or near operational capacity.
4. If a facility extension or replacement is proposed, the age of existing facilities and associated systems, their operational efficiency, and their state of repair or level of service are such that extension or replacement is warranted.
5. If a new facility is proposed, existing facilities cannot be feasibly upgraded or expanded.

Section 14-509 Additional Standards Applicable to Municipal and Industrial Water Projects.

A. In addition to the standards in Section 14-502, the following standards shall apply to applications proposing Municipal and Industrial Water Projects.

1. The proposal shall emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling and reuse of water. Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.
2. To promote the efficient utilization of municipal and industrial water projects, utilization of the following water sources shall be favored:
   a. Utilization of existing municipal and industrial water supplies by lease, exchange, sale, or other disposition between persons or entities within the County, or between persons or entities within the County and outside the County.
   b. Water supplies from sources which do not involve the removal of water from irrigated agriculture or open space or preserved lands in the County, or which do not involve increased use of native flows of water in the streams of Rio Blanco County.

Section 14-510 Additional Standards Applicable to Site Selection and Development of Solid Waste Disposal Sites.

A. In addition to the standards in Section 14-502, the following standards shall apply to applications proposing to locate and develop Solid Waste Disposal Sites.

1. Solid waste disposal sites shall be developed in accordance with sound conservation practices and shall emphasize, where feasible, the recycling of waste materials. Considerations shall include, but not be limited to the following:
   a. Longevity and subsequent use of waste disposal sites.
   b. Wind conditions.
   c. The potential problems of pollution inherent in the proposed site.
   d. The impact on adjacent property owners, compared with alternate locations.

Section 14-511 Additional Standards Applicable to Airports and Heliports.

A. In addition to the standards in Section 14-502, the following standards shall apply to all applications proposing the location or expansion of an Airport or Heliport.

1. Airport Layout. The Airport shall be developed in accordance with an FAA approved layout plan, or a layout plan approved by the Board of County Commissioners complying with FAA Advisory Circular 150/5300-13 and the current Northwest Mountain Region Airport Layout Plan Checklist, with the exception that aircraft tie- down dimensions need only be sufficient to provide adequate clearances for the aircraft to be tied down.
2. Heliport Layout. Heliports and helistops shall be developed in accordance with an FAA approved layout plan, or a layout plan approved by the Board of County Commissioners complying with FAA Advisory Circular 150/5390-2.
3. Ability to Obtain Necessary Permits. The applicant can and will obtain all necessary property rights, permits, approvals and easements (including needed easements for drainage, disposal, utilities, and avigation within airport area of influence) prior to site disturbance associated with the Project. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.
4. Conflict with Existing Easements. The location of the Airport or Heliport site or expansion will not unduly interfere with any existing easements for power or telephone lines, irrigation, mineral claims or roads.
5. Relationship to Economic and Transportation Needs. The location of the Airport or Heliport site or expansion complements the existing and reasonably foreseeable economic and transportation needs of the state and of the area immediately served by the airport, particularly mass transit facilities.
6. Nuisance. The location of the Airport or Heliport site or expansion shall not cause a nuisance.
   a. The immediate and future noise levels in communities within the airport area of influence to be caused by the airport location or expansion and any anticipated future expansion will not violate any applicable local, state or federal laws or regulations; provided that in any area with a potential noise level of CNR 110 or more, no structure shall be allowed and existing structures shall be relocated.

DIVISION 6 FINANCIAL GUARANTEE

Section 14-601 Financial Guarantee Required.

A financial guarantee is required per Article 13 – Financial Guarantees.

DIVISION 7 PERMIT ADMINISTRATION AND ENFORCEMENT

Section 14-701 Enforcement and Penalties

A. Any person engaging in development in the designated Area of State Interest or conducting a designated Activity of State Interest who does not obtain a Permit pursuant to these Regulations and Guidelines, who does not comply with Permit requirements, or who acts outside the jurisdiction of the Permit may be enjoined by the County from engaging in such development, and may be subject to such other criminal or civil liability as may be prescribed by law.

B. If the County determines at any time that there are material changes in the construction or operation of the Project from that approved by the County, the Permit may be immediately suspend-

ed and a hearing shall be held to determine whether new conditions are necessary to ensure compliance with the approval standards or if the Permit should be revoked.

Section 14-702 Permit Suspension or Revocation

A. The Board may temporarily suspend the Permit for a period of 30 calendar days for any violation of the Permit or the applicable Regulations. The permit holder shall be given written notice of the violation and will have a minimum of 15 calendar days to correct the violation. If the violation is not corrected, the Permit shall be temporarily suspended for 30 calendar days.

B. The County may revoke a permit granted pursuant to these Regulations and Guidelines if any of the activities conducted by the permittee violates the conditions of the Permit or these Regulations and Guidelines, or the County determines that the project as constructed or operated has impacts not disclosed in the application. Prior to revocation, the permittee shall receive written notice and be given an opportunity for a hearing before the Board. The Board may revoke the Permit or may specify a time by which action shall be taken to correct any violations for the Permit to be retained.

Section 14-703 Transfer of Permits.

A Permit may be transferred only with the written consent of the Board. Consent shall be in the sole discretion of the Board. The Board shall ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the Permit, and these Regulations and Guidelines; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

Section 14-704 Inspection.

The Board may enter and inspect any property subject to these Regulations and Guidelines at reasonable hours for the purpose of determining whether the activity is in violation of these Regulations and Guidelines.

Section 14-705 Judicial Review.

Any action seeking judicial review of a final decision of the Board shall be initiated within 30 calendar days after the decision is made, in the District Court in and for the County of Rio Blanco County, pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

ARTICLE 15 - RUBBISH, JUNK, WEEDS AND BRUSH

DIVISION 1 GENERAL PROVISIONS

Section 15-101 Purpose and Authority.

A. Purpose. The purpose of this Article is to protect the health, safety, and welfare of the citizens of Rio Blanco County through the removal of rubbish, junk, weeds and brush, from land in the unincorporated areas of the County.

B. Authority. Section 30-15-401 C.R.S, as amended, authorizes the Board of County Commissioners to adopt regulations for the control of matters of local concern, including providing for and compelling the removal of the following:

1. 'Rubbish': rubbish, including trash, junk, and garbage, from land within the unincorporated County and from alleys behind and sidewalk areas in front of such land, with the exception of:
   a. industrial parcels of ten acres or greater; and
   b. agricultural land, as defined by 39-1-102(1.6), C.R.S., as amended, currently in agricultural use.
2. 'Weeds and Brush': weeds and brush from residential lots of two and one-half acres or less and from alleys behind and sidewalk areas in front of such lots; and
3. any building or structure, as further defined below, with the exception of any building or structure on affected land subject to the 'Colorado Mined Land Reclamation Act' as defined in 34-32-103(1.5), C.R.S., as amended, or lands subject to the 'Colorado Surface Coal Mining Reclamation Act' pursuant to Article 33 of Title 34, C.R.S., as amended.

Section 15-102 Responsibility for Removal of Rubbish, Junk, Weeds and Brush

It shall be the duty of any person who is the owner, lessee or occupant of a lot, tract or parcel of land in unincorporated Rio Blanco County to remove rubbish, junk, weeds and brush, from that land.

A. Removal of Rubbish. Rubbish, as defined in Article 16, Definitions, shall be removed from:

1. Lots, tracts and parcels of land within the County, and the alleys behind and sidewalk areas in front, except industrial tracts of 10 or more acres and agricultural land, currently in agricultural use in compliance with this Land Use Code.

B. Removal of Junk. Junk, as defined in Article 16, Definitions, shall be removed from:

1. Lots, tracts and parcels of land within the County, and the alleys behind and sidewalk areas in front, except industrial tracts of 10 or more acres and agricultural land, as defined in these Regulations, currently in agricultural use in compliance with these regulations.

C. Removal of Weeds and Brush. Weeds and brush, as defined in Article 16, shall be removed from residential lots of one acre or less, and from alleys behind and sidewalk areas in front of such lots.

DIVISION 2 ENFORCEMENT PROCESS FOR REMOVAL OF RUBBISH, JUNK, WEEDS AND BRUSH.

Unless otherwise specified in these Regulations, the following enforcement process shall apply instead of enforcement provisions set forth in .

Section 15-201 Complaint and Verification of Violation.

A. Violation Confirmed. Upon written, signed complaint made or filed by a member of the public or by a County official or employee, the Assigned Staff shall investigate and confirm that a violation exists.

B. Authority to Enter and Inspect. The Assigned Staff's authority to enter and inspect land, a building or structure for the purpose of confirming a violation shall be governed by the same procedures.

Section 15-202 Notice of Violation.

A. Notice of Violation. If the Assigned Staff confirms a complaint as a violation, the Staff shall provide written notice of the violation and the requirements for abatement to the property owner of record as identified on the Rio Blanco County tax records, whose identity and whereabouts are known to the Staff.

1. Service by Mail. The notice of violation shall be served by certified mail, return receipt requested to both the address in the tax records and the property address, if different.
2. Content of Notice. The notice of violation shall include a description of the violation, the requirements for abatement including the time period in which abatement must occur, a proposed re-inspection date to verify abatement, and a statement of the right to appeal the determination of violation and the time within which a written appeal must be filed.
   a. The Assigned Staff shall provide 30 calendar days for abatement, unless the Assigned Staff determines that a shorter or longer time is justified.

Section 15-203 Administrative Entry and Seizure Warrant.

Upon authorization by the Board of County Commissioners for abatement of the violation by the County, the Assigned Staff shall seek an administrative entry and seizure warrant from the County or District Court having jurisdiction over the property.

A. Documentation Required for Warrant. The following documents shall be required for the court to issue an administrative entry and seizure warrant:

1. The applicable regulatory provisions of this ordinance.
2. An affidavit stating the factual basis for the warrant.
3. Evidence that the property owner has received notice of the violation and has failed to abate the violation within the prescribed time.
4. A general description of the location of the subject property.
5. A general description of the violation, including a general list or description of the rubbish, weeds or brush, to be removed.
6. The proposed method and extent of abatement by the County, including proposed disposal or temporary impoundment of property.

DIVISION 3 PENALTIES AND REMEDIES

Section 15-301 Preservation of Remedies.

The remedies as provided in this Article, and as may be available under other applicable regulations of the County or pursuant to state or federal law, are not exclusive in any way, and may be pursued by the County singularly or in combination to achieve the most expeditious abatement of violations involving the presence of rubbish, weeds and brush.

Section 15-302 Abatement by the County.

A. Authorization for Abatement by County. If the alleged violator fails to comply with the County's requirements for correction of the violation, an Enforcement Official may request that the BOCC, at a public meeting, authorize the Enforcement Official to arrange for an abatement of the violation.

1. Notice of Public Meeting. At least 14 calendar days prior to the date of the public meeting, an Enforcement Official shall provide notice of the public meeting to the alleged violator by certified mail, return receipt requested to both the address in the County tax records and the property address, if different.

B. Execution of Warrant and Abatement of Violation. Upon authorization by the BOCC for abatement by the County, the Enforcement Official shall seek an administrative entry and seizure warrant from the Rio Blanco County Court or the Rio Blanco County District Court having jurisdiction over the subject property.

1. Within 10 calendar days following the date of issuance of an administrative warrant the Enforcement Official shall abate the violation in accordance with the direction of the Court. A copy of the issued warrant shall be provided to the land use permit holder and/or property owner, as applicable. Proof of the execution of the warrant, including a written inventory of any property impounded by the County, shall be submitted to the Court.
2. The proposed method of abatement may be accomplished through the use of County staff or by contract with a private party.

C. Cost of Abatement. A bill for the reasonable costs of abatement plus an inspection fee of five percent (5%)of that cost shall be sent certified mail, return receipt and regular mail to the land use permit holder and/or property owner of record, applicable, at both the address in the County tax records and the property address, if different. Payment of the bill shall be due within 30 days of the date of the bill.

D. Collection of Unpaid Bill for Cost of Abatement by County. If the bill is unpaid after 30 calendar days, the Enforcement Official through the County Clerk may certify the bill to the County Treasurer, who shall collect the assessment together with a 10% penalty for the cost of collection, in the same manner as other County taxes are collected.

ARTICLE 16 - DEFINITIONS

Section 16-101 Definition of Words and Phrases.
For the purposes of these regulations, the following words and phrases are defined as follows. Some of the definitions pertain only to certain Articles and are so noted in parentheses.

Abandonment. The intent to not continue the legally established nonconforming use, coupled with the discontinuance of the nonconforming use.

Abut or Abutting. Having property lines in common.

Accessory Agricultural Retail Sales. A location for the retail sale or wholesale of agricultural or horticultural products which are entirely grown or matured on site. Products are raw, and sold on a seasonal basis, with no permanent structure.

Accessory Dwelling Unit. A subordinate dwelling unit considered accessory to a primary dwelling unit for use as a complete independent living facility on the same parcel as a permitted principal use and which meets dimensional and other requirements applicable to the principal use.

Accessory Building or Structure. A subordinate building or structure located on the same lot as the principal structure, the use of which is incidental to the principal use.

Accessory Use. A use which is customarily supportive, secondary and subordinate to the principal use on the parcel.

Accessory Outside Storage. The outside placement of items which are customary and incidental to the principal use of the property.

Adequate Water Supply. A water supply that will be sufficient for build-out of the proposed development in terms of quality, quantity, dependability, and availability to provide a supply of water for the type of development proposed, and may include reasonable conservation measures and water demand management measures to account for hydrologic variability.

Adjacent. Meeting, abutting or touching at some point, or located across a street, alley or other right-of-way.

Adjacent Property Owner. An owner of record of any estate, right, or interest in real property which is adjacent to the subject land.

Administrative Review. The land use change permit application and review process, described in Section 4-202, Administrative Review Process of these regulations, by which the Assigned Staff approves applications for land uses

Adult establishment. A use distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas. Uses shall include, but shall not be limited to, the following:

A. Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing, or relating

to specified sexual activities or specified anatomical areas, or an establishment with a segment or sections devoted to the sale or display of such material.

B. Adult Photo Studio: An establishment that, upon payment of a fee, provides on-premises photographic equipment, services, and/or models for the purpose of photographing specified anatomical areas.

C. Adult Theater: A theater used for the presentation of material distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities.

Affected Party. *(Article 14 - Areas and Activities of State Interest only)* Any person with an interest in the outcome of the permit decision for the Project.

Agricultural Land. Any land used primarily for the production of crops or livestock, including but not limited to: irrigated meadows, irrigated and dry pasture, and irrigation ditches; stock drive routes; lands used for barns, corrals and storage of crops or agricultural products. "Agricultural Land" does not include lands used primarily for the production of commercial timber.

Agriculture. The use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, forestry, and animal and poultry husbandry, and the necessary accessory uses for harvesting, packing, treating, or storing of produce.

Agricultural Processing. The processing and storage of agricultural products brought to the site, including but not limited to cleaning, sorting, grading, packaging milling, or storing of products which are intended for direct human or animal consumption or use.

Agricultural Products. Products grown or raised on a property, intended for direct human or animal consumption or use, including but not limited to vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, nursery plants, timber, industrial hemp, and wool. This also includes animal feeding operations

Agricultural Products Processing and Storage. The alteration of agricultural products brought to the site in their natural state, including but not limited to cleaning, sorting, grading, packaging, milling, or storing of products which are intended for direct human or animal consumption or use.

Agricultural Products Retail Sales – Off Site. A location for the retail sale of agricultural products, a majority of which are not grown on site, and are intended for direct human or animal consumption or use.

Airport. The area comprising land used by aircraft for taking off and landing, together with all adjacent land and facilities used in connection with aircraft and flight operations, existing and proposed.

1. Airports, Publicly Owned. The area comprising Airports owned by a public agency such as the County or a municipal government.
2. Landing Strips and Helistops, Privately Owned. The area comprising landing strips or helistops located primarily on land owned by a private land owner.

Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.

Airport Imaginary Surfaces. *(Article 14 - Areas and Activities of State Interest only)* Imaginary areas in

space and on the ground, defined by FAR Part 77, which are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

1. Primary Surface. A surface longitudinally centered on a runway with dimensions as specified by Federal Aviation Regulation (FAR) Part 77.
2. Runway Protection Zone (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The dimensions are as specified in Advisory Circular (AC) 150/5300-13.
3. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. Dimensions are defined by FAR Part 77. Sometimes designated as Approach Zone.
4. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is defined by FAR Part 77.
5. Conical Surface, Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
6. Transitional Surface. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

Airport or Heliport Impact Areas. *(Article 14 - Areas and Activities of State Interest only)*

1. Direct Impact Area. The area located within 5,000 feet of an Airport runway or 2,000 feet of a Heliport, excluding lands within the Runway Protection Zone and Approach Surface. The Direct Impact Area is sometimes designated as the "Flight Pattern Area".
2. Secondary Impact Area. The area located between 5,000 and 10,000 feet from an Airport runway or between 2,000 and 4,000 from a Heliport.

Airport Reference Code. A code comprised of the Aircraft Approach Category and the Airplane Design Group as defined in FAA Advisory Circular (AC) 150/5300-13.

Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.

Alley. A public right-of-way providing secondary access to the rear of a property and not intended for general travel.

Animal Feed Lot. A place of confinement by fences, pens, corals, or other structures serving as enclosures for cattle, swine, sheep, poultry, fur bearing animals or other livestock for the primary purpose of providing for the ultimate sale of products from the animals or the animals themselves. Educational agricultural projects are excepted from this definition. See CRS Section 1-50-35.

Applicant. A person or entity submitting an application for land use subject to these Regulations.

Appurtenances. The visible, functional, or ornamental objects accessory to and part of a building.

Archaeological Resource, Cultural Resource, or Historical Resource. Resources that have been designated by the County or are recognized or historically known to the County; that are on the National Register of Historic Places (National Register) and/or that may be considered under the National Historic Preservation Act; or that are included in an established list of places compiled by the state historical society, or any local historic preservation program.

Aspect. *(Article 14 - Areas and Activities of State Interest only)* The cardinal direction the land surface faces.

Base Flood. A flood having a one percent chance of being equaled or exceeded in any given year. The term is used interchangeably with intermediate regional flood, one hundred year flood, and one percent chance flood.

Batch Plant. A facility for mixing concrete or asphalt.

Board of Adjustment. The body appointed by the Board of County Commissioners whose authority and procedures are described in Section 1-302 of these regulations.

Board or Board of County Commissioners. The Board of County Commissioners of Rio Blanco County, Colorado.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building Envelope. A designated area on a lot or parcel in which all structures and development shall be constructed or occur, unless specifically excepted or exempted, including but not limited to excavation, landscaping, building, grading, demolition or filling.

Building Footprint. The outline of the total area which is covered by a building's perimeter at ground level.

Building Height. The distance, measured vertically, from the undisturbed or natural ground surface at the mid-point between the front and rear walls of a building to the top of a flat roof or mansard roof or to the mid-point between the eave line and the peak of a gable, hip, shed or similar pitched roof.

Building Official. The officer or other designated authority charged with the administration and enforcement of this Rio Blanco County Building Code, or a duly authorized representative.

Building Permit. A permit which is issued by the County Building Official prior to the erection, construction, alteration, moving, or relocation of a building or structure.

Building Restriction Line. *(Article 14 - Areas and Activities of State Interest only)* A line which identifies suitable building area locations.

Call-up by the Board. The Board may, at its discretion, review and amend the Staff determination.

Campground. A parcel of land, in single ownership, that has been developed for occupancy by guest-owned tents and recreational vehicles on a temporary basis.

Camper Trailer. A wheeled vehicle without motive power which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

CDOT. Colorado Department of Transportation.

Cemetery. A place designated for the burial or keeping of remains of the dead, human or animal, and appurtenant facilities including crematories, mausoleums, and columbaria operated within the boundaries of the cemetery.

Certificate of Designation. A document issued by the local governing body authorizing the use of land for a solid waste disposal site or facility. The CD is issued if it has been determined that the technical standards set out in regulation are met and after local issues are considered and satisfied.

Certificate of Occupancy. A certificate issued by the County Building Official after final inspection and upon a finding that the building or structure complies with all provisions of the applicable County codes, permits, requirements and approved plans.

Change in Land Use. Any development, grading, construction, activity or operation that changes the basic character, configuration or use of land or structures after the enactment of these regulations constitutes a change in land use.

Clubs and fraternal lodges. A facility, including associated eating, drinking, and recreational facilities, owned or operated by a group of people organized for a common social, educational, service, or recreational purpose. These clubs are usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, a constitution, and by-laws.

Commercial Use or Activity. Any use or activity primarily devoted to business such as the purchase, sale, lease or exchange of goods and/or the provision of services.

Concentrated Animal Feeding Operations. All land and/or a lot, facility, parcel, or operating location in which animals have been, are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more and a ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area. See CRS Section 1-50-35.

Conical Surface (Airport). See Airport Imaginary Surfaces.

Conservation Easement. An easement for the purpose of preserving the property's value for recreation, education, habitat, open space, or historical importance.

Construction Staging Area. The use of land for the purpose of temporarily storing machinery, equipment, supplies and parking of vehicles, also known as construction lay down area.

Contiguous. Sharing a boundary, touching at any point.

Contractor sales and service. A facility providing for general building repair, service, parts sales, and maintenance including installation of plumbing, roofing, signs, electrical, air conditioning, heating, and landscaping.

Contractors Storage Yard. The use of land for the purpose of storing machinery, equipment, and sup-

plies for an individual business that may include office, maintenance, and repair facilities that provide services to clients through the use of the machinery, equipment, or supplies including but not limited to construction equipment and materials, pipe, and tanks.

Correction Plat. Revision of a previously approved plat, which is intended to correct minor surveying, drafting or wording errors in the plat.

County. The County of Rio Blanco, State of Colorado.

Cul-de-sac. A local street with only one outlet and having the other end for the reversal of traffic movement.

Daycare Center. A facility which provides less than 24-hour care or supervision for nine or more persons under the age of 18 who are not related by blood, marriage, or adoption to the owner, operator, or manager, whether such facility operates at day or night, with or without compensation for such care, and with or without stated educational purpose.

Density. A unit of measurement, specific to development, to be interpreted as the number of dwelling units per acre of land.

Designation. *(Article 14 - Areas and Activities of State Interest only)* That legal procedure specified by Sections 24-65.1-401, 402 and 406, C.R.S., for designating Matters of State Interest. It also includes the revocation and amendment of such designations.

Development. Any activity or construction, excluding normal agricultural activities, that changes the existing character or use of the land.

Development Agreement. The agreement between the applicant and the County which specifies the terms and conditions of the land use permit approval. (See Section 4-301.B.9)

Development Area. Those geographic areas within the County which will be developed or altered directly by construction or operation of the Project.

Direct Impact Area (Airport). See Airport Impact Areas.

Dwelling, Dwelling Unit. One or more rooms designed to function as a single living facility and containing only one kitchen plus living, sanitary and sleeping facilities.

1. Dwelling, multi-family means a building that contains three (3) or more dwelling units. The term "dwelling unit" does not include hotels, motels, fraternity houses and sorority houses and similar group accommodations.
2. Dwelling, single-family unit, attached, means two or more dwelling units, each with primary outside access on the ground floor; and that are attached to each other by legally divided party walls which do not have openings and do not provide for internal access between the dwelling units. This term includes townhomes and duplexes.

Dwellings, mixed-use. One or more dwellings on the same property as a non-residential use often in the same building.

Efficient Use of Water. *(Article 14 - Areas and Activities of State Interest only)* The employment of methods, procedures, controls and techniques to ensure the amount of water and the purpose for which wa-

ter is used in the County will yield the greatest benefit to the greatest number of people. Such benefits will include but are not limited to economic, social, aesthetic, environmental and recreational.

Equipment rental establishments. Establishments renting or leasing equipment to individuals and other businesses.

Equipment, truck and trailer rental establishments. Sale or lease, retail or wholesale, of new or used equipment, automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated minor repair services and parts sales for vehicles sold or leased by the dealership.

Expansive Soil. Rock or soil that shrinks or expands excessively with changes in moisture content.

Excavation. The removal of earth material by artificial means, also referred to as a cut.

Extension, Major. A major extension is an increase in hydraulic capacity, an upgrade in treatment or transmission capability, an increase in facility size, or a replacement of an existing facility in a new or altered location.

Extraction - Gravel. To draw out or forth; hence to derive as if by drawing out; removal of gravel resources from their naturally occurring location; the initial step in utilization of a natural resource.

Extraction - Mining. Any area of land from which minerals are extracted in non-liquid form or are extracted in a liquid form while workers are underground, and including any accessory support facilities; ways and roads appurtenant to such area; and lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property, including impoundments, retention dams, and tailing ponds, on the surface or underground, used in, or to be used in, or resulting from the work of extracting such minerals from their natural deposits in non-liquid form or, if in liquid form, used by workers underground or used or to be used in the milling of such minerals or the work of preparing coal or other minerals.

FAA. The Federal Aviation Administration.

FAA's Technical Representative. The federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDAA-PHIS-Wildlife Services.

Feedlot, Commercial. A place of confinement by fences, pens, corals, or other structures serving as enclosures for cattle, swine, sheep, poultry, fur bearing animals or other livestock for the primary purpose of providing for the ultimate sale of products from the animals or the animals themselves. Educational agricultural projects are excepted from this definition.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of watercourses, or the unusual and rapid accumulation or run-off of surface waters from any source.

Flood Fringe. Areas within the floodplain that constitute the low hazard areas between the outer boundary of the floodway and the outer limit of the floodplain. Within the flood fringe area, the depth and velocity of the flood waters do not preset as serious a threat to life and property as that within the floodway.

Flood Insurance Rate Map (FIRM). An official map of the Federal Emergency Management Agency (FEMA), on which the area subject to flooding by the base flood has been delineated either by approximate or detailed engineering study. These maps also delineate flood insurance rate zones and may include the delineation of water surface elevations and floodway boundaries.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

Floodplain. An area including and adjacent to the stream channel, which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

1. Mainstream floodplains;
2. Debris-fan floodplains; and
3. Dry wash channels and dry wash floodplains.

Floodplain Encroachment. Any development, stockpile, refuse, or matter in, along, across, or projecting into any floodplain which might impede, retard, or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water. The term floodplain encroachment shall not include any device or structure reasonably necessary for flood control or prevention.

Floodplain Regulations. The Floodplain Overlay District Regulations set forth in these regulations.

Floodproofing. Any combination of structural and non-structural additions, changes or adjustments to structures, movable objects, or properties for the purpose of reducing or eliminating the potential for flood damage

Floodway. The areas within the floodplain which are required for the passage or conveyance of the base flood, in which waters will flow at significant depths or with significant velocities. These areas include the channel of a river or creek and any adjacent floodplain areas that must be kept free of development and other encroachments so the base flood can be conveyed without substantial increase in flood height. Specifically, the floodway is defined according to the following criteria:

1. Areas of the floodplain that must be kept free of development and other encroachments so the base flood is conveyed with no more than a one foot increase in the water surface elevations.
2. Where the floodway has not been identified, areas of the floodplain where floodwater from the base flood is 18 inches or greater in depth.
3. The area that comprises a minimum of 25 feet from the banks of the river or creek, unless the bank consists of an impervious natural rock wall or cliff which is higher than the flood elevation.

Floor Area. Floor area, also called gross floor area, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half (½) of all storage and display areas for durable goods.

Forestry. The developing, caring for, or cultivating forests including the management of growing timber.

Geologic Hazard. A geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

1. Avalanches, landslides, rock falls, mudflows, unstable or potentially unstable soils, and unstable or potentially unstable slopes;
2. Seismic effects;
3. Radioactivity; and
4. Ground subsidence.

Geologic Hazard Area. An area that contains or is directly affected by a geologic hazard including avalanche, landslide area, mudflow debris area, radioactive area, and potentially unstable soils.

Grade, finished. The final elevation of the ground surface after development.

Grade, natural. The elevation of the ground surface in its natural state, before man-made alterations.

Ground Water. Subsurface waters in a zone of saturation.

Group Home Facilities. A facility operated by a public, nonprofit, or private agency, which provides 24-hour care or supervision of persons who are not related by blood, marriage or adoption, to the facility's owner, operator, or manager. The use includes overnight shelter.

Hazard. A natural or manmade phenomenon or condition which is a significant source of risk, danger or peril.

Hazard. *(Article 14 - Areas and Activities of State Interest only)* Hazard shall include any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or heliport, or is otherwise hazardous to such landing or takeoff of aircraft.

1. As it relates to bird strike hazards, the term "significant hazard" means a level of increased flight activity by birds across an Approach Surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

Heavy Industrial Use. Uses engaged in processing or manufacturing of materials from either extracted or raw materials or from previously prepared materials resulting in a new product designed for wholesale or retail sale.

1. Extraction. Extraction operations include, but are not limited to: petroleum and natural gas wells; shale and coal mines; gravel pits; timber cutting.
2. Processing. Processing operations include, but are not limited to: petroleum refining; oil shale crushing, retorting and refining; ore smelting; coal crushing and cleaning; saw mills; alfalfa pellet mills; food canning or packing; creation of glass, ceramic or plastic materials; gravel crushing; cement manufacture; and concrete batch plants.
3. Fabrication. Fabrication operations include, but are not limited to: manufacture of equipment, vehicles and consumer goods from processed materials; wood and metal working operations; and batch plants.
4. Repair. Industrial repair operations include, but are not limited to: automobile and heavy equipment repair.
5. Material handling. Material handling operations include, but are not limited to: a transfer station

for construction waste such as wood, drywall, metals, paper, plastic and other types of construction materials.

Height. The vertical distance from grade plane to the average height of the highest roof surface.

Heliport. The area of land, water or a structure used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities.

1. Heliports, Publicly Owned. The area comprising Heliports owned by a public agency such as the County or a municipal government.

Helistop. A minimally developed heliport for landing and discharging passengers or cargo, and not intended for refueling or maintaining itinerant helicopters.

Historic Site. A structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.

Historical or Archaeological Resources of Statewide Importance. Those resources officially included in the national register of historic places, designated by statute or included in an established list of places compiled by the state historical society, including but not limited to those designated by the Board of County Commissioners in accordance with 30-11-107(1)(b), C.R.S. as amended.

Home Occupation. An accessory use consisting of a vocational activity conducted inside a dwelling unit or its accessory structures, and used only by the individuals who reside therein. See Section 7-604.

Illumination, Direct. Lighting by means of an unshielded light source which is effectively visible when the light travels directly from the source to the viewer's eye.

Illumination, Indirect. Lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front or a light source that is primarily designed to illuminate without direct travel from the source to the viewer's eye.

Impact. The direct or indirect effect or consequence resulting from a development upon land, the environment, the community or any part or segment thereof. The term shall include, but not be limited to, physical, environmental, economic, visual, auditory or social consequences or effects.

Impact Area. *(Article 14 - Areas and Activities of State Interest only)* Those geographic areas, including the Development Area, in which any impacts are likely to be caused by the Project.

Impervious Materials. Materials that do not readily allow water to infiltrate into the ground. The term "Impervious Materials" shall include building roof surfaces and overhangs, concrete or asphalt pavement surfaces, and compacted gravel.

Indoor Recreation Facility. An entirely enclosed facility which offers entertainment or games of skill for fee, including but not limited to a bowling alley, billiard parlor, or a video game arcade. This use may include associated eating and drinking areas, retail sales areas, and staff offices.

Industrial Hemp. A means a plant of the genus cannabis and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry weight basis. See CRS Section 35-61-101(7)

Infrastructure. Those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, and paths or trails.

Junk. Any material unfit for its original intended use, discarded, worn out, dismantled, or deteriorated to such condition that it is not useable, safe or fit for human use or habitation.

Kennel. An establishment other than a pet shop or veterinary clinic, in which more than four (4) adult dogs or domesticated animals are housed, groomed, bred, boarded, or trained, with or without fees being charged for services and no more than two litter of dogs or domesticated animals are bred in any one calendar year. Dogs used as a part of a legitimate agricultural activity are not included in this definition.

Land owner. Any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests.

Land Use Change. Any land use or development activity that changes the basic character, configuration or use of land or buildings and structures after the enactment of these regulations.

Land Use Change Permit. Approval by the County for any land use change subject to County review by these regulations.

Landfill. Solid Waste Disposal Sites shall comply with State laws (25-15-203/4 C.R.S.) and regulations and must receive a "certificate of designation" from the County.

Landing Strip. A minimally developed airport for landing and discharging passengers or cargo, and not intended for refueling or maintaining itinerant aircraft.

Ldn. Day Night Level (DNL/LDN). A 24-hour average noise level with a 10-decibel (dB) penalty for nighttime.

Legal parcel. Means a parcel or tract of land 35 acres or greater in size or, if smaller than 35 acres, legally created by (1) deed of conveyance prior to January 1, 1973; (2) approval by the Board of County Commissioners; or (3) otherwise legally established as a separate lot, parcel, or tract of land.

Light Industrial. The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building, and noise, odor, smoke, heat, glare, and vibration resulting from the industrial activity are confined entirely within the building.

Limited Impact Review. As described in Article 4, Section 4-204, Limited Impact Review Process of these regulations, by which the Board of County Commissioners approve permits for uses being allowed on the basis of their limited impact with regard to compatibility with the site and surrounding land and uses, and the adequacy of required services.

Livestock. Domestic animals that are used for food for human or animal consumption, breeding, draft or profit.

Lodging Establishments. An accommodation for a temporary stay that includes, but is not limited to, a resort lodge, guest ranch, dude ranch, boating base camp, cross-country or trail skiing lodge, overnight shelter, motel, hotel, boarding house, and bed and breakfast establishment. These facilities include, but are not limited to, lodging, recreational activities, dining facilities, parking, storage facilities and restrooms or other needs operated on the site for guests or members. Lodging Establishments exclude seasonal or Temporary Employee Housing on premises; contracted employee housing off premises; seasonal rental of homes; and lock-outs, or portions of homes, consisting of 2 or fewer independent lodging units whether managed by a lodging management agency or not.

Lot Coverage. The portion of a lot which is covered or occupied by buildings, structures, parking and drives or any other impervious surface.

Lot Double Frontage. Lots which front on one public street with a side or a back lot line fronting another public street.

Lot Line. The external boundary of a lot.

Lot Line, Front. The boundary of a lot dividing it from the adjacent street.

Lot Line, Rear. The boundary of a lot opposite the front line lot.

Lot Line, Side. Any boundary of a lot other than the front or rear lot line.

Lot Size or Area. The total horizontal area within the lot lines.

Major Electrical or Natural Gas Facilities. *(Article 14 - Areas and Activities of State Interest only)* Major electrical or natural gas facilities include one or more of the following:

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

Major Facility of a Public Utility. (*Article 14 - Areas and Activities of State Interest only)*

1. Central office buildings of telephone utilities.
2. Transmission lines, power plants, and substations of electrical utilities.
3. Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives and includes extensions to those facilities.

Manufactured Home.

1. A structure, transportable in one or more sections, which when erected on site is 320 or more square feet, and which is built on a permanent chassis. These homes are designed to be used for residential purposes, with or without a permanent foundation when connected to the required utilities, and contain the necessary plumbing, heating, air-conditioning, and electrical systems. A home which does not meet the minimum size requirements stated above, is a manufactured

home if: (i) it is certified as such by HUD pursuant to the federal Manufactured Home Construction and Safety Standards Act, 41 U.S.C. 778 5401, et seq., as amended; or, (ii) it complies with the NFPA 501b/ANSI a119.1 (1973, 1974 and 1975 editions).

2. The term "manufactured home" also means a residential building which, whether or not a manufactured home as defined in paragraph 1 above (and which under the County's prior regulations may have been defined as a mobile home), is either:
   a. located in a legally existing manufactured home park in the unincorporated County on the effective date of these Regulations; or
   b. proposed to be relocated onto a legal manufactured home space in a manufactured home park; predates the certification requirements of the Federal Manufactured Home Construction and Safety Standards Act and NFPA 501b/ANSI a119.1 (1973 through 1975 editions); and is inspected by the [chief building official] and determined to be in a safe, sound physical condition and to meet any other requirements for such homes as may be specified in the County's Building Code.
3. The term manufactured home shall not include travel trailers, camper trailers, campers or RVs including self-contained motor homes or camper buses.

Manufactured Home Park. A parcel upon which two or more manufactured homes, occupied or intended to be occupied for dwelling purposes, are located.

Manufactured Home Space. A portion of ground within a manufactured home park designated for the permanent location of one manufactured home.

Master Plan. The comprehensive land use and resource plan for Rio Blanco County.

Matter of State Interest. *(Article 14 - Areas and Activities of State Interest only)* An area of or an activity of state interest or both as listed in §§ 24-65.1-201(1) and 203(1), C.R.S.

Mineral Estate. A mineral interest in real property that may be severed from the surface estate of the subject real property; which if severed, is shown in the real estate records of the county in which the real property is situated; and which is not owned as part of the full fee title to the real property. [24-65.5-102, C.R.S.]

Mining, Mine. Any area of land from which minerals are extracted in non-liquid form or are extracted in a liquid form while workers are underground, and including any accessory support facilities; ways and roads appurtenant to such area; and lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property, including impoundments, retention dams, and tailing ponds, on the surface or underground, used in, or to be used in, or resulting from the work of extracting such minerals from their natural deposits in non-liquid form or, if in liquid form, used by workers underground or used or to be used in the milling of such minerals or the work of preparing coal or other minerals.

Mitigation. An action which will have one or more of the following effects:

1. Avoiding an impact by not taking a certain action or parts of an action;
2. Minimizing an impact by limiting the degree or magnitude of the action or its implementation;
3. Rectifying an impact by repairing, rehabilitating, or restoring the impact area, facility or service;
4. Reducing or eliminating an impact over time by preservation and maintenance operations; and
5. Compensating for an impact by replacing or providing suitable biological and physical condi-

tions; and by replacing or providing suitable services and facilities.

Municipal and Industrial Water Project. *(Article 14 - Areas and Activities of State Interest only)* A system and all components thereof through which a municipality or industry derives its water supply from either surface or subsurface sources, or which otherwise serves municipal or industrial users.

Natural Hazards. Mudslides, subsidence areas, floodplains, seismic faults, rockslides, erosion and other naturally occurring phenomena that can pose hazards to life or property.

Net Effect. Relating to mitigation, the impact of an action after mitigation.

Noise Impact Boundary. *(Article 14 - Areas and Activities of State Interest only)* The areas within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.

Nonconforming Use. A building, structure, or use of land legally existing at the time of enactment of these regulations or lawful amendments to these regulations and which does not conform to the regulations of the zoning district in which it is situated or used.

Nursing Facility. A facility, or a distinct part of a facility certified under state and federal regulations to provide care and treatment for inpatients under the direction of a physician. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.

Obstruction (Airport Imaginary Surface). *(Article 14 - Areas and Activities of State Interest only)* Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

Oil and Gas Drilling and Production. Exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, completion, hydraulic fracturing, recompletion, reworking, or abandonment of an oil and gas well, underground injection well, or gas storage well.

Oil and Gas Operations. Exploration for oil or gas, including but not limited to conventional oil and gas and coal bed methane gas; the siting, drilling, deepening, completion, hydraulic fracturing, recompletion, reworking, refracturing or abandonment of an oil and gas well; production and completion facilities and operations including the installation of flow lines and gathering lines; construction, site preparation, reclamation and related activities associated with the development of oil and gas resources.

Oil and Gas Production Equipment. Operations related to any well including the installation of flowlines and gathering systems; well-head compression for purposes of enhanced recovery; booster compression or pump jacks for artificial lift; the generation, transportation, storage, treatment, or disposal of exploration and production wastes; construction, site preparation, or reclamation activities associated with such operations; and all surface facilities, communications equipment and buildings associated with such operations.

Oil and Gas Compression and Processing. Equipment or improvements utilized for the purposes of compression, treatment or processing of oil or natural gas.

Onsite Wastewater Treatment System. An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing or disposing of sewage that is not part of or connected to a sewage

treatment works as that term is defined in Section 25-10-103 (20), C.R.S. as amended.

Open-Air Farmers' Market. Temporary use of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to consumers.

Open Space. Any land or water area which serves the specific use of: providing park and recreation opportunities, conserving natural areas and environmental resources, or protecting areas of agricultural, archaeological or historical significance. Open space shall not be considered synonymous with vacant or unused land or yards as part of a platted lot.

Operational Conflict. *(Article 9 – Oil and Gas Regulations only)* The application of the County standard would, as a matter of law, materially impede or destroy the state or federal interest in oil and gas or would stand as an obstacle to accomplishment and execution of congressional purposes.

Outdoor Recreation. An area or facility which offers entertainment, recreation, or games of skill for a fee, where any portion of the activity takes place outside and may include lighted areas for use after dusk. This includes but is not limited to a golf driving range, boating facility, tennis facility, or a miniature golf course.

Parks, Public. Land retained for public recreational use, that may be improved with playground apparatus, public tennis courts, public golf courses (with or without a clubhouse), picnic areas, shelters, riding, biking or hiking trails, skateboard areas, other game courts or pits, art, memorials and historic structures. Public Parks may include greenways and natural areas and features that are subject to minimal maintenance, generally open to the public, and subject to seasonal closure.

Parks, Private. Land retained for recreational use, designed and maintained to meet the needs of the residents of a defined area and/or membership, where general public access is denied or only offered on a limited basis. Ownership and maintenance is assumed by a property owner's and/or membership association.

Peak Hour. A term used in traffic engineering and analysis that identifies the 60-minute period where a segment of road or intersection experiences, or is projected to experience, the greatest number of through and turning vehicles in an average 24-hour period.

Permit. *(Article 14 - Areas and Activities of State Interest only)* A permit for development in Areas of State Interest or for an Activity of State Interest, issued by the Board of County Commissioners pursuant to Article 14.

Permit Authority. *(Article 14 - Areas and Activities of State Interest only)* The Board of County Commissioners, or its designee.

Person. Any individual, corporation, governmental entity, estate, trust, partnership, association, or other legal entity.

Personal and business service shops. Provision of recurrently needed services of a personal nature, or supporting other businesses. This includes, but is not limited to, barber shops and beauty salons, day spas, seamstresses, tailors, dry cleaning (excluding large-scale bulk cleaning plants), self-service laundries, and travel agencies, mailbox services, office security, and custodial services.

Pipeline. Any conduit and appurtenant facilities designed for, or capable of, transporting natural gas, other petroleum derivatives or other liquid.

Places of assembly. A facility for public gatherings and holding events such as weddings, wedding receptions, community meetings and meetings and events sponsored by neighborhood groups, religious groups, philanthropic organizations and so forth.

Plat. A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk and recorder. (CRS 30-28-101 (5))

Principal Use. The primary purpose or function for which the land, building or structure is used.

Production Facilities. All storage, separation, treating, dehydration, artificial lift, booster compressor, pump jack, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells, or injection wells.

Professional Office. A professional office use includes, but is not limited to, physicians and medical clinics, dentists, lawyers, Realtors, architects, engineers, musicians, designers and accountants.

Project Site. The entire area included in the legal description of the land on which a use or development is existing or proposed.

Proof of Ownership. Ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the state of Colorado.

Public Assembly. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

Public Hearing. A meeting called by a public body, for which public notice has been given in compliance with the provisions of these regulations and which is held in a place where the general public may attend, with the principal purpose of receiving testimony or public comment on a specific application or issue.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.

Public Services and Facilities. Those services and facilities provided by a political subdivision of the state or by a federal agency.

Public Utilities. Electricity, natural gas, water and wastewater service, wire telephone service, and similar public services. The term "public utilities" does not include wireless telecommunication facilities.

Recreational Vehicle (RV). A vehicle primarily designed as temporary living quarters for recreational,

camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples of recreational vehicles include, but are not limited to: camping trailer or tent trailer; motorized camper, motor home, recreational conversion van or bus; pick-up camper; tent; travel trailer.

1. Camping trailer or tent trailer means a folding structure constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels and to be used as a temporary shelter for travel and recreation purposes.
2. Motorized camper, motor home, recreational conversion van or bus means a self-propelled vehicle consisting of a portable, temporary shelter to be used for travel and recreation purposes.
3. Pick-up camper means a structure designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary shelter for travel and recreation purposes.
4. Tent means a portable, temporary cover or shelter made of canvas, plastic or similar materials supported by poles, with or without side panels, used for travel and recreation purposes.
5. Travel trailer means a towed vehicle designed as a temporary shelter used for travel and recre-ation purposes. Updated RESOLUTION 2018-06

Restaurant. A commercial establishment designed primarily to serve prepared food to customers.

Retail and Supply Yard Establishments with Outdoor Storage. A use requiring permanent outdoor service or storage areas and/or partially enclosed structures. Examples include large-scale home improvement centers with outdoor storage and display and rental components, and lumberyards.

Retail or Personal Service Facility. An establishment for the retail sale of merchandise to the general public or the provision of personal services to the public.

1. A Retail Facility includes, but is not limited to antique shop, art gallery; grocery store, clothing and dry good stores, shoe store, sporting goods store, hardware and paint stores, drugstore, florist, furniture store, gift shop, hobby and office supply stores, package liquor, pet stores, feed stores, toy stores, book stores, music and video stores.
2. A Personal Service facility includes, but is not limited to barber or beauty shop, optometrist shop, photographic studio, and travel bureau.

Right-of-Way. Land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for an-other special use that is dedicated for public use or use by a public utility.

Riparian/Riparian Areas. Related to, living or located on the bank of a natural watercourse or lake. Riparian areas include groups of plants, animals and aquatic communities whose presence is either directly or indirectly attributed to water-influenced or water-related factors. Areas exempt from this definition are man made agricultural structures and devices including irrigation ditches, sprinklers and artificial ponds.

Rubbish. Garbage and trash, including but not limited to: unwanted or discarded household items; waste from building construction, remodeling and repair including used lumber and building materials; tree branches, grass and shrub clippings, leaves or other general yard and garden waste; newspapers, magazines, packaging materials, waste paper or cardboard, boxes and crates, rags; dead animal carcasses; and any other unsightly or discarded material including scrap metal, scrap material, bottles and tin cans, which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics.

Setback. The required minimum distance between the point that the facing wall intersects with the finished grade of the building and the related front, side, or rear lot line.

Sign Area. The sum area of the surface of each plane of the sign, within the outermost edge or border of the plane. The sign area of freestanding letters not attached to a surface or plane shall be the area enclosed within the smallest geometric figure needed to completely encompass all of the letters, words, insignias or symbols.

Sign Face. The surface of a sign upon, against, or through which the message is displayed or illustrated.

Sign – Identification Sign. Identification signs include name plates, signs or symbols establishing the identity of a building; combination of name and street addresses; landmark or natural features; plaques that are an integral part of the structure.

Sign – Ideological Sign. A sign expressing philosophical concepts, including religious and political signs.

Sign – Joint Identification Sign. A sign that provides common or collective identification for two or more businesses or industrial uses.

Sign – Real Estate Sign. A sign indicating the availability for sale, rent or lease of a specific lot or building.

Sign, Freestanding. A sign that is supported by one or more columns, uprights or poles extended from the ground or from an object on the ground, or a sign that is erected on the ground.

Sign, Ground. A type of freestanding sign which is erected on the ground and which contains no unrestricted space or open space between the ground and the top of the sign.

Sign, Off-Premises. Any sign which contains a message unrelated to the business conducted or to a commodity, service or entertainment sold or offered on the premises upon which the sign is located.

Sign, On-Premises. Any sign which contains a message directly pertaining to the business conducted or to a commodity, service or entertainment sold or offered on the premises upon which the sign is located.

Sign, Portable. Any sign not permanently attached to the ground or to any structure.

Sign, Projecting. A sign attached to a building and extending in whole or in part fifteen inches or more horizontally beyond the surface of the building to which the sign is attached.

Sign, Suspended. A sign suspended from the ceiling of an arcade, marquee or canopy.

Sign, Temporary. Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only.

Significant Adverse Effect/Impact. An impact of an action, after mitigation, that is considerable or substantial, and unfavorable or harmful; includes social, economic, physical, health, aesthetic and his-

torical impact, and biological impacts including but not limited to, effects on natural resources or the structure or function of affected ecosystems.

Site Specific Development Plan. The approved plan which has been submitted to the County to establish a vested right pursuant to Title 24, Article 68, C.R.S., as amended, and set forth in Section 1-202 B of these regulations.

Slope. Change in vertical elevation of a property over a specified horizontal distance, measured between contour intervals.

Solid Waste. The term "solid waste" includes: garbage or refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; solid, liquid, semisolid, or contained gaseous material discarded from industrial operations, commercial operations or community activities. "Solid waste" does not include: any solid or dissolved materials in domestic sewage; agricultural wastes; solid or dissolved materials in irrigation return flows; industrial discharges which are point sources subject to permits under the provisions of the Colorado Water Quality Control Act, Title 25, Article 8, C.R.S.; materials handled at facilities licensed pursuant to the regulatory provisions under the Radiation Control Act, Title 25, Article 11, C.R.S; and scrap metal that is being recycled or shredded circuit boards that are being recycled.

Solid Waste Disposal. The storage, treatment, utilization, processing, or final disposal of solid wastes.

Solid Waste Disposal Site or Facility / Landfill. The location and/or facility at which the deposit and final treatment of solid wastes occur. Solid Waste Disposal Sites shall comply with State laws and regulations and must receive a "certificate of designation" from the County.

Storage Pits. *(Article 9, Oil and Gas Regulations)* Storage pits include, but are not limited to drilling pits, production pits, evaporation pits, multi-well pits, special purpose pits, water tanks and recycling pits.

Structure. That which is built, constructed, or erected, including by way of illustration: a building, bridge, framework, or other object that has been put together from different parts. The term "structure" includes, but is not limited to: buildings, decks, fences, retaining walls, signs, towers, antennas, smokestacks, and overhead transmission lines.

1. Permanent structure. Any structure that is supported by a permanent foundation.
2. Temporary structure. Any structure that is not supported by a permanent foundation and is not intended to be used longer than one year

Structural Alterations. A change, rearrangement or addition to the structural parts or in the existing facilities of a building or structure, or the moving from one location or position to another.

Subdivision or Subdivided Land. The division of land into two (2) or more lots, tracts, sites, parcels, separate interests or interests in common, unless exempted from the term subdivision by Section 30-28-110, C.R.S., or by regulatory provisions of these regulations.

Substantial Improvement. *(Article 14 - Areas and Activities of State Interest only)*

1. Any repair, reconstruction or improvement of a building or other structure, the market value of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

2. The term substantial improvement does not include:

a. Any improvement of a structure to comply with existing state or local health, sanitation, safety, or building code specifications which are solely necessary to assure safe living conditions.

b. Any alteration of a structure listed on the National Register of Historic Places or on the Colorado State Historical Society's list of historic places.

Telecommunication Facility. A structure or tower and accessory building, supporting antennas, and microwave dishes that send and/or receive radio frequency signals, including television and data impulses, through space by means of electromagnetic waves. Review is required for telecommunication towers greater then 50 feet in height. Individual/personal direct-to-home satellite services are not included in the definition of "Telecommunication Facility".

Temporary and Seasonal Uses. Any use which is intended to operate only for a limited period of time, usually just during certain seasons.

Transitional Housing. A facility providing long-term housing in multi-family dwelling units, in conjunction with programs that assist tenants in working towards independence from financial, emotional, or medical conditions that limit their ability to obtain independent housing for themselves. Participation in a program of supportive services is required as a condition of residency.

Unsafe Structure. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition.

Vested Property Right. The right to undertake and complete the development and use of property under the terms and conditions of a County-approved site specific development plan, as defined in Section 24-68-102(5), C.R.S.

Warehouse and Distribution Center. A building used primarily for the inside storage and distribution of goods and materials. This term includes land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

Water and Wastewater Projects. *(Article 14 - Areas and Activities of State Interest only)* The Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems, Major Extensions of Existing Domestic Water and Wastewater Treatment Systems, and Efficient Utilization of Municipal and Industrial Water Projects, including any proposed land development directly related to such Project if such development is to be located wholly or partially within this County and if such development specifically generates the need for the Project.

Water Impoundment. *(Article 14 - Areas and Activities of State Interest only)* Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of these Regulations and Guidelines. This definition does not apply to oil and gas exploration and production storage pits.

Weeds and Brush. Any underbrush, brush, shrub or plant material greater than 12 inches in height which:

1. Ordinarily grows without cultivation; not in planting beds or otherwise in a controlled manner; or not for the purpose of food production; and
2. Is allowed to grow in such a manner or extent that it causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics; and
3. Is not an undesirable plant designated under the County's Noxious Weed Management Plan, pursuant to the "Colorado Noxious Weed Act" the removal of which shall be governed by that Plan and not this Article.

Well Pad Access Road. A way or means of approach to provide a physical entrance and exit to Oil and Gas Operations.

Wildlife Habitat. That natural or man-made environment which contains the elements of food, shelter, water and land area in a combination and quantity necessary for the survival of one or more wildlife species.

ARTICLE 17 - ONSITE WASTEWATER TREATMENT SYSTEM REGULATIONS
RESOLUTION 2018-26

DIVISION 1 GENERAL PROVISIONS

Section 17-101 Declaration

In order to preserve the environment and protect the public health and water quality; to eliminate and control causes of disease, infection, and aerosol contamination; and to reduce and control the pollution of the air, land and water, the Rio Blanco County Board of Health declares it to be in the public interest to establish minimum standards and regulations for On-site Wastewater Treatment Systems (OWTS) in Rio Blanco County Colorado and to provide the authority for the administration and enforcement of such minimum standards and regulations.

Section 17-102 Purpose

The purpose of these Regulations as authorized by the OWTS Act is to establish minimum standards for the location, design, construction, performance, installation, alteration and use of OWTS within Rio Blanco County Colorado, including but not limited to permit application requirements; requirements for issuing permits; the inspection, testing, and supervision of installed systems; the maintenance and cleaning of systems; the disposal of waste material and the issuance of cease and desist orders.

Section 17-103 Authority

These Regulations are promulgated pursuant to the On-site Wastewater Treatment System Act, §25-10-101, et seq. C.R.S.

Section 17-104 Applicability

These Regulations shall apply to all OWTS as defined in §25-10-103(12), C.R.S. within the County of Rio Blanco, Colorado, including within the Towns of Rangely and Meeker. Systems with a design flow of 2,000 gallons per day or more shall also comply with the Colorado Water Quality Control Act, Article 8, Title 25 C.R.S. and regulations adopted by the Colorado Water Quality Control Commission.

Section 17-105 Severability and Savings Clause

The provisions of these Regulations are severable, and if any provisions or the application of the provisions to any circumstances are held invalid, the application of such provision to other circumstances, and the remainder of these Regulations shall not be affected thereby.

DIVISION 2 DEFINITIONS, ABBREVIATIONS AND ACRONYMS

Section 17-201 – Definitions.

These following definitions relate only to Article 17.

Absorption system. A leaching field and adjacent soils or other system for the treatment of sewage in an On-site Wastewater Treatment System by means of absorption into the ground. See Soil treatment area.

Applicant. A person who submits an application for a permit for an On-site Wastewater Treatment System.

Bed. A below-grade soil treatment area consisting of a shallow excavation greater than three feet wide containing distribution media and more than one lateral.

Bedrock. A continuous rock that underlies the soil or is exposed at the surface. Bedrock is generally considered impervious, but if fractured or deteriorated, it may allow effluent to pass through without adequate treatment.

Biochemical Oxygen Demand, Five-Day (BOD5)**.** A quantitative measure of the amount of oxygen consumed by bacteria while stabilizing, digesting, or treating biodegradable organic matter under aerobic conditions over a five-day incubation period; expressed in milligrams per liter (mg/L).

Biochemical Oxygen Demand, Carbonaceous Five Day (CBOD5). A quantitative measure of the amount of oxygen consumed by bacteria while stabilizing, digesting, or treating the organic matter under aerobic conditions over a five-day incubation period while in the presence of a chemical inhibitor to block nitrification; expressed in milligrams per liter (mg/L).

Building sewer. A piping that conveys wastewater to the first system component or the sewer main.

Carbonaceous Biochemical Oxygen Demand. See Biochemical Oxygen Demand, Carbonaceous.

Cesspool. An unlined or partially lined underground pit or underground perforated receptacle into which raw household wastewater is discharged and from which the liquid seeps into the surrounding soil. Cesspool does not include a septic tank.

Chamber. An open, arch-shaped structure providing an open-bottom soil interface with permeable sidewalls used for distribution of effluent in a soil absorption system.

Cleaning. The act of removing septage or other wastes from a wastewater treatment system component or grease/waste from a grease interceptor.

Colorado Plumbing Code. Examining Board of Plumbers Rules And Regulations (3 CCR 720-1).

Commission. The Water Quality Control Commission created by Section 25-8-201, C.R.S.

Competent technician. A person designated by a local public health agency who is able to conduct and interpret the results of soil profile test pit excavations, profile holes, percolation tests, and site evaluations.

Component. A subsection of an On-site Wastewater Treatment System; a component may include multiple devices.

Composting toilet. A self-contained waterless toilet designed to decompose non-water-carried human wastes through microbial action and store the resulting matter for disposal.

Consistence. The degree and kind of cohesion and adhesion that soil exhibits and/or the resistance of soil to deformation or rupture under an applied stress.

County Board of Health. The Rio Blanco County Board of Health.

Crest. The highest point on the side of a dry gulch or cut bank.

Deep gravel system. A soil treatment area for repairs only where the trenches utilize a depth of gravel greater than 6 inches below the distribution line and sidewall area is allowed according to a formula

specified in this regulation.

Department. The Rio Blanco County Department of Public Health and Environment.

Design.

1. the process of selecting, sizing, locating, specifying, and configuring treatment train components that match site characteristics and facility use as well as creating the associated written documentation; and
2. written documentation of size, location, specification and configuration of a system.

Design capacity. See Flow, Design.

Design flow. See Flow, Design.

Designer, on-site wastewater treatment system. A practitioner who utilizes site evaluation and investigation information to select an appropriate OWTS and prepares a design document in conformance with this regulation.

Distribution. The process of conveying wastewater or effluent to one or more components, devices, or throughout a soil treatment area.

Distribution box" means a watertight component that receives effluent from a septic tank or other treatment unit and distributes effluent via gravity in approximately equal portions to two or more trenches or two or more laterals in the soil treatment area.

Division. The division of administration of the department of which the Water Quality Control Division is a part.

Domestic wastewater. See Wastewater, domestic.

Domestic Wastewater Treatment Works. A system or facility for treating, neutralizing, stabilizing, or disposing of domestic wastewater which system or facility has a designed capacity to receive 2,000 gallons of domestic wastewater per day or more. The term "domestic wastewater treatment works" also includes appurtenances to such system or facility such as outfall sewers and pumping stations and to equipment related to such appurtenances. The term "domestic wastewater treatment works" does not include industrial wastewater treatment plants or complexes whose primary function is the treatment of industrial wastes, notwithstanding the fact that human wastes generated incidentally to the industrial process are treated therein. 25-8-103 (5), C.R.S.

Dosing. A high rate periodic discharge into a soil treatment area.

Dosing, demand. A configuration in which a specific volume of effluent is delivered to a component based upon patterns of wastewater generation from the source.

Dosing, pressure. A delivery of effluent under pressure to a component, device or to a soil treatment area for even distribution.

Dosing, timed. A configuration in which a specific volume of effluent is delivered to a component based upon a prescribed interval, regardless of facility water use.

Dosing siphon. A device used for demand dosing effluent; which stores a predetermined volume of water and discharges it at a rapid rate, from a tank at a given elevation to a component at a lower elevation, accomplished by means of atmospheric pressure and the suction created by the weight of the liquid in the conveying pipe.

Dosing tank. A tank, compartment or basin that provides for storage of effluent from a septic tank or other treatment unit intended to be delivered to a soil treatment area at a high rate periodic discharge.

Drainfield. See Soil treatment area.

Drop box. A device used for serial or sequential distribution of effluent by gravity flow to a lateral of a soil treatment area.

Dry gulch. See Gulch, dry.

Drywell. An unlined or partially lined underground pit (regardless of geometry) into which drainage from roofs, basement floors, water softeners or other non-wastewater sources is discharged and from which the liquid seeps into the surrounding soil.

Effective Size. The size of granular media such that not more than 10 percent by weight of the media is finer than the size specified.

Effluent. The liquid flowing out of a component or device of an On-site Wastewater Treatment System.

Effluent filter. See Effluent screen.

Effluent line. A non-perforated pipe that conveys effluent from one On-site Wastewater Treatment System component to the next.

Effluent screen. A removable, cleanable (or disposable) device installed on the outlet piping of a septic tank for the purpose of retaining solids larger than a specific size and/or modulating effluent flow rate. An effluent screen may be a component of a pump installation. An effluent screen may also be installed following the septic tank but before higher level treatment components or a soil treatment area.

Environmental health specialist. A person trained in physical, biological, or sanitary science to carry out educational and inspectional duties in the field of environmental health.

Evapotranspiration/absorption system. An unlined On-site Wastewater Treatment component that uses evaporation, transpiration, and absorption for dispersal of effluent.

Evapotranspiration system. An On-site Wastewater Treatment component with a continuous, impermeable liner that uses evapotranspiration and transpiration for dispersal of effluent.

Experimental system. A design or type of system based upon improvements or development in the technology of sewage treatment that has not been fully tested.

Failure. A damage to a system component, structural member or connection.

Field performance testing. Data gathering on a system in actual use that is being proposed for Division acceptance.

Floodplain (100-year). An area adjacent to a stream which is subject to flooding as the result of the occurrence of a 100 year flood, and is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public or environmental health and safety or to property or is designated by the Federal Emergency Management Agency (FEMA) or National Flood Insurance Program (NFIP). In the absence of FEMA/NFIP maps, a professional engineer shall certify the flood plain elevations.

Floodway. The channel of a 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 one foot or as designated by the Federal Emergency Management Agency or National Flood Insurance Program. In the absence of FEMA/NFIP maps, a professional engineer shall certify the floodway elevation and location.

Flow, daily. The measured volume of wastewater generated from a facility in a 24-hour period expressed as gallons per day.

Flow, design. The estimated volume of wastewater per unit of time for which a component or system is designed. Design flow may be given in the estimated volume per unit such as person per unit time that shall be multiplied by the maximum number of units that a facility can accommodate over that time.

Flow equalization. A system configuration that includes sufficient effluent storage capacity to allow for regulated flow on a daily or multi-day basis to a subsequent component despite variable flow from the source.

Flow equalizer. An adjustment device to evenly distribute flow between outlets in a distribution box or other device that may be out of level.

Grease interceptor tank. A watertight device located outside a facility designed to intercept, congeal, and retain or remove fats, oils, and grease from sources such as commercial food-service that will generate high levels of fats, oils and greases.

Ground water. That part of the subsurface water that is at or below the saturated zone.

Ground water surface. The uppermost limit of an unconfined aquifer at atmospheric pressure.

Guidelines. The State Board of Health Guidelines on Individual Sewage Disposal Systems, 5 CCR 1003-6 – predecessor of Regulation 43, On-site Wastewater Treatment System Regulation, 5 CCR 1002-43.

Gulch, dry. A deep, narrow ravine marking the course of an intermittent or ephemeral stream.

Health officer. The chief administrative and executive officer of a local public health agency, or the appointed health officer of the local board of health. Health officer includes a director of a local public health agency.

Higher level treatment. Designated treatment levels other than treatment level 1.

Individual Sewage Disposal System. A term used for On-site Wastewater Treatment System in Colorado regulations from 1973 until 2013.

Infiltrative surface. Design designated interface where effluent moves from distribution media or a

ART 1 ADMINISTRATION
ART 2 LAND USE CHANGE PERMIT
ART 3 ZONING
ART 4 PERMIT APPLICATION & REVIEW
ART 5 DIVISIONS OF LAND
ART 6 PLANNED UNIT DEVELOPMENT
ART 7 STANDARDS
ART 8 TEMPORARY LIVING QUARTERS
ART 9 OIL AND GAS REGULATIONS
ART 10 NONCONFORMITY
ART 11 SIGNS
ART 12 ENFORCEMENT
ART 13 FINANCIAL GUARANTEES
ART 14 AREAS AND ACTIVITIES OF STATE INTEREST
ART 15 RUBBISH, JUNK, WEEDS AND BRUSH
ART 16 DEFINITIONS
ART 17 ONSITE WASTE TREATMENT SYSTEMS
ART 18 FLOODPLAIN REGULATIONS

distribution device into soil.

Inspection port. An access point in a system component that enables inspection, operation and/or maintenance.

Invert. The elevation of the bottom of the inside pipe wall or fitting.

Lateral. The pipe, tubing or other conveyance used to carry and distribute effluent.

Leach field. See Soil treatment area.

Limited occupancy. The occupancy of a structure or dwelling as a residence on less than a full-time, year round basis, i.e. no more than 90 consecutive days or a total occupancy of 120 days per year.

Limiting condition. A layer with low permeability, ground water surface or other condition that restricts the treatment capability of the soil.

Liner. An impermeable synthetic or natural material used to prevent or restrict infiltration and/or exfiltration.

Local board of health. See, "County Board of Health".

Local health department. See local public health agency.

Local public health agency. Any county, district, or municipal public health agency and may include a county, district, or municipal board of health to oversee On-site Wastewater Treatment System permitting and inspection or an on-site wastewater treatment system program. A local public health agency may designate another agency to administer the OWTS program.

Long-term acceptance rate (LTAR). A design parameter expressing the rate that effluent enters the infiltrative surface of the soil treatment area at equilibrium, measured in volume per area per time, e.g. gallons per square foot per day (g/ ft2/day).

Malfunction. The condition in which a component is not performing as designed or installed.

Manufactured media. See Media, manufactured.

Media. A solid material that can be described by shape, dimensions, surface area, void space, and application.

Media, manufactured. A synthetic media for distribution such as polystyrene blocks or beads or plastic grids.

Media, treatment. As non-or slowly-degradable media used for physical, chemical, and/or biological treatment in an On-site Wastewater Treatment System component.

Mound. An above-grade soil treatment area designed and installed with at least 12 inches of clean sand between the bottom of the infiltrative surface and the original ground elevation; that utilizes pressure distribution and includes a final cover of suitable soil to stabilize the surface and support vegetative growth.

Nitrification. The oxidation of ammonium salts to nitrites and the further oxidation of nitrites to nitrates.

Nitrogen reduction. A minimum 50 percent reduction of influent nitrogen strength which is the minimum objective of NSF/ANSI Standard 245 - Wastewater Treatment Systems - Nitrogen Reduction.

On-Site Wastewater Treatment System or OWTS. An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or dispersing sewage generated in the vicinity, which system is not a part of or connected to a sewage treatment works. The word system is used in the text to mean OWTS.

OWTS Act. The On-site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S.

Pedogenic. Pertaining to or related to the formation and development of soil.

Percolation test. A subsurface soil test at the depth of a proposed absorption system or similar component of an OWTS to determine the water absorption capability of the soil, the results of which are normally expressed as the rate at which one inch of water is absorbed. The rate is expressed in minutes per inch.

Performance standard. A minimum performance criteria for water quality and operation and maintenance established by the regulatory authority to ensure compliance with the public health and environmental goals of the state or public health agency.

Permeability. The property of a material which permits movement of water through the material.

Permit. A permit for the construction or alteration, installation, and use or for the repair of an On-site Wastewater Treatment System.

Person. An individual, partnership, firm, corporation, association, or other legal entity and also the state, any political subdivision thereof, or other governmental entity.

Pressure distribution. An application of effluent over an infiltrative surface via pressurized orifices and associated devices and parts (including pump, filters, controls, and piping).

Privy. An above grade structure allowing for the disposal of excreta not transported by a sewer and which provides privacy and shelter and prevents access to the excreta by flies, rodents, or other vectors.

1. Pit privy – privy over an unlined excavation.
2. Vault privy – privy over a vault.

Professional engineer. An engineer licensed in accordance with Section 12-25-1, C.R.S.

Professional geologist. A person who is a graduate of an institution of higher education which is accredited by a regional or national accrediting agency, with a minimum of thirty semester (forty-five quarter) hours of undergraduate or graduate work in a field of geology and whose post-baccalaureate training has been in the field of geology with a specific record of an additional five years of geological experience to include no more than two years of graduate work. 23-41-208, C.R.S. and 34-1-201, C.R.S.

Proprietary product. A manufactured component or other product that is produced by a private per-

son. It may be protected by patent, trademark or copyright.

Public domain technology. A system that is assembled on location from readily available components and is based on well-established design criteria and is not protected by patent, trademark or copyright.

Redoximorphic. A soil property that results from the reduction and oxidation of iron and manganese compounds in the soil after saturation with water and subsequent desaturation.

Remediation system. A treatment system, chemical/biological additive or physical process that is proposed to restore the soil treatment area of an OWTS to good performance.

Restrictive layer. The horizon or condition in the soil profile or underlying strata that restricts movement of fluids. A restrictive layer may constitute a limiting soil/site condition.

Riser. A watertight vertical cylinder and lid allowing access to an OWTS component for inspection, cleaning, maintenance, or sampling.

Rock-plant filter. A designed system which utilizes treatment media and various wetland plants to provide treatment of wastewater through biological, physical, and chemical processes. Also called a constructed wetland.

Sand filter. A system that utilizes a layer of specified sand as filter and treatment media and pressure distribution.

Sand filter, lined. A sand filter designed for higher level treatment that has an impervious liner and under-drain below the sand layer. Lined sand filters may be intermittent / single pass where the effluent is distributed over the sand bed a single time before distribution to a soil treatment area, or recirculating where part of the effluent is returned to an earlier component for additional treatment before distribution to a soil treatment area.

Sand filter, unlined. A layer of sand used as a sand filter without a liner between the sand and the existing soil on which it is placed.

Seepage pit. An excavation deeper than it is wide that receives septic tank effluent and from which the effluent seeps from a structural internal void into the surrounding soil through the bottom and openings in the side of the pit.

Septage. A liquid or semisolid that includes normal household wastes, human excreta, and animal or vegetable matter in suspension or solution generated from a residential septic tank system. Septage may include such material issued from a commercial establishment if the commercial establishment can demonstrate to the Division that the material meets the definition for septage set forth in this subsection. Septage does not include chemical toilet residuals.

Septic tank. A watertight, accessible, covered receptacle designed and constructed to receive sewage from a building sewer, settle solids from the liquid, digest organic matter, store digested solids through a period of retention, and allow the clarified liquids to discharge to other treatment units for final disposal.

Sequential distribution. A distribution method in which effluent is loaded into one trench and fills it to a predetermined level before passing through a relief line or device to the succeeding trench. The

effluent does not pass through the distribution media before it enters succeeding trenches.

Serial distribution. A distribution method in which effluent is loaded into one trench and fills it to a predetermined level before passing through a relief line or device to the succeeding trench. The effluent passes through the distribution media before entering succeeding trenches which may be connected to provide a single uninterrupted flow path.

Sewage. A combination of liquid wastes that may include chemicals, house wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, and that is discharged from a dwelling, building, or other establishment. See also Wastewater.

Sewage treatment works. This has the same meaning as "domestic wastewater treatment works" under Section 25-8-103, C.R.S.

Site evaluation. A comprehensive analysis of soil and site conditions for an OWTS.

Site evaluator. A practitioner who conducts preconstruction site evaluations, including visiting a site and performing soil analysis, a site survey, or other activities necessary to determine the suitability of a site for an OWTS.

Slit trench latrine. A temporary shallow trench for use as disposal of non-water-carried human waste.

Soil.

1. unconsolidated mineral and/or organic material on the immediate surface of the earth that serves as a medium for the growth of plants and can potentially treat wastewater effluent;
2. unconsolidated mineral or organic matter on the surface of the earth that has been subjected to and shows effects of:
   a) pedogenic and environmental factors of climate (including water and temperature effects) and
   b) macro and microorganisms, conditioned by relief, acting on parent material over a period of time.

Soil evaluation. A percolation test, soil profile, or other subsurface soil analysis at the depth of a proposed soil treatment area or similar component or system to determine the water absorption capability of the soil, the results of which are normally expressed as the rate at which one inch of water is absorbed or as an application rate of gallons per square foot per day.

Soil horizon. Layers in the soil column differentiated by changes in texture, color, redoximorphic features, bedrock, structure, consistence, and any other characteristic that affects water movement or treatment of effluent.

Soil morphology.

1. physical constitution of a soil profile as exhibited by the kinds, thickness, and arrangement of the horizons in the profile; and by the texture, structure, consistence, and porosity of each horizon; and
2. visible characteristics of the soil or any of its parts.

Soil profile hole. A hole dug or drilled near a proposed soil treatment area to locate bedrock or ground

water, if present. Observations of soil cuttings may be made.

Soil profile test pit excavation. A trench or other excavation used for access to evaluate the soil horizons for properties influencing effluent movement, bedrock, evidence of seasonal high ground water, and other information to be used in locating and designing an On-site Wastewater Treatment System.

Soil structure. The naturally occurring combination or arrangement of primary soil particles into secondary units or peds; secondary units are characterized on the basis of shape, size class, and grade (degree of distinctness).

Soil texture. The proportion by weight of sand, silt, and clay in a soil.

Soil treatment area. The physical location where final treatment and dispersal of effluent occurs. Soil treatment area includes drainfields and drip fields.

Soil treatment area, alternating. The final treatment and distribution component that is composed of two soil treatment areas that are independently dosed.

Soil treatment area, sequencing. A soil treatment area having more than two sections that are dosed on a frequent rotating basis.

State Waters. This has the meaning set forth under Section 25-8-103. C.R.S.

Strength, wastewater. The concentration of constituents of wastewater or effluent; usually expressed in mg/L.

Suitable soil. A soil which will effectively treat and filter effluent by removal of organisms and suspended solids before the effluent reaches any highly permeable earth such as joints in bedrock, gravels, or very coarse soils and which meets percolation test or soil test pit excavation requirements for determining long-term acceptance rate and has a vertical thickness of at least four feet below the bottom of the soil treatment area unless the treatment goal is met by other performance criteria.

Systems cleaner. A person engaged in and who holds himself or herself out as a specialist in the cleaning and pumping of On-site Wastewater Treatment Systems and removal of the residues deposited in the operation thereof.

Systems contractor. A person engaged in and who holds himself or herself out as a specialist in the installation, renovation, and repair of On-site Wastewater Treatment Systems.

Total suspended solids. The measure of all suspended solids in a liquid; typically expressed in mg/L.

Transfer of Title. The change of ownership of a property.

Treatment media. See Media, treatment.

Treatment level. Defined concentrations of pollutants to be achieved by a component or series of components of an OWTS.

Treatment unit. A component or series of components where solids or pollutants are removed from wastewater or effluent from a preceding component.

Trench.

1. below-grade soil treatment area consisting of a shallow excavation with a width of 3 feet or less containing distribution media and one lateral; and
2. excavation for placement of piping or installation of electrical wire or conduit.

Uniformity coefficient. A value which is the ratio of D60 to D10 where D60 is the soil diameter of which 60 percent of the soil weight is finer and D10 is the corresponding value at 10 percent finer. (A soil having a uniformity coefficient smaller than 4 would be considered "uniform" for purposes of this regulation.)

Vault. A watertight, covered receptacle, which is designed to receive and store excreta or wastes either from a building sewer or from a privy and is accessible for the periodic removal of its contents. If the vault is intended to serve a structure or structures that are projected to generate a domestic wastewater flow of two thousand gallons per day or more at full occupancy, the vault is a domestic wastewater treatment works. Vaults are On-site Wastewater Treatment Systems.

Vector. An organism that transmits a pathogen.

Visual and tactile evaluation of soil. Determining the properties of soil by standardized tests of appearance and manipulation in the hand.

Volume, effective. The amount of effluent contained in a tank under normal operating conditions; for a septic tank, effective volume is determined relative to the invert of the outlet; for a dosing tank, effective volume under normal conditions is determined relative to the invert of the inlet and the control off level.

Wastewater, domestic. The combination of liquid wastes (sewage) which may include chemicals, household wastes, human excreta, animal or vegetable matter in suspension or solution, or other solids in suspension or solution which are discharged from a dwelling, building or other structure.

Wastewater, high strength.

1. influent having BOD5 greater than 300 mg/L; and/or TSS greater than 200 mg/L; and/or fats, oils, and grease greater than 50 mg/L entering a pretreatment component (as defined by NSF/ANSI Standard 40 testing protocol); and
2. effluent from a septic tank or other pretreatment component that has BOD5 greater than 170 mg/L; and/or TSS greater than 60 mg/L; and/or fats, oils, and grease greater than 25 mg/L and is applied to an infiltrative surface.

Wastewater pond. A designed pond which receives exclusively domestic wastewater from a septic tank and which provides an additional degree of treatment.

Water Quality Control Commission. See Commission.

Water Quality Control Division. See Division.

Wetland, constructed. See Rock-plant filter.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vege-

tation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Table 1-1 Abbreviations and Acronyms	
AASHTO	American Association of State Highway and Transportation Officials
ANSI	American National Standards Institute
ASTM	American Society for Testing and Materials
BOD	Biochemical Oxygen Demand
C.R.S.	Colorado Revised Statutes
CBOD	Carbonaceous Biochemical Oxygen Demand
CSA	Canadian Standards Association
gpd	gallons per day
IAPMO	International Association of Plumbing and Mechanical Officials
ISDS	Individual Sewage Disposal System
LTAR	Long-term Acceptance Rate
mg/L	milligrams per Liter
MPI	Minutes Per Inch
NAWT	National Association of Wastewater Technicians
NPCA	National Precast Concrete Association
NSF	National Sanitation Foundation
OWTS	On-site Wastewater Treatment System(s)
STA	Soil Treatment Area
TL	Treatment Level
TN	Total Nitrogen
TSS	Total Suspended Solids
UL	Underwriters' Laboratories

DIVISION 3 GENERAL REQUIREMENTS

Section 17-301 General Requirements

A. The owner of any structure where people live, work, or congregate that is not connected to a sewage treatment works shall ensure that the structure contains a functional toilet, lavatory, tub or shower that are connected to an OWTS. This requirement does not apply to dwellings used for limited occupancy as defined by these Regulations or as otherwise determined by the local building code.

B. Sewage or effluent shall not be discharged upon the surface of the ground or into surface waters unless it meets the minimum requirements of these regulations or the applicable regulations of the Colorado Water Quality Control Commission, whichever is applicable.

C. A permit shall be required for the expanded use of an OWTS. The OWTS shall be replaced or modified to handle the increased design flow unless the Department determines that the existing system is adequately designed and constructed for the higher design flow rate.

Section 17-302 Design Capacity

A. An OWTS with design capacity less than 2,000 gpd shall comply with these Regulations and the OWTS Act, which shall govern all aspects of OWTS permits, performance, location, construction, alteration, installation, and use.

B. An OWTS with design capacity equal to or greater than 2,000 gpd shall comply with these Regulations, site location and design approval in §25-8-702, C.R.S., and the discharge permit requirements in the Water Quality Control Act, §25-8-501 C.R.S., et seq. Applicable Commission regulations include, but are not limited to, the following:

1. Regulation 22 - Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works (5 CCR 1002-22).
2. Regulation 41 - The Basic Standards for Ground Water (5 CCR 1002-41).
3. Regulation 42 - Site-Specific Water Quality Classifications and Standards for Ground Water (5 CCR 1002-42).
4. Regulation 61 - Colorado Discharge Permit System Regulations (5 CCR 1002-61).
5. Regulation 62 - Regulations for Effluent Limitations (5 CCR 1002-62).

C. The requirements for maintenance and standards of performance for systems equal to or greater than 2,000 gpd shall be determined by the site application approval and discharge permit.

Section 17-303 Discharge Requirements

Sewage or effluent shall not be discharged upon the surface of the ground or into surface waters unless it meets the minimum requirements of these regulations and/or the Colorado Water Quality Control Commission, whichever is applicable.

Section 17-304 Discharge to State Waters

A. Any system that will discharge into surface waters shall be designed by a professional engineer. The discharge permit application shall be submitted for preliminary approval to the County Board of Health.

B. Once approved by the County Board of Health, the application shall be submitted to the Water Quality Control Division for review in accordance with the Water Quality Control Act, §25-8-101, et seq. C.R.S, and all applicable regulations of the Water Quality Control Commission. Compliance with such a permit shall be deemed full compliance with these Regulations.

Section 17-305 Inspections and Right-of-Entry

A. To enforce these Regulations the health officer may enter private property to determine if the sewage disposal facilities are in compliance with these Regulations.

B. The owner or occupant of every property having an onsite wastewater treatment system shall give the health officer free access to the property for the purpose of such survey or inspection.

C. If access is denied, the health officer may apply to the Rio Blanco County District Court for an order authorizing entry.

Section 17-306 Septage Disposal

All persons shall dispose of septage removed from systems in the process of maintenance or cleaning at

an approved site and in an approved manner.

Section 17-307 Surface Activity

A. Activity or use on the surface of the ground over any part of the OWTS shall be restricted to that which shall allow the system to function as designed, will not require irrigation or watering, and which shall not contribute to compaction of the soil or to structural loading detrimental to the structural integrity or capability of the component to function as designed.

B. During construction, equipment shall be kept off of the ground surface above the soil treatment area and out of the excavation to prevent compaction. If compaction occurs, the disturbed or compacted soil shall be re-evaluated and new percolation tests may be performed to the disturbed or compacted soil and the system redesigned if the parameters have changed.

Section 17-308 General Prohibitions

A. No person shall construct or maintain any dwelling or other occupied structure which is not equipped with adequate facilities for the sanitary disposal of sewage.

B. No onsite wastewater treatment system shall be located, constructed, installed, altered or repaired prior to the issuance of a permit by the Department. Minor repairs, such as replacing a broken or crushed pipe may be authorized by the health officer without the issuance of a permit, provided that the repair work shall comply with all other aspects of these Regulations. The health officer may require an inspection of the repair work.

C. No city, county, or city and county shall issue to any person:

1. A permit to construct or remodel a building or structure that is not serviced by a sewage treatment works until the Department has issued a permit for an OWTS.
2. An occupancy permit for the use of a building that is not serviced by a sewage treatment works until the Department makes a final inspection of the OWTS, provided for in §25-10-106 (1) (h), C.R.S. and the Department approves the installation.

D. No person may connect more than one dwelling, commercial, business, institutional or industrial unit to the same OWTS unless such multiple connection was specified in the application submitted and in the permit issued for the system.

E. No new cesspools may be constructed.

F. No OWTS permit shall be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district.

G. No new or expanded OWTS shall be installed in a 100-year floodplain unless it meets or exceeds the requirements of the Federal Emergency Management Agency and the local emergency agency. Repairs of an existing system shall meet the requirements as feasible. The system as approved by the Department shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters.

H. No new or expanded OWTS shall be installed in a floodway designated in a 100-year floodplain. For any system repair that may affect the floodway delineation, appropriate procedures shall be followed including revision of the floodway designation, if necessary.

Section 17-309 Materials Incorporated by Reference

A. Throughout these Regulations, standards and requirements by outside organizations have been adopted and incorporated by reference. The materials incorporated by reference cited herein

include only those versions that were in effect as of June 30, 2013 and not later amendments to the incorporated material.

B. Materials incorporated by reference are available for public inspection during normal business hours from the Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80246. Copies may be purchased from the source organizations.

DIVISION 4 PERMIT APPLICATION REQUIREMENTS AND PROCEDURES

Section 17-401 Applicability

Prior to installing, altering, or repairing a system, the owner shall obtain a permit from the Department.

Section 17-402 Minimum Application Requirements

A. The following forms and documents shall accompany an application for a permit to install an onsite wastewater treatment system:

1. An application form that includes:
   a. applicant name and contact information;
   b. owner name and contact information;
   c. property address;
   d. property legal description;
   e. type of permit and use of structure to be served by the system;
   f. report from Site and Soil Evaluation from Section 17-1201, prepared by a professional engineer;
   g. system design document prepared by a professional engineer, as described in Section 12.8, with a legible, accurate site plan which shows pertinent physical features on subject property, and on adjacent properties, as noted in Appendix A, Table A-1; and
   h. name and contact information for licensed contractor;
   i. other information, data, plans, specifications and tests as required by the Department.
2. When specific evidence suggests undesirable soil conditions exist, additional hydrological, geological, engineering or other information may be required to be submitted by the applicant. This requirement shall not prejudice the right of the Department to develop its own information from its own source at its own expense.
3. Fee(s) as established by the County Board of Health shall accompany an OWTS permit application.
4. The application shall expire and become void one year from the date of approval unless a permit is issued or an extension is granted by the health officer based on policies adopted by the County Board of Health.

Section 17-403 Permit Fees and Other Fees

A. A local board of health may set fees for permits. The permit fees may be no greater than required to offset the actual indirect and direct costs of the local public health agency. 25-10-107, C.R.S.

B. Permit application fees must not exceed the maximum fees established in section 25-10-107, C.R.S. Permit application fees must be submitted by an applicant with the permit application,

and are due and payable upon receipt of the permit application.

C. A local board of health may set fees for inspections, percolation tests, soil evaluation, and other services performed by the local public health agency. The fees shall be no greater than required to offset the actual indirect and direct costs of the services, and shall not exceed the maximum amounts specified in section 25-10-107, C.R.S.

D. Surcharge - The local public health agency must collect a fee of twenty-three dollars for each permit issued for a new, repaired, or upgraded OWTS. Of that fee, the local public health agency shall retain three dollars to cover the local public health agency's administrative costs and twenty dollars shall be transmitted to the state treasurer, who shall deposit that sum in the water quality control fund created in section 25-8-502(1)(c), C.R.S.

E. The local board of health may make provision for the waiver of any local fee normally required for an OWTS.

Section 17-404 Access to Site

A. For the purpose of inspecting and enforcing applicable regulations and the terms and conditions of any permit issued and investigating and responding to complaints, the Department is authorized to enter upon private property at reasonable times and upon reasonable notice for the purpose of determining whether or not an operating OWTS is functioning in compliance with the OWTS Act and these Regulations and the terms and conditions of any permit issued, and to inspect and conduct tests in evaluating any permit application.

B. The owner or occupant of every property having an OWTS shall permit the Department access to the property to make inspections, conduct required tests, take samples, and monitor compliance.

Section 17-405 Minimum Lot Requirements

A. Except as provided for in Section 4.5 an OWTS shall be installed on the same parcel as the building(s) which it serves.

B. New OWTS shall be installed only on lots 1 acre or larger.

Section 17-406 Easements

A. If geologic or topographic constraints limit the installation of an OWTS on a building site, or in the case of a planned community development such as a major subdivision, components of the proposed system may be located on contiguous properties in such a manner that conforms to these Regulations.

B. In support of the above, an easement agreement shall be prepared and submitted for approval by the health officer prior to the issuance of a permit and shall include the following:

1. a survey from a professional land surveyor establishing the perimeter of the easement such that a minimum setback of at least 10 feet shall be maintained from all system components to be located in the easement;
2. written provisions for the installation of and perpetual maintenance, repair and use of the OWTS components located within the easement; and
3. any other information required by the health officer.

C. Upon approval by the health officer, the agreement shall be executed by the owners of the dominant and serviant estates subject to the easement agreement and recorded with the Rio Blanco County Clerk and Recorder after final approval of the system installation.

D. For the purposes of these Regulations, easements do not affect the size of building sites.

Section 17-407 Preliminary Site Investigation

A. After receiving a permit application the health officer, or their agent, shall conduct a preliminary site investigation consisting of:

1. an inspection of the property;
2. an assessment of the general topographical, hydrologic and geologic conditions of the property and surrounding area; and
3. an assessment of the suitability of the proposed onsite wastewater treatment system.

B. When specific evidence indicates that subsurface conditions exist that may endanger State waters, the health officer may require the applicant to submit additional hydrological, geological or engineering information.

Section 17-408 Application Review and Permit Issuance

A. If the health officer determines that the application and supporting engineering designs comply with these Regulations and the OWTS Act, the health officer shall issue a permit to install the proposed system.

B. The permit shall set forth the conditions relating to the installation, operation and maintenance of the system, including, but not limited to, effluent testing, cleaning or maintenance schedules, or other special conditions.

C. Unless specifically addressed in a permit condition, installation of an onsite wastewater treatment system shall otherwise be governed by all aspects of these Regulations.

D. The permit shall expire and become void one (1) year from the date of approval unless the system has been installed and approved by the health officer, or unless the health officer has granted an extension based on policies adopted by the County Board of Health.

Section 17-409 Denial of a Permit

A. If the health officer determines that the proposed system does not comply with these Regulations, the health officer shall deny the application and provide written notice to the applicant via first class mail.

B. Denial shall become final upon the expiration of time for filing an appeal under Section 5.7, or when the final action is taken upon an appeal, whichever is later.

Section 17-410 Changes in Plans or Specifications

Any change in plans or specifications for the OWTS after the permit has been issued shall be submitted to the health officer for review and approval; otherwise the permit will become invalid.

Section 17-411 Change in Terms or Conditions after Permit Issuance

A. A permit shall become invalid if any construction or other material change in on or off-site conditions would cause the installation of the permitted system to violate these Regulations or any permit condition.

B. The permit shall become invalid if it is determined that material information contained in the application, engineering design or supporting documentation is incorrect, false or misleading.

C. Allegations regarding encroachment of system components onto adjacent properties shall be supported by a survey or similar documentation provided by the owner of that property showing the extent of the encroachment and shall be made prior to the final approval of the system.

Allegations made after final approval has been given shall be considered to be civil matters between the parties involved.

D. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval from the Department for such changes.

Section 17-412 Inspections

A. During the installation of the onsite wastewater treatment system, all system components shall be inspected and approved by the health officer prior to back-filling.

B. The owner shall be responsible for providing the health officer with sufficient notice to perform all inspections required by the permit

C. The owner shall assure reasonable and safe access for the inspection of any excavation required in the installation of the permitted system. For the purpose of these Regulations, a ladder is not considered reasonable and safe access.

D. If during the installation of the system an inspection reveals any significant departure from the design of the permitted system or change in the proposed water supply, or if any aspect of the system fails to comply with these Regulations, the health officer shall provide the owner with written notice of the deficiencies.

E. If upon final inspection the health officer finds the system is installed in accordance with these Regulations and the permit conditions, the health officer shall approve the completed system.

F. No onsite wastewater treatment system shall be approved for use without a final inspection by the health officer.

Section 17-413 Engineer Certification of Installations

A. The design engineer shall provide written certification that the system was constructed in accordance with the permitted design. The certification shall include, but not be limited to:

1. suitability of in situ, imported or reconditioned site materials to provide adequate treatment of the effluent;
2. verification of location of water table, or that evidence of a water table is not present within 8 feet of the ground's surface;
3. proper installation and operation of any pumps, siphons, or other mechanical or electrical appurtenances, if applicable;
4. proper installation of sampling and / or monitoring equipment, if applicable,
5. suitability of blasting in conformance with the submitted blasting plan, if applicable;
6. name of Systems Contractor who installed the system;
7. name of service provider, if applicable; and
8. any other information required by the Department.

B. The engineer shall also provide an as-built drawing, which shall include at a minimum a scaled drawing showing the OWTS as installed, including its location from known and findable points, dimensions, depths, sizes, manufacturers' names and models, as available and other information relative to locating and maintaining the OWTS components.

C. Failure to provide the required certification(s) shall result in denial of the final approval of the system.

D. If the design engineer is deceased, no longer a practicing engineer, or is otherwise unable to provide such certifications, the health officer may waive the required certifications provided

that the installation of the system complies with all aspects of these Regulations other than the certifications.

E. For systems that include electrical components such as alarms and pumps, the contractor for the installation of that specific component may provide the installation and operational approval.

Section 17-414 Final Permit Approval

A. Final approval of the permit by the Department shall be granted after receipt or completion of each of the following:

B. Receipt of a letter from the design engineer certifying construction of system as designed.

C. Receipt of design engineer's as-built drawing, which shall include at a minimum a scaled drawing showing the OWTS as installed, including its location from known and findable points, dimensions, depths, sizes, manufacturers' names and models, as available and other information relative to locating and maintaining the OWTS components.

D. Final inspection prior to backfilling system by the Department confirming that the OWTS was installed according to the permit requirements and regulations or variances to the regulations.

E. Identification of licensed system contractor.

F. Any other information, data, plans, specifications and tests as required by the Department.

Section 17-415 Disclaimer

A. The issuance of any permit under these Regulations does not constitute a guarantee, warranty or representation by the County Board of Health, the health officer, or the Department that the permitted onsite wastewater treatment system will operate properly or that the system will not fail.

B. The issuance of any permit and specifications of terms and conditions therein shall not constitute assumption of liability, nor create a presumption that the Department or its employees may be liable for the failure or malfunctioning of any system. Permit issuance shall not constitute a certification that the system, the equipment used in the system, or any component used for system operation will ensure continuous compliance with the provisions of these Regulations or the OWTS Act, or any terms and conditions of a permit.

DIVISION 5 COUNTY BOARD OF HEALTH ADMINISTRATIVE PROCEDURES

Section 17-501 Variance Procedure from the Requirements of These Regulations

A. An applicant may make written request to the County Board of Health to consider a variance from any requirement of these Regulations that is either more stringent than or not addressed by Regulation 43. The County Board of Health shall consider all such written requests.

B. Final determination of such a variance request shall be based upon evidence presented to the County Board of Health, by the applicant, showing that the variance:

1. would not be injurious to the public health, water quality or the environment; and
2. would prevent a substantial hardship to the applicant.

C. All variance requests where proposed or existing components are less than 200 feet from property lines, except for repairs or upgrades as described in Section 17-501, shall be reviewed by the County Board of Health at a public hearing before final determination is made on the variance request or the granting of a permit. Repairs or upgrades shall comply with Section 17-501 and Section 17-1817.

Section 17-502 Variance Procedure from the Requirements of Regulation 43

A. An applicant may make written request to the County Board of Health to consider a variance from the requirements of Regulation 43 only for repairs or upgrades to approved existing systems that cannot meet the minimum setback requirements in Appendix A, Table A-1. The County Board of Health shall consider all such written requests.

1. The components of the repaired system shall be no closer to features requiring setbacks than the components of the existing system.
2. A public hearing shall not be required for such variance requests.
3. Such variance requests shall not be required to provide technical justification from a professional engineer or professional geologist as required in Section 17-502.
4. Such variance requests shall consider and comply with Section 17-18077.

Section 17-503 General Variance Procedure

A. The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting these Regulations.

B. Variance requests shall be accompanied by the following:

1. Site-specific request identifying the specific criteria from which a variance is being requested;
2. Technical justification by a professional engineer or professional geologist, which indicates the specific conditions which exist and/or the measures which will be taken that support a finding that the variance will result in no greater risk than that associated with compliance with the requirements of the regulation. Examples of conditions which exist, or measures which might be taken, include but are not limited to the following: evidence of a natural or manmade physical barrier to the movement of effluent to or toward the feature from which the variance is requested; placement of a manmade physical barrier to the movement of effluent to or toward the feature from which the variance is requested; soil replacement with sand filter media to reduce the infiltration rate of the effluent such that the travel time of the effluent from the absorption field to the physical feature is no less than the travel time through the native soils at the prescribed setback and Treatment Level 2;
3. A discussion of alternatives considered in lieu of the requested variance;
4. Technical documentation for selected alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health and to the environment; and
5. Technical documentation for selected alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health and to the environment; and

C. Variances shall not be granted in any of the following cases:

1. where the property can accommodate a conforming OWTS;
2. to mitigate an error in construction involving any element of property improvements;
3. solely for economic gain;
4. if it will result in a setback reduction to an offsite physical feature (including property lines) that does not conform to the minimum setbacks defined in Appendix A of this regulation without the written consent of the owner(s) of property containing said feature;
5. if it reduces the separation to ground water or bedrock as provided in Section 17-1600;

6. if it reduces the horizontal setback from a well, unless it also meets the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors.

D. When specific evidence suggests that limiting or unfavorable site conditions may exist, the health officer may require the applicant to submit additional geologic, hydrologic or engineering data prior to review by the County Board of Health.

E. The County Board of Health may, at its discretion, impose site-specific requirements and conditions on any variance granted.

Section 17-504 Outcome of the Variance Proceeding

A. The applicant shall be notified in writing of the County Board of Health's decision regarding the request for a variance. The notice of a denial of a variance shall include those reasons which form the basis for the denial. The notice of an approval of a variance shall include any conditions of the approval.

B. The variance, and any conditions thereof, shall be recorded on the deed to the property and any expenses associated with that recording shall be the responsibility of the party obtaining the variance.

Section 17-505 Prohibition of System Installation in Unsuitable Areas

A. The County Board of Health may conduct a public hearing to consider a prohibition on the issuance of OWTS permits for defined areas in which the local Board of Health determines that construction and use of additional OWTS may constitute a hazard to public health or water quality.

B. The hearing may be conducted after mailing a written notice to all affected property owners as shown in the records of the County Assessor and publishing a legal notice in a newspaper of general circulation at least 10 days prior to the hearing.

Section 17-506 Hearing Procedures

Public hearings conducted pursuant to this section shall provide an opportunity for all interested persons to present relevant testimony or evidence in accordance with policies adopted by the Board of Health. At the conclusion of such hearing the Board of Health may deny or approve the application upon such terms and conditions it deems advisable, or table or continue the application pending additional information it deems necessary to render a decision.

Section 17-507 Review of Applications Denied by the Health Officer

A. Any person whose application has been denied by the health officer pursuant to Section 17-408 may submit a request to the County Board of Health to review the health officer's denial within 60 days of receipt of the notice of denial.

B. The request shall be made in writing and shall state the facts upon which the applicant bases their request for review, the reasons entitling them to relief, and the specific relief or outcome they seek.

C. At the next meeting of the County Board of Health following the submission of a written request for review, the Board shall either deny the request or schedule a hearing to consider the request.

Section 17-508 Reconsideration of Applications Denied by the Board of Health

A. Any person whose application has been denied by the County Board of Health may submit a written request to the County Board of Health for reconsideration of the denial within 30 days

following the Board's decision.

B. The request for reconsideration shall state the facts upon which the applicant bases their request, the reasons entitling them to relief, and the specific relief or outcome they seek.

C. At the next meeting of the County Board of Health following the submission of a request for reconsideration, the Board shall either deny the request or schedule a hearing to reconsider the original denial of the application.

Section 17-509 Appeal of County Board of Health Decisions

An applicant need not file a request for reconsideration prior to seeking judicial review of the Board of Health's decision under the provisions of §25-1-513 C.R.S. However, in the event a request for reconsideration is received in a timely manner, the period for seeking judicial review shall terminate 90 days from the Board of Health's final decision on the request for reconsideration.

Section 17-510 Findings on Appeal

A. A request for review shall be made within 60 days after denial of an application by the Department.

B. The applicant shall bear the burden of supplying the County Board of Health with sufficient evidence to document that the denied system shall be constructed and used in such a manner that will result in no greater risk than that associated with compliance with the requirements of these Regulations, comply with the declaration and intent of these Regulations, and comply with all applicable state and local regulations and required terms and conditions in any permit.

C. Such review shall be conducted pursuant to the requirements of section 24-4-105, C.R.S.

DIVISION 6 ENFORCEMENT

Section 17-601 Cease and Desist Orders

A. The primary responsibility for enforcement of the provisions of the OWTS Act and the regulations adopted under said article shall lie with the local board of health.

In the event that a local board of health fails to administer and enforce the provisions of said section and the regulations adopted under the OWTS Act, the Division may assume such functions of the local public health agency or local board of health as may be necessary to protect the public health and environment. 25-10-110, C.R.S.

B. The Department may issue an order to cease and desist from the use of any OWTS or sewage treatment works which is found by the health officer not to be functioning in compliance with these Regulations or is found to constitute a hazard to public health, or has not otherwise received timely repairs under the provisions of §25-10-106 (1) (j) C.R.S.

C. Such an order may be issued only after a hearing which shall be conducted by the health officer not less than 48 hours after written notice thereof is given to the owner or occupant of the property on which the system is located. The order shall require that the owner or occupant bring the system into compliance or eliminate the health hazard within a reasonable period of time, or thereafter cease and desist from the use of the system.

D. A cease and desist order issued by the health officer shall be reviewable in the district court for the county wherein the system is located and upon a petition filed not later than 10 days after the order is issued.

Section 17-602 Repair Permits

A. The owner or occupant of a property on which an OWTS is not in compliance shall obtain a

repair permit from the Department. The applicant shall apply for a repair permit within two (2) business days after receiving notice from the Department that the system is not functioning in compliance with the OWTS Act or applicable regulations, or otherwise constitutes a nuisance or a hazard to public health or water quality.

B. Designs for repairs to onsite wastewater treatment systems shall comply with all requirements of these Regulations. Designs that cannot meet the minimum setback requirements in Appendix A Table A-1 may apply to the Board of Health for a variance from those requirements as set forth in Section 17-500.

C. The repair permit shall provide for a reasonable period of time within which the owner or occupant shall make repairs. At the end of that period, the Department shall inspect the system to ensure it is functioning properly.

D. Concurrently with the issuance of a repair permit, the Department may issue an emergency use permit authorizing continued use of a malfunctioning system on an emergency basis for a period not to exceed the period stated in the repair permit. Such an emergency use permit may be extended, for good cause shown, in the event repairs may not be completed in the period stated in the repair permit through no fault of the owner or occupant and only if the owner or occupant will continue to make repairs to the system.

Section 17-603 Penalties

A. Any person who commits any of the following acts or violates any of the provisions of this section commits a Class 1 petty offense as defined in §18-1-107, C.R.S.

B. Constructs, alters, installs, or permits the use of any OWTS without first having applied for and received a permit as provided for in §25-10-106, C.R.S.;

C. Constructs, alters, or installs an OWTS in a manner which involves a knowing and material variation from the terms or specifications contained in the application, permit or variance;

D. Violates the terms of a cease and desist order that has become final under the terms of §25-10-106 (1) (k), C.R.S.;

E. Conducts a business as a systems contractor without having obtained the license provided for in §25-10-109 (1), C.R.S., in areas which the local Board of Health has adopted licensing regulations pursuant to that section;

F. Conducts a business as a systems cleaner without having obtained the license provided for in §25-10-109 (2), C.R.S., in areas which the local Board of Health has adopted licensing regulations pursuant to that section;

G. Falsifies or maintains improper records concerning system cleaning activities not performed or performed improperly; or

H. Willfully fails to submit proof of proper maintenance and cleaning of a system as required by regulations adopted by the Board of Health.

DIVISION 7 SYSTEMS CONTRACTORS AND OWNER INSTALLERS

Section 17-701 General Requirements for Systems Contractors

A. Any person engaged in the business of installing, constructing or renovating onsite wastewater treatment system systems shall hold a valid Systems Contractor license issued by the Department. Employees of a licensed Systems Contractor need not be individually licensed.

B. An applicant for a Systems Contractor license shall be required to pass a test that demonstrates

knowledge of these Regulations. The license shall be valid only as long as the person passing the test remains in the employ of the Systems Contractor.

C. The initial license period shall be three years and renewals shall coincide with the calendar year. An applicant for renewal of a Systems Contractor license shall be required to pass a test that demonstrates knowledge of these Regulations.

D. There shall be no fee for a Systems Contractor license.

E. Systems Contractors shall:

1. verify that a permit to install an onsite wastewater treatment system has been issued prior to beginning installation of the system and maintain a copy of the permit at the site of the installation;
2. verify that there have been no changes in the site conditions under which the permit was issued prior to commencing construction. If any condition on the permit, the supporting engineering or otherwise provided for in these Regulations cannot be met, the Systems Contractor shall notify the health officer before proceeding with the installation;
3. perform all work in compliance with these Regulations and with the conditions specified on the permit and supporting engineering design;
4. suspend work and notify the health officer should there be any change in site conditions after construction begins that would prevent the installation of the system in accordance with permit conditions or as otherwise provided for in the Regulations. Construction may resume only after authorized by the health officer.
5. maintain bonding and insurance at the amounts prescribed in Appendix C.

E. The Board of Health may revoke or suspend a Systems Contractor license for failure to comply with these Regulations. Revocation or suspension shall take place only after a hearing before the Board of Health. The license holder shall be given no less than 10 days notice of the hearing and may be represented at the hearing by legal counsel.

F. The Board of Health may lift the suspension or revocation after a hearing at which it is determined that the Systems Contractor has corrected or rectified the conditions that caused the suspension or revocation.

Section 17-702 Requirements for Owner-Installers

A The owner of property for which an onsite wastewater treatment system permit has been issued may install that system without holding a Systems Contractor license provided that the owner has passed a test that demonstrates knowledge of these Regulations and has signed the Owner-Installer Affidavit.

B. Owner-installers shall be responsible for complying with all other applicable requirements of these Regulations, including, but not limited to, assuring that all required inspections are scheduled with, and performed by the health officer.

C. No portion of the work for an owner-installed system shall be subcontracted to any other person who will be financially compensated for that work unless that person is a Systems Contractor.

D. An owner-installer shall install no more than one (1) onsite wastewater treatment system per year.

DIVISION 8 SYSTEMS CLEANERS

Section 17-801 General Requirements for Systems Cleaners

A. Any person engaged in the business of cleaning or pumping of septic tanks, vaults, holding tanks or other components of an onsite wastewater treatment system, or transporting sewage to a disposal site shall hold a valid Systems Cleaner license issued by the Department. Employees of a Systems Cleaner need not be individually licensed.

B. The health officer may require the applicant to demonstrate their knowledge of these Regulations prior to the issuance or renewal of a Systems Cleaner license

C. The initial license period shall be three years and renewals shall coincide with the calendar year.

D. Systems Cleaners shall:

1. remove the liquid, sludge and scum from all compartments of the tank, leaving no more than three (3) inches of sewage sludge in the bottom of the tank;
2. inspect the tees, baffles, aerator unit, pumps, alarms, filters, siphons and other internal or external components of the tank(s) being pumped and notify the property owner if any of these components are damaged or missing;
3. inspect and clean any filters or other devices which require routine maintenance and cleaning, if necessary;
4. maintain their equipment so that no spills will occur during pumping or transportation and that their employees are not subjected to health hazards from exposure to the sewage.
5. dispose of collected sewage only at sites approved by the Department;
6. maintain records of the date and address for each septic tank pumped and the date and disposal site for all collected sewage. The health officer may require a Systems Cleaner to provide copies of these records and/or documentation of their disposal methods and practices.
7. maintain bonding and insurance at the amounts prescribed in Appendix C.

E. The County Board of Health may revoke or suspend a Systems Cleaner license for failure to comply with these Regulations. Revocation or suspension shall take place only after a hearing before the Board of Health. The license holder shall be given no less than 10 days notice of the hearing and may be represented at the hearing by legal counsel.

F. The County Board of Health may lift the suspension or revocation after a hearing at which it is determined that the Systems Cleaner has corrected or rectified the conditions that caused the suspension or revocation.

DIVISION 9 EXPERIMENTAL SYSTEMS

Section 17-901 General Requirements

A. Except for designs or types of systems which have been approved by the Division pursuant to §25-10-108 (1), C.R.S., the County Board of Health may approve an application for a type of system not otherwise provided for in these Regulations only if the system has been designed by a professional engineer, and the applicant provides proof of the ability to install a replacement OWTS in compliance with all local requirements in a timely manner in the event of a failure or malfunction of the experimental system.

B. The County Board of Health shall not arbitrarily deny any person the right to consideration of an application for such a system and shall apply reasonable performance standards in determining whether to approve such an application per §25-10-108 (2), C.R.S.

DIVISION 10 PRODUCT DEVELOPMENT PERMITS

Section 17-1001 Product Development Permit

A. The local public health agency may issue a product development permit for a proprietary treatment component or series of components. Requirements for proprietary treatment component acceptance are in section 13.D of Regulation 43. It must be shown that a complete system, meeting the requirements of this regulation and the site, can be installed in the event the proprietary treatment component or sequence fails to perform. The product under development may then be added to the treatment system, allowing the product developer to gather data about the product's performance in the field.

B. Before a product development permit is issued, the Division must determine that the product to be tested qualifies for testing under the product development evaluation based on information submitted to the Division.

C. A completed application for a product development permit must be submitted to the local public health agency at least 30 days in advance of installation of the product.

D. An application for a product development permit must include the following:

1. Proof of the ability to install a replacement OWTS in compliance with all local requirements in a timely manner in the event of a failure or malfunction of the system under testing;
2. A description of the product under development including performance goals; and
3. Documentation signed by the owner of the proposed product development site allowing access to the local public health agency and Division for inspection of the site.

E. The local public health agency may stipulate additional requirements for the product development permit necessary to assure the performance of the OWTS.

F. A product development permit is a site-specific permit. Product development testing at multiple sites requires a product development permit for each site.

G. During the term of the product development permit, all data collected is to be submitted to the Division and the local public health agency.

H. The local public health agency may revoke or amend a product development permit, if the continued operation or presence of the product under development:

1. Presents a risk to the public health or environment;
2. Causes adverse effects on the proper function of the OWTS on the site;
3. Leaks or discharges effluent on the surface of the ground; or
4. If the developer of the product fails to comply with any requirements stipulated on the permit by the local public health agency or the Division.

I. If the product development permit is revoked, the product developer must install the replacement system.

DIVISION 11 RESERVED

DIVISION 12 SITE CHARACTERIZATION AND DESIGN REQUIREMENTS

Section 17-1201 Site and Soil Evaluation

A. A site and soil evaluation shall be conducted for each property on which an OWTS is proposed,

to determine the suitability of a location to support an OWTS and to provide the designer a sound basis to select the most appropriate OWTS design for the location and application.

1. Each site evaluation shall consist of:
    a. Preliminary investigation;
    b. Reconnaissance;
    c. Detailed soil investigation; and
    d. Report and site plan.

Section 17-1202 Preliminary Investigation

A. A preliminary investigation shall review documented information relative to the site and anticipated conditions. Information gathered as part of the preliminary investigation shall include, but is not limited to:
    1. Property Information:
        a. Address;
        b. Legal description;
        c. Existing structures; and
        d. Location of existing or proposed wells on the property.
    2. Department records of any previous system installation or repair.
    3. Published site information, including topography and soil data.
    4. Location of physical features, on and off the property that will require setbacks as identified in Appendix A, Table A-1.
    5. Preliminary soil treatment area size estimate based on information on existing or planned facility and local regulations.
    6. Additional information that may be useful to the specific evaluation as available:
        a. Surveys;
        b. Easements;
        c. Floodplain maps;
        d. Geology and basin maps and descriptions;
        e. Aerial photographs;
        f. Climate information; and
        g. Delineated wetlands maps.
    7. Other information required by Department.

Section 17-1203 Reconnaissance Visit

A. A reconnaissance visit to the property shall evaluate the topography and other surface conditions that will impact the selection, location and design of the OWTS, including:
    1. Landscape position;
    2. Topography;
    3. Vegetation;
    4. Natural and cultural features; and
    5. Current and historic land use.

Section 17-1204 Soil Investigation

A. Soil investigations to determine the long-term acceptance rate of a soil treatment area shall be either:

1. visual and tactile evaluation of two or more soil profile test pit excavations; or
2. percolation tests plus one or more soil profile holes or one or more soil profile test pit excavations.

Section 17-1205 Soil Profile Test Pits

A. If percolation tests are performed, at least one soil profile test pit excavation shall be evaluated to determine whether current ground water levels and/or bedrock is encountered within 8 feet of the ground surface.

B. If visual and tactile evaluations of soil are performed without percolation tests to determine a long-term acceptance rate:

1. Evaluation of two or more soil profile test pit excavations shall be performed to determine soil types and structure, restrictive layers, evidence of seasonal high ground water, and best depth for the infiltrative surface.
2. At least one of the soil profile test pit excavations shall be performed in the portion of the soil treatment area anticipated to have the most limiting conditions.
3. The total number of soil profile test pit excavations required is based on the judgment of the competent technician.

C. After June 30, 2016 a visual and tactile evaluation of a soil profile test pit excavation shall be used instead of a soil profile hole when percolation tests are performed to determine long-term acceptance rates.

Section 17-1206 Percolation Tests

A. The percolation testing shall be performed by a trained person under the supervision of a professional engineer or by a competent technician as provided for in Section 17-1210.

B. Soil percolation tests shall be performed in at least three test holes in the area in which the soil treatment area is to be located, spaced reasonably evenly over the proposed area. There shall be no less than one test hole provided in every 1,200 square foot area of soil treatment area.

C. If the likely depth of a proposed infiltrative surface is uncertain, percolation tests shall be performed at more than one depth to determine the depth of the infiltrative surface.

D. The percolation test hole shall have a diameter of eight to 12 inches and be terminated a minimum of six inches and a maximum of 18 inches below the proposed infiltrative surface.

E. If a change of soil type, color or structure is present within those soils comprising the depth of soil below the infiltrative surface as required in Section 17-1601 for vertical separation a minimum of two soil percolation holes shall be terminated in the changed soil, and percolation tests shall be conducted in both holes.

F. The percolation tests shall be conducted using the hole preparation, soil saturation and rate measurement procedures described below.

1. Preparation of Percolation Test Holes
   a. Excavate the hole to the depth and diameter required.
   b. Carefully scrape the bottom and sides of the hole with a knife blade or sharp instrument to remove any smeared soil surfaces and provide a natural soil interface into which water may percolate.

c. Remove all loose soil from the hole.

d. Add two inches of very coarse sand or fine gravel to protect the bottom of the hole from scouring and sediment.

2. Presoak Procedures

a. The hole shall be presoaked adequately to accomplish both saturation, which is filling the void spaces between the soil particles, and swelling, which is the intrusion of water into the individual soil particles.

b. To presoak the hole, carefully fill the hole with clean water to a minimum depth of 12 inches over the gravel placed in the bottom of the hole. In most soils, it is necessary to refill the hole by supplying a surplus reservoir of clean water, possibly by means of an automatic siphon, to maintain water in the hole for at least four hours and preferably over night. Determine the percolation rate 24 hours after water is first added to the hole. This procedure is to ensure that the soil is given ample time to swell and to approach the condition it will be in during the wettest season of the year. In sandy soils containing five percent or less particles passing the #200 sieve, by weight, the swelling procedure is not essential and the test may be conducted after the water from one filling of the hole has completely seeped out of the hole.

3. Percolation Rate Measurement

a. With the exception of sandy soils containing five percent or less particles passing the #200 sieve, by weight, percolation rate measurements shall be made on the day following the presoak procedure.

b. If water remains in the percolation test hole after the swelling period, adjust the depth to approximately six inches above the gravel in the bottom of the hole. From a fixed reference point, measure the drop in water level over a series of 30 minute intervals. The drops are used to calculate the percolation rate.

c. If no water remains in the hole after the swelling period, carefully add clean water to bring the depth of water in the hole to approximately six inches above the top of the gravel in the bottom of the hole. From a fixed reference point, measure the drop in water level at 30 minute intervals for four hours, refilling to six inches over the top of the gravel as necessary. The drop in water level that occurs during the final 30-minute period is used to calculate the percolation rate. If the water level drops during prior periods provide sufficient information, the procedure may be modified to suit local circumstances. The requirement to conduct a four hour test under this section is waived if three successive water-level drops do not vary by more than 1/16 inch; however, in no case shall a test under this section be less than two hours in duration.

4. Special Requirements for Sandy and Special Soils

a. In sandy soils or other soils in which the first six inches of water seeps out of the hole in less than 30 minutes, after the 24 hours swelling period, the time interval between measurements shall be taken as ten minutes and the test conducted for one hour. The drop that occurs during the final ten minutes shall be used to calculate the percolation rate.

b. If the soil is so sandy or coarse-textured that it will not retain any water, then the infiltration rate shall be recorded as less than one minute per inch.

c. The Department may identify soil types in its area, for which it shall require different procedures such as extra presoaking to obtain a valid percolation rate.

5. Percolation Rate Determination and Reporting

a. The field percolation rate shall be the average rate of the percolation rates determined

for all percolation test holes observed in the proposed soil treatment area in minutes per inch. The average percolation rate determined by the tests shall be used in determining the long-term acceptance rate for the proposed system from Table 16-1.

b. The technician performing the percolation tests shall furnish an accurate scale drawing, showing the location of the soil profile holes or soil profile test pit excavations and percolation holes tied to lot corners or other permanent objects. The drawing shall meet the criteria in Section 17-1210. The information in the subsections following Section 17-1210.A.6(a) through Section 17-1210.A.6(h) may be included but is not required for this drawing. All holes shall be clearly labeled to relate to the information provided for the profile test pits and percolation tests.

6. Percolation Test Waiver

a. If the applicant demonstrates to the satisfaction of the Department that the system is not dependent upon soil absorption, the requirement of percolation tests may be waived.

7. Alternate Percolation Testing

a. Alternate percolation test procedures may be approved, provided the test results of alternate procedures are substantially equivalent to those determined using the test procedures described in this section.

b. Prior approval from the Department of alternate percolation test procedures is required.

Section 17-1207 Visual and Tactile Evaluation of Soil Requirements

A. Each soil profile test pit excavation observed at the proposed soil treatment area shall be evaluated under adequate light conditions with the soil in an unfrozen state.

B. The soil observations shall be conducted at or immediately adjacent to the location of the proposed soil treatment area, but if possible, not under the final location of a trench or bed.

C. The soil observation method shall allow observation of the different soil horizons that constitute the soil profile.

D. Soil profile test pit observations shall be conducted prior to percolation tests to determine whether the soils are suitable to warrant percolation tests and, if suitable, at what depth percolation tests shall be conducted.

E. The minimum depth of the soil profile test pit excavation shall be to the periodically saturated layer, to the bedrock, or four feet below the proposed depth of the infiltrative surface, whichever is encountered first.

F. The soil type at the proposed infiltrative surface of the soil treatment area or a more restrictive soil type within the treatment depth shall be used to determine the long-term acceptance rate from Table 16-1.

G. Soils data previously collected by others at the site can be used for the purposes of an OWTS design at the discretion of the Department. It is recommended that the data be verified, at a minimum, by performing an evaluation of a soil profile test pit excavation.

Section 17-1208 Determination of a Limiting Layer

A. Soil descriptions for determination of a limiting layer shall include:

1. The depth of each soil horizon measured from the ground surface and a description of the soil texture, structure, and consistency of each soil horizon;

2. Depth to the bedrock;

3. Depth to the periodically saturated soil as determined by:
4. redoximorphic features and other indicators of water levels, or
5. depth of standing water in the soil observation excavation, measured from the ground surface, if observed, unless redoximorphic features indicate a higher level; and
6. Any other soil characteristic that needs to be described to design a system, such as layers that will restrict permeability.

Section 17-1209 Marking of Excavations – Marking

The engineer or technician conducting the percolation tests shall, upon completion of the tests, flag or otherwise mark each hole to allow easy location by others. Percolation holes and profile test pits shall remain open until after evaluation by the Department unless otherwise approved. Excavations shall be suitably barricaded to prevent access by unauthorized persons.

Section 17-1210 Report and Site Plan

A. A written report shall describe the results of the preliminary investigation, reconnaissance, and detailed soil evaluations. The report may be in text and/or tabular form and shall include a drawing locating features relative to the proposed OWTS location and test locations. The report may be included as part of the OWTS design document. The report shall include, but is not limited to:

1. The name, address, telephone number, e-mail address, and credentials and qualifications of the individual conducting the site evaluation;
2. Preliminary and detailed evaluations, providing information from the surface site characteristics assessment and soils investigation;
3. Dates of preliminary and detailed evaluations;
4. A graphic soil log, to scale, indicating depth of drill hole or excavation, soil description and classification, depth to ground water encountered during drilling or excavation, type of equipment used to drill the profile hole or excavate the soil profile test pit, date of soils investigation, name of investigator and company name.
5. Setback distances to features listed in Appendix A, Table A-1, existing on the site or within applicable setback limits, whichever is greater;
6. A drawing created to a scale that provides the complete property boundary lines with a minimum drawing size of 8.5-inches by 11-inches and a maximum of 11 by 17 inches. If the property is too large to adequately indicate and label the profile test pits and percolation test holes, a detail of the portion of the site containing the soil profile test pits and percolation test holes shall be submitted. If the property is too large to adequately show site evaluation information, a detail drawing that includes the information required from the site and soil evaluation that will impact the location of the OWTS shall be submitted. Drawings shall indicate dimensions, have a north arrow and graphic scale and include:
   a. Horizontal and vertical reference points of the proposed soil treatment area; soil observations; percolation testing results and pertinent distances from the proposed OWTS to all required setbacks, lot improvements, easements; ordinary high water mark of a pond, creek, stream, lake, wetland or other surface waters, and detention or retention ponds; and property lines;
   b. Contours or slope direction and percent slope;
   c. The location of any visible or known unsuitable, disturbed or compacted soils;
   d. The estimated depth of periodically saturated soils and bedrock, or flood elevation, if

applicable; and

e. The proposed elevation of the infiltrative surface of the soil treatment area, from an established datum (either ground surface or a benchmark);

f. Anticipated construction-related issues;

g. An assessment of how known or reasonably foreseeable land use changes are expected to affect the system performance, including, but not limited to, changes in drainage patterns, increased impervious surfaces and proximity of new water supply wells; and

h. A narrative explaining difficulties encountered during the site evaluation, including but not limited to identifying and interpreting soil and landform features and how the difficulties were resolved.

Section 17-1211 Design Document

A. The design document shall be prepared by, or under the supervision of, a professional engineer.

B. The design document shall include a brief description of the facility and its proposed use, basis and calculations of design flow, and influent strength.

C. The design document shall contain all plan detail necessary for permitting, installation and maintenance, including:

1. Assumptions and calculations for each component;
2. A scale drawing showing location of each OWTS component and distances to water, physical and health impact features requiring setbacks as set forth in Appendix A, Table A-1, including all wells less than 250 feet from the proposed STA;
3. Layout of soil treatment area, dimensions of trenches or beds, distribution method and equipment, distribution boxes, drop boxes, valves, or other components used;
4. Depth of infiltrative surface of soil treatment area, depth of the septic tank, depth of other components;
5. Specifications of each component;
6. Specifications for septic tanks or other buried components shall include loads due to burial depth, additional weight or pressure loads, and highest elevation of ground water. Resistance to local water composition such as high sulfates shall be included in the specification if such conditions exist at the site;
7. References to design manuals or other technical materials used;
8. Installation procedures;
9. Operation and maintenance manuals or instructions; and
10. For systems utilizing higher level treatment components:
    a. written certification from the owner (or the owner's agent) that the system will be operated and maintained as per the requirements of Section 17-1701 of these regulations; and if applicable (as determined by the health officer)
    b. a letter from a qualified service/maintenance provider that agreement has been made for the required service/maintenance of such components.
11. Other information that may be useful such as photos and cross-section drawings.

D. The report and site plan may be attached to the design document or the report and site plan may be combined with the design information as a single document.

Section 17-1212 Site Protection

During construction, the proposed soil treatment area and replacement area, if any, shall be protected by staking, fencing, posting, or other effective method from disturbance, compaction, or other damage.

Section 17-1213 Qualifications for a Competent Technician

A. Technicians performing percolation tests shall have the following competencies:
   1. Set up equipment;
   2. Perform and run percolation tests according to the procedure in these Regulations; and
   3. Record results and calculate percolation rates.

B. The Department may approve training for percolation testing.

C. Technicians performing visual and tactile evaluation of soil shall have the following competencies:
   1. Identify soil types by hand texturing and observation;
   2. Identify presence or absence of soil structure;
   3. Identify grade of soil structure;
   4. Recognize evidence of highest seasonal water surface;
   5. Identify layers and interfaces that will interfere with effluent movement;
   6. Determine the most promising depth for infiltrative surface of OWTS and for percolation tests, if used; and
   7. Understand basic principles of OWTS siting and design.

D. Demonstration of competence in visual and tactile evaluation of soil may include, but is not limited to:
   1. Degree in soil science, agronomy, geology, other majors if a course(s) in soil morphology was included; or
   2. Attendance at training or workshop for soil evaluation for OWTS including both class and field work.

E. The Division shall approve training for visual and tactile evaluation of soil.

DIVISION 13 WASTEWATER FLOW AND STRENGTH

Section 17-1301 Wastewater Flows

A. The Department may require the installation of a meter to measure flow into the facility or the OWTS.

B. Reductions in flow rates shall not be permitted for the installation of water-saving plumbing fixtures.

C. More information on wastewater flows can be found in Appendix B.

Section 17-1302 Single-Family Residential Homes

A. Table 13-1 provides the design flows for single-family residential dwellings. However, the Department may increase the wastewater design flow per person to 100 gpd where justified by the health officer.

B. Table 13-1 provides the design flows for single-family residential dwellings. However, the Department may increase the number of persons per bedroom to two for all bedrooms for design

purposes where justified by the health officer.

C. The minimum design flow for the repair or replacement of an OWTS of an existing one-bedroom dwelling or a dwelling where separate bedrooms are not provided, shall be one-bedroom unless bedrooms are to be added to the dwelling.

D. If a new home has unfinished areas, the Department may increase the number of bedrooms used for the design of the OWTS by one or two bedrooms based on an assumption that 150 square feet of unfinished space can be converted into a bedroom, if the space can meet building code requirements for a bedroom, where justified by the health officer.

Table 13-1 - MINIMUM SINGLE-FAMILY RESIDENTIAL DESIGN FLOWS

# of Bedrooms	Occupancy (# of Persons)	Design Flow (75 gallons / person / day)
2 (minimum)	4	300
3	6	450
Each additional	add 1	Add 75

Section 17-1303 Non-Residential Auxiliary Buildings

A. If a single-family home has a non-residential auxiliary building, such as a non-commercial shop with plumbing fixtures, home office, etc. the flow may be conveyed to the OWTS of the home, or to a separate OWTS constructed to handle the flow from the auxiliary facility.

B. If the flow from the auxiliary building is only generated by residents of the home, it shall be assumed that the existing OWTS for the home will be adequately sized to include the auxiliary building if the flows are combined.

C. Where the flow from an auxiliary building is conveyed into the existing OWTS the conveyance must be configured so that the flow passes through all of the treatment and disposal components, or components which provide at least equivalent treatment.

D. If the auxiliary building will have users in addition to residents and the flow from the auxiliary building will flow to the OWTS of the home, the design flow of the home shall include the increased use.

E. If the auxiliary building has a separate OWTS, that facility's design flow shall be based on the relevant portion(s) of Appendix B and its septic tank size shall be based on a septic tank detention time of 48 hours.

Section 17-1304 Multi-Family and Commercial On-site Wastewater Treatment Systems

A. Design flow values and strengths for multi-family and commercial systems shall be determined from the appropriate table(s) in Appendix B; or

B. An analysis of flows and strengths from at least three comparable facilities or from the facility, if it is an existing facility, shall be submitted to the Department for approval. The analysis shall include:

1. Metered water flows for inside use only for at least a year, or if use is seasonal, for a full season. If metered flows are less than full capacity, they shall be paired with actual use in units of persons present or meals served or other units as appropriate so that an actual daily rate per unit can be determined. The daily rate per unit times the number of units at full occupancy shall be the design flow.

2. Total Suspended Solids and BOD5 or CBOD5 tests at times of full use. At least three samples taken at least one week apart are required.

3. Explanation and justification for the comparability of the tested facilities with the proposed facility.

Section 17-1306 Flow Equalization

A. Flow equalization may be used if a facility has flows that vary from day to day by more than four times the average flow.

B. The highest peak assumed shall be at least equal to the full capacity of the facility.

C. The stored flow shall be distributed to the soil treatment area before the next greater-than-average peak.

D. Flow equalization may be used only if:

1. the facility is non-residential;
2. the facility is only used for one purpose;
3. flows will follow a predictable pattern; and
4. there is a long-term expectation that size and pattern of the flows will remain the same.

E. Timed pressure distribution shall be used. The soil treatment area reduction for timed pressure distribution shall not be used in addition to the flow equalization reduction.

F. Contingency plans shall be made for expanding the capacity of the OWTS in the event of changed use at the facility.

Section 17-1306 Wastewater Strength

A. Table 13-2 includes levels of treatment that can be achieved by various OWTS components, excluding the soil treatment area.

B. CBOD5 strength shall be reduced to Treatment Level TL1 or lower before applying to a soil treatment area.

C. More information regarding wastewater flows and strength can be found in Appendix B.

D. Systems serving commercial, industrial, institutional or multi-family structures shall:

1. be designed by a professional engineer;
2. receive only such biodegradable wastes for treatment and distribution as are compatible with those biological treatment processes as occur within the septic tank, any additional treatment unit and the soil treatment area; and
3. receive authorization by rule or a Class V underground injection permit from the EPA before an application for an OWTS permit is approved if the system may receive non-residential wastewater or is otherwise covered by the EPA underground injection control program.

Table 13-2 – TREATMENT LEVELS AND WASTEWATER STRENGTH			
Treatment Level	**CBOD5* (mg/L)**	**TSS (mg/L)**	**Total Nitrogen (mg/L)**
TL 1**	145	80	60-80
TL 2	25	30	60-80
TL 2N	25	30	>50% reduction***
TL 3	10	10	40-60
TL 3N	10	10	20 mg/L
NOTE: BOLD indicates higher treatment levels			

**If concentrations of organic material are submitted in BOD5 without data in CBOD5, the data in BOD5 shall be multiplied by 0.85 to estimate CBOD5 levels.*

***Domestic septic tank effluent prior to soil treatment or higher level treatment has a wide range of concentrations. These values are typical, but values used for design shall account for site-specific information.*

****NSF/ANSI Standard 245 – Wastewater Treatment Systems – Nitrogen Reduction requires reduction of 50 percent rather than an absolute value.*

DIVISION 14 COMPONENT DESIGN STANDARDS

Section 17-1401 General Standards

A. An OWTS shall be designed and constructed to achieve at least treatment level TL 1 before application to a soil treatment area.

B. An OWTS shall be designed and constructed such that each component shall function, when installed and operated, in a manner not adversely affected by normal operating conditions including earth and hydrostatic pressure, erosion, corrosion, vibration, shock, climatic conditions, and usual household chemicals.

C. Each OWTS component shall be free of non-functional protrusions or sharp edges, or other hazards, which could cause injury to persons, animals, or properties.

D. The OWTS design shall be such as to exclude flies and rodents and other vectors and to prevent the creation of nuisances and public health hazards and shall provide for efficient operation and maintenance.

E. All components shall be installed and used in accordance with the recommendation of the manufacturer or the requirements of these Regulations, whichever is more stringent.

Section 17-1402 Accessibility for Inspection, Maintenance, and Servicing

A. Each treatment component of an OWTS other than treatment area shall be equipped with access manholes with risers that extend to or above final grade, located to permit periodic physical inspection, collection and testing of samples and maintenance of all components and compartments.

B. Each riser lid brought to the surface shall have a secure closing mechanism, such as a lock, special headed bolts or screws, or sufficient weight to prevent unauthorized access.

C. The Department may require a secondary plug, cap, cover or screen be provided below the riser cover to prevent tank entry if the cover is unknowingly damaged or removed.

D. Components that require access for maintenance shall include but not be limited to submerged bearings, moving parts, pumps, siphons, valves, tubes, intakes, slots, distribution boxes, drop boxes, cleanouts, effluent screens, filters, inlet and outlet baffles, aerators, treatment equipment and other devices.

E. Components shall be designed and constructed so that, when installed, they shall be easily maintained, sampled, and serviced according to the manufacturer's recommendations. Easy physical access to treatment components by maintenance personnel and equipment shall be provided.

Section 17-1403 Component Operating Instructions

A. The manufacturer of proprietary treatment units utilizing mechanical components shall provide clear, concise written instructions covering the components which, when followed, shall assure proper installation and safe and satisfactory operation and maintenance.

B. If the OWTS uses public domain technology, the design engineer shall provide clear, concise written instructions covering the components which, when followed, shall assure proper installation and safe and satisfactory operation and maintenance.

Section 17-1404 Distribution Boxes

A distribution box, if used, shall be of sufficient size to distribute effluent equally to the lateral lines of a trench or absorption bed system. The box shall be constructed with the inlet invert at least one (1) inch above the level of the outlet inverts. Flow equalizers or similar devices shall be used to adjust the flow between lines. Access to the box shall be provided with a manhole riser with access lid at or above grade if the top of the box does not reach final grade.

Section 17-1405 Drop Boxes

In sequential or serial distribution, a watertight box may be used to transfer the effluent to the following trench when the effluent in a trench has received the designed level for overflow to the next trench. A drop box shall have a riser at or above final grade, if the top of the drop box does not reach final grade. Outlet lines in sequential distribution shall be designed and installed so that they may be capped off for resting periods.

Section 17-1406 Electrical Equipment

A. All electrical work, equipment, and material shall comply with the requirements of the currently applicable National Electrical Code as designated by the State Electrical Board Rules and Regulations (3 CCR 710-1). A local electrical permit may be required.

B. Electrical components shall be protected from moisture and corrosive gases.

Section 17-1407 Floats and Switches

A. Automatic liquid level controls shall be provided to start and shut off pumps at a frequency or level specified in the design.

B. Floats shall be mounted on a stem separate from the pump discharge piping to allow for removal, adjustment, and replacement of the float without removing the pump.

C. Float switches shall be certified to the applicable UL or CSA electrical safety standard, bear the seal of approval of CSA, UL or an equivalent certification program and be constructed of corrosion resistant materials.

Section 17-1408 Floor Drains

Floor drains from any facility or area where maintenance work is performed on internal combustion engines shall not be connected to any OWTS unless that system consists solely of a sealed vault or holding tank.

Section 17-1409 Grease Interceptor Tanks

A. All commercial food service facilities and other facilities generating fats, oils and greases in their waste shall install a grease interceptor tank.

B. Grease interceptor tanks shall be properly maintained and shall treat only those portions of the total wastewater flow in which grease and oils are generated.

Section 17-1410 Indicators of Failure for Malfunctioning for Systems Utilizing Mechanical Apparatus

A. A signal device shall be installed which will provide a recognizable indication or warning to the user that the system or component is not operating or is operating but malfunctioning.

B. This indication or warning shall be a visual signal or an audible signal or both and shall be located in a centralized area within visual and audible range of the system user. A signal or message may also be sent remotely to a maintenance provider.

Section 17-1411 Pipe Bedding

All system piping, except for distribution laterals within the soil treatment area, shall be bedded with select material before final inspection by the Department. Select bedding material shall consist of loose, granular material, free from stones, clods, frozen soil, or other deleterious material. Select material may consist of on-site job-excavated or imported material. Bedding material must be mechanically compacted to support piping.

14.11 Pipe Standards

A. All wastewater lines used in an OWTS shall be constructed of compatible pipe, primer, bonding agent, and fittings.

B. Where unperforated plastic pipe and fittings are used for gravity flow, the minimum wall thickness of the pipe shall conform to ASTM Standard D 3034 or equivalent or greater strength. Schedule 40 pipe is preferred.

C. Perforated distribution pipe surrounded by rock within a soil treatment area shall have a minimum wall thickness and perforations conforming to ASTM Standard D 2729 or equivalent or greater strength. Corrugated polyethylene pipe with smooth interior that meets ASTM F405 or AASHTO M252 specifications or equivalent may be used.

D. Schedule 40 or pipe of equivalent or greater strength shall be used for the placement of piping under driveways or roadways and in instances where sewer line setback distances are granted a variance for any reason.

E. Tile pipe, open-joint pipe, and cast iron pipe must not be used in an OWTS.

F. Pressure pipe must be rated for the intended use to accommodate pump discharge pressure.

Section 17-1412 Plumbing Codes

Plumbing fixtures, building sewers, vents, sewer lines and other appurtenances shall be designed, operated and maintained so as to comply with the minimum requirements of the most recently revised locally enforceable plumbing code. In absence of a local plumbing code, designs shall adhere to the Colorado Plumbing Code (3 CCR 720-1). A local plumbing permit may be required.

Section 17-1413 Sampling Access

A. If sampling for testing or as a requirement for a permit will be required of effluent from a component other than the soil treatment area, an accessible sampling point shall be provided.

B. If sampling of the treated wastewater from the soil treatment area will be required for testing

or as a requirement for a permit, a monitoring well or wells shall be constructed. Monitoring wells shall be located down gradient from the soil treatment area, accessible, and provided with a properly securable cover at or above the ground surface. Monitoring wells up gradient of the system may also be required. Lysimeters or other collection devices under the soil treatment area may be used instead of a monitoring well if approved by the Department or other issuer of a permit.

Section 17-1414 Sewer Lines

A. Except for pressurized systems, sewer lines shall be installed such that gravity flow is maintained throughout the length of the line.

B. The grade of the sewer line between the structure and the first treatment component shall be at least two percent (2%) except for the five (5) feet preceding the septic tank where the grade shall not exceed four percent (4%). If the tank consists of a sealed vault, the grade of the building sewer shall be sufficient to assure gravity flow into the tank.

C. Bends in the sewer line between the structure and the first treatment component shall be limited to forty five degree (45°) ells or long sweep ninety degree (90°) bends.

D. There shall be at least one (1) clean-out for each 100 feet of sewer line or fraction thereof. The clean-out shall be of the same material as the pipe, extend at least 12 inches above final grade and fitted with a removable cap.

E. Non-pressurized sewer lines shall have a minimum diameter of three (3) inches, except for the building sewer which shall have a minimum diameter of four (4) inches.

F. The inlet and outlet pipes of the septic tank shall be grouted and sealed with watertight materials.

Section 17-1415 Step-down / Relief Lines

In sequential or serial distribution, an unperforated pipe may be used to transfer the effluent to the following trench when the effluent in a trench has received the designed level for overflow from that trench.

Section 17-1416 Wastewater Pumping Systems

A. A design for the wastewater pumping system shall accompany the permit application. The design shall include a drawing and specifications sheet which has been prepared or approved by the design engineer.

B. Pumps shall be certified to the applicable UL or CSA electrical safety standard, bear the seal of approval of CSA, UL or an equivalent testing program and be constructed of corrosion resistant materials.

C. Non-clog pump opening shall have at least two (2)-inch diameter solids handling capacity where raw wastewater is pumped. A pump opening shall not have more than 3/4-inch diameter solids handling capacity if previously settled effluent is pumped.

D. Automatic air release valves shall be installed at high points in the pressure line where necessary to prevent air locking.

E. Grinder pumps shall also be certified to NSF/ANSI Standard 46 and bear the seal of approval of the NSF or equivalent testing and certification program.

F. In-vault pumps shall be provided with quick-disconnect joints to allow for routine removal for maintenance and replacement as well as a surrounding screen or filter for pumps placed in the second compartment of septic tanks.

Section 17-1417 Water Meters

Water meters, if required, shall be equipped with a remote counter or read-out such that they can be read from a readily accessible location outside the dwelling or structure served by the system.

DIVISION 15 SEPTIC TANKS

Section 17-1501 Liquid Capacities For Septic Tanks

A. Sizing of septic tanks for residential capacity for new installations shall be based upon the number of bedrooms according to Table 15-1.

Table 15-1 MINIMUM SEPTIC TANK SIZE

Number of Bedrooms	Total Tank Capacity (gallons)	1st Compartment Capacity (min)
Up to 3	1000	500
4	1250	625
5	1500	750
Each Additional	Add 250	add 125

B. For systems that remove toilet waste for separate treatment, tank capacity may be less than 1000 gallons if it provides a minimum of 48 hours retention time.

C. For multi-family and non-residential applications, a septic tank shall be sized to permit detention of incoming wastewater design flows for a minimum of 48 hours.

D. Minimum tank size for new installations other than for a single-family residence is 400 gallons.

Section 17-1502 Structural Design – General Requirements

A. All tanks shall be sold and delivered by the manufacturer or manufacturer's designated representative, preferably completely assembled. On-site tank assembly will be allowed on an as-needed basis.

B. Tanks shall be structurally sound and support external forces as specified in the standard referenced above when empty and internal forces when full. Tanks shall not deform or creep resulting in deflection of more than five percent in shape as a result of loads imposed.

C. All tanks shall be constructed of sound, durable materials and not be subject to excessive corrosion, decay, frost damage, or cracking.

D. All seams or connections including to risers shall be sealed to be watertight.

Section 17-1503 Structural Design - Concrete Tanks

A. Concrete septic tanks shall comply with the structural design criteria of ASTM C1227-12 (Standard Specification for Precast Septic Tanks).

B. The design for each tank model and size by each manufacturer must be certified by a professional engineer as complying with these design and structural requirements and the watertightness standard of this regulation.

C. Certification by a professional engineer must be submitted to the Division for acceptance.

D. Tank slab lids or mid-seam tanks shall be sealed to be watertight.

E. All tanks shall be sold and delivered by the manufacturer or manufacturer's designated representative, preferably completely assembled. On-site tank assembly will be allowed on an

as-needed basis

Section 17-1504 Structural Design - Fiberglass, Fiberglass-Reinforced Polyester, and Plastic Tanks

All fiberglass, fiberglass-reinforced polyester, and plastic tanks shall meet the minimum design and structural criteria of IAPMO/ANSI Z1000-2007 (American Standards for Prefabricated Septic Tanks) and be certified by a professional engineer as meeting these standards. The professional engineer certifying the criteria must be registered or licensed in the United States, but need not be registered in Colorado.

Section 17-1505 Structural Design - Metal Tanks

The installation and continued use of metal tanks is prohibited.

Section 17-1506 Identification and Data Marking

A. All septic tanks shall be permanently and legibly marked in a location for the purpose of inspection that is readily visible when inspected before backfilling. The marking inscription shall include the following:
   1. Name of manufacturer;
   2. Model or serial number, if available;
   3. Effective volume and unit of measure;
   4. Maximum depth of earth cover and external loads the tanks is designed to resist; and
   5. Inlet and outlet identifications, if relevant.

Section 17-1507 Watertightness Requirements

Septic tanks, vaults, pump tanks, other treatment components, risers and lids shall not allow infiltration of ground water or surface water and shall not allow the release of wastewater or liquids through other than designed openings.

Section 17-1508 Watertightness Testing Methods

A. Testing of septic tanks shall be performed and evaluated as specified in Section 9 of ASTM C1227-12 (Standard Specification for Precast Septic Tanks) for concrete tanks or in Standard IAPMO/ANSI Z1000-2007 (American Standards for Prefabricated Septic Tanks) for other prefabricated septic tanks.

B. Each unit shall be inspected in the field for conditions that may compromise its watertightness.

C. The inspection in the field shall be conducted by the Department and be performed after the tank installation but before backfilling.

D. If the inspection in the field indicates that the tank may be damaged or is not watertight, the inspector may require that the tank be tested for watertightness by the tank manufacturer or the system contractor.

E. Acceptable watertightness testing methods performed at a manufacturer's site or in the field include water filling the tank or vacuum testing.

Section 17-1509 Proportions of Septic Tanks

A. A septic tank shall have two or more compartments or more than one tank may be used in series. The first compartment of a two-compartment tank or the first tank in a series shall hold no less than one-half of the required effective volume.

B. A septic tank shall have a minimum of 25 square feet of liquid surface area and have at least a

six-foot separation between inlets and outlets. Septic tanks in series, combined, shall have a minimum of 25 square feet of liquid surface area and the sum of the distances between inlets and outlets of all tanks shall be at least six (6) feet. The requirements for liquid surface area and separation between inlet and outlet may be waived for tanks with less than 750 gallons effective volume.

C. Liquid depth of a septic tank shall be a minimum of 30 inches and the maximum depth shall not exceed the tank length.

D. At least one access manhole no less than 20 inches across shall be provided in each compartment of a septic tank.

E. The inlet invert shall be at least two (2) inches higher than the outlet invert.

F. An Inlet tee or baffle shall be provided and shall extend above the surface of the liquid at least five (5) inches and shall extend a minimum of eight (8) inches below the liquid surface.

G. Additional tees or baffles shall be provided on the inlet side of each divider wall in the tank;

H. The transfer of liquid from the first compartment to the second or successive compartment shall be made at a liquid depth of between 35%-40% of the liquid depth measured from the liquid surface. Liquid transfer shall not be made in the sludge zone.

I. The distance from the outlet invert to the underside of the tank top shall be at least 10 inches.

J. The outlet tee or baffle shall extend at least 14 inches below the outlet invert and, if needed, be modified to accommodate an effluent screen. The outlet tee or baffle that accommodates an effluent screen shall be located so that the effluent screen has sufficient clearance to be removed through the access opening with a riser in place.

Section 17-1510 Installation of Septic Tanks

A. Septic tanks shall be transported, handled and set in accordance with the manufacturer's recommendations so as to avoid undue strain on the tank and the pipes entering and exiting the tank.

B. Septic tanks shall be installed at least five (5) feet from soil treatment areas or evaporation systems.

C. When installed, septic tanks shall have risers over each access manhole and all risers shall extend to or above final grade and be equipped with lids made of materials resistant to degradation from moisture or sewer gas, provided with suitable handles for lifting and placed so as to prevent infiltration of ground or surface waters.

D. Each riser lid brought to or above the surface shall have a secure closing mechanism, such as a lock, special headed bolts or screws, or sufficient weight to prevent unauthorized access.

E. The tank shall be completely covered by backfill and no portion of the tank except for the risers or lids may remain exposed.

F. All areas disturbed by the installation of the septic tank shall be re-graded and re-seeded to control erosion.

G. Roof drains, foundation drains, water softener discharge lines, area drains or cistern overflows shall not enter the tank or any part of the system and shall be placed in a manner which diverts water away from the individual sewage disposal system.

H. No structure shall be constructed over any portion of the septic tank, except that decks may be constructed over the tank provided that the support piers for the deck do not touch the tank itself and that sufficient access openings in the deck surface are provided for routine maintenance and pumping of each compartment of the tank.

Section 17-1511 Anchoring of Tanks

A. In locations where ground water or floodwaters may cause instability problems to the septic tank, vault, or other treatment unit in the OWTS due to flotation, that component or unit shall be anchored in a manner sufficient to provide stability when the tank is empty. Risers shall be included in the buoyancy calculations.

B. If a manufacturer provides recommendations for anchoring designs, they may be used if they meet the conditions present at the site.

C. If a manufacturer does not provide recommendations for provisions to compensate for buoyancy, or if the professional engineer chooses to provide his/her own designs, the anchoring system design shall be prepared by the professional engineer.

Section 17-1512 Effluent Screens

A. Effluent screens may be installed in all septic tanks in new installations. Where possible without compromising the structure or function of the tank, effluent filters may be installed in existing tanks.

B. If a pump or dosing siphon is used to remove septic tank effluent from the final compartment of the septic tank, an effluent screen must be provided prior to the pump or siphon inlet. A pump vault equipped with a filter cartridge may be considered equivalent to an effluent screen preceding the pump.

C. The effluent screen shall be cleaned at manufacturer-recommended intervals, or more often, if use patterns indicate.

D. An alarm may be installed on an effluent screen indicating need for maintenance.

Section 17-1513 Dosing

Dosing may be used for soil treatment area distribution. The dose must be sized to account for the daily flow and the dosing frequency.

Section 17-1514 Dose Calculation

Where dosing is used a dosing siphon or pump shall provide a periodic dose equivalent to at least 75% of the volume of the distribution pipes in the soil treatment area or evaporation system as shown in Table 15-2, or as otherwise determined by the design engineer.

Table 15-2 – PIPE CAPACITIES	
Pipe Diameter and [gallons] per lineal foot	
¾″ [0.028]	2″ [0.17]
1″ [0.045]	3″ [0.38]
1.5″ [0.105]	4″ [0.66]

Section 17-1515 Location of Dosing Siphon or Pump

A. A pump may be, or a siphon shall be, installed in a separate tank following the septic tank and be of sufficient volume to allow pump or siphon cycling commensurate with the design capacity. The use of a three-compartment septic tank, sized to provide effective volume in the first two compartments with the pump in the third compartment, is acceptable.

B. The second compartment of the septic tank shall not be used as the pump tank unless it can be demonstrated to the satisfaction of the local public health agency that the minimum 48-hour detention time will not be decreased and the pump is screened or provided with an approved filtering device to assure that only liquid effluent will be discharged.

C. An effluent screen is not required for dosing the effluent from mechanical units that meet NSF/ANSI Standard 40 Class I or Class II, or equivalent.

D. An effluent screen is not required for dosing the effluent from mechanical units that meet NSF/ANSI Standard 40 Class I or Class II, or equivalent.

Section 17-1516 Dosing Siphon or Pump Discharge Piping

A. The discharge line from the pumping or siphon chamber or tank shall be protected from freezing by burying the pipe below frost level or sloping the pipe to allow it to be self-draining. Drainage shall be provided through the bottom of the pump or through a weep hole located in the discharge line prior to exiting the tank.

B. The pump discharge piping shall have a quick disconnect that is accessible within the riser to allow for easy pump access and removal.

C. The pipe shall be sized to maintain a velocity of two or more feet per second.

D. Automatic air/vacuum release valves shall be installed at high points in the pressure line where necessary to prevent air or vacuum locking and allow self draining of the lines.

Section 17-1517 Dosing Siphon or Pump Access

A. The pump or dosing system tank, chamber, or compartment shall have a minimum 24-inch diameter access riser, made of corrosion-resistant material, extending to or above ground level.

B. The access riser must have a watertight connection to the pump or dosing chamber/compartment to prevent infiltration or exfiltration.

Section 17-1518 Splice Boxes

A. Splice boxes shall be located outside the pump system access riser and be accessible from the ground surface.

B. No wire splices shall be made inside the tank, dosing chamber or riser. Wire splicing shall be completed with corrosion-resistant, watertight connectors.

Section 17-1519 Pump System Controls

A. The pump system shall have an audible and visual alarm notification in the event an excessively high water condition occurs.

B. The pump shall be connected to a control breaker separate from the high water alarm breaker and from any other control system circuits.

C. The pump system shall have a switch so the pump can be manually operated.

D. The pump system for pressure dosing and higher level treatment systems shall have a mechanism for tracking either the amount of time the pump runs or the number of cycles the pump operates.

E. Control panels shall be UL listed or equivalent.

DIVISION 16 SOIL TREATMENT AREAS (STA)

Section 17-1601 General Requirements

A. The size and design of the STA shall be based on the results of the site and soil evaluation, design criteria, and construction standards for the proposed site and OWTS selected.

B. The infiltrative surface of a trench or bed receiving any treatment level of effluent is only the

bottom area. No sidewall credit is allowed except in deep gravel trenches and seepage pits that are permissible in repairs.

C. Soil replacement shall be permitted to bring the soil within the requirements of suitable soil.

1. Added soil shall meet the specifications of sand filter media, as specified in Section 17-1702.B.
2. All added soil shall be completely settled prior to installation of components as specified and approved by the design engineer.
3. The loading rate for sand filters shall be used for any STA where soil replacement was used or soil was added.
4. Pressure distribution shall be used to supply effluent to any STA where soil replacement was used or soil was added.

A. Horizontal distance separations between STAs and various physical features are shown in Appendix A, Table A-1.

B. Minimum vertical separation distance from the STA infiltrative surface to groundwater or a restrictive layer shall be four feet if pressure dosing is not used to distribute effluent to the STA.

C. The minimum vertical separation distance from the STA infiltrative surface to groundwater or a restrictive layer shall be three feet if pressure dosing is used to distribute effluent to the STA.

D. For repairs to existing systems where space is not available or there are other site limitations, Section 17-1806 provides alternative design methodologies for soil treatment areas.

E. At proposed STA locations where any of the following conditions are present, the system shall be designed by a professional engineer and approved by the Department:

1. The soil classifications are Types 0, 3A, 4, 4A, and 5 as specified in Table 16-1 of this regulation;
2. The maximum seasonal level of the ground water surface is less than four feet below the bottom of the proposed absorption system;
3. A restrictive layer exists less than four feet below the bottom of the proposed absorption system;
4. The ground slope is in excess of thirty percent; or
5. Pressure distribution is used.

Section 17-1602 Determining Minimum Infiltrative Surface of a Soil Treatment Area

Apply all relevant steps from A & B below:

A. Calculate the initial STA:

$$\frac{Design\ Flow\ (gpd)}{LTAR\ \frac{gpd}{ft^2}\ (\text{from Table 16-1})} = Initial\ STA$$

B. Multiply the initial STA by the method of application factor from Table 16-2 and the types of storage / distribution media factor from Table 16-3 to arrive at the minimum required STA. (Application factors greater than 1.0 will increase the minimum required STA; factors less than 1.0 will decrease it.)

1. The distribution media in Table 16-3 may be used for distribution of higher level treatment system effluent.
2. For the purpose of this Section 17-1602, a "baseline system," (i.e. adjustment factor of 1.00) is considered to be Treatment Level 1 (TL1) applied by gravity to a gravel-filled trench.
3. The maximum reduction from all combined reductions shall be no greater than 50 percent of the baseline system required for a soil treatment area.

Section 17-1603 Design of Soil Treatment Areas – General Requirements

A. The infiltrative surface and distribution lines within the STA shall be level.

B. The infiltrative surface shall be no deeper than four feet unless adequate treatment at a deeper level can be demonstrated and is approved by the Department. The depth of the infiltrative surface will be measured on the downslope side of the trench or bed excavation.

C. Trenches shall follow the ground surface contours so variations in infiltrative surface depth are minimized. Beds shall be oriented along contours to the degree possible.

D. Pipe for gravity distribution shall be no less than three inches in diameter.

E. A final cover of soil suitable for vegetation at least twelve inches deep shall be placed from the top of the geotextile or similar pervious material in a rock and pipe system, chamber, or manufactured media up to the final surface grade of the soil treatment area.

F. Following construction, the ground surface shall be graded to divert stormwater runoff or other outside water from the soil treatment area. The area shall be protected against erosion. Subsurface drains upslope of the soil treatment area may be installed to divert subsurface flow around the area.

G. Backfilling and compaction of soil treatment areas shall be accomplished in a manner that does not impair the intended function and performance of the storage/distribution media and soil and distribution laterals, allows for the establishment of vegetative cover, minimizes settlement and maintains proper drainage.

Table 16-1 SOIL TREATMENT AREA LONG-TERM ACCEPTANCE RATES BY SOIL TEXTURE, SOIL STRUCTURE, AND PERCOLATION RATE

Soil Type, Texture, Structure and Percolation Rate Range					Corresponding Long-term Acceptance Rate (LTAR); Gallons per day per square foot
Soil Type	**USDA Soil Texture**	**USDA Soil Structure-Shape**	**USDA Soil Structure-Grade**	**Percolation Rate (MPI)**	
0	Soil Type 1 with more than 35% Rock (>2mm); Soil Types 2-5 with more than 50% Rock (>2mm)	-	0 (Single Grain)	<5	Minimum 3-foot deep unlined sand filter required1
1	Sand, Loamy Sand	-	0	5-15	0.80
2	Sandy Loam, Loam, Silt Loam	PR (Prismatic) BK (Blocky) GR (Granular)	2 (Moderate) 3 (Strong)	16-25	0.60
2A	Sandy Loam, Loam, Silt Loam	PR, BK, GR 0 (none)	1 (Weak) Massive	26-40	0.50
3	Sandy Clay Loam, Clay Loam, Silty Clay Loam	PR, BK, GR	2, 3	41-60	0.35
3A	Sandy Clay Loam, Clay Loam, Silty Clay Loam	PR, BK, GR 0	1 Massive	61-75	0.30
4	Sandy Clay, Clay, Silty Clay	PR, BK, GR	2, 3	76-90	0.20
4A	Sandy Clay, Clay, Silty Clay	PR, BK, GR 0	1 Massive	91-120	0.15
5	Soil Types 2-4A	Platy	1, 2, 3	121+	0.10

[1]*Unlined sand filters in these soil types shall provide pathogen removal. Design shall conform to Section 17-1601.*

Table 16-2 SIZE ADJUSTMENT FACTORS FOR METHODS OF APPLICATION IN SOIL TREATMENT AREAS			
Type of Soil Treatment Area	Method Effluent Application		
	Gravity	Dosed (Siphon Or Pump)	Pressure Dosed
Trench	1.0	0.9	0.8
Bed	1.2	1.1	1.0

Table 16-3 - SIZE ADJUSTMENT FACTORS FOR TYPES OF DISTRIBUTION MEDIA IN SOIL TREATMENT AREAS			
Type of Soil Treatment Area	Type of Storage/Distribution Media Used in Soil Treatment Area		
	Rock or Tire Chips	Manufactured Media Other Than Chambers	Chambers
Trench or Bed	1.0	0.9	0.7

Section 17-1604 Distribution Lines

A. Distribution of effluent between lines in a soil treatment area shall be as even as possible. Uneven settling of portions of the distribution system following construction shall be addressed by provisions in the design to adjust flows between lines.

B. Distribution lines shall be a maximum of 150 feet long.

C. Distribution lines longer than 100 feet shall be pressure dosed or the application of the effluent shall be at the center of the line.

D. The end of a distribution pipe shall be capped, unless it is in a bed or trenches in a level soil treatment area, where the ends of the lines may be looped.

Section 17-1605 Inspection Ports

A. An inspection port accessible from ground surface shall be installed at the terminal end of each trench or bed. The bottom of the inspection port tube shall extend to the infiltrative surface and not be connected to the end of the distribution pipe. That portion of the tube in contact with the distribution media shall be perforated. Inspection ports in chambers may be installed according to manufacturer's instructions if the infiltrative surface is visible or can be measured from the inspection port.

B. An addition, at least one inspection port connected to the distribution pipes shall be provided for each trench or bed.

C. The top of inspection ports may be below the final grade of the surface if each has a cover at the surface (such as a valve box for a lawn irrigation system).

D. In addition, an inspection port shall be placed such that it extends from the ground surface to the limiting layer, or four feet below the infiltrative surface, whichever is less. The lower one foot of the pipe shall be perforated.

Section 17-1606 Trenches

A. Trenches shall be three feet wide or less.

B. The separating distance between trenches shall be a minimum of six feet sidewall-to-sidewall.

C. Perforated distribution pipe used in a trench shall be placed as close to the center of the trench

as possible.

D. Perforations shall be oriented downward unless pressure distribution is used and provision for pipe drainage is included.

Section 17-1607 Beds

A. Maximum width for a bed shall be 12 feet, except for repairs to existing systems where compliance with this requirement is impractical.

B. The separating distance between beds shall be a minimum of six feet sidewall-to-sidewall.

C. The separating distance between parallel distribution lines in an absorption bed shall not exceed six feet and a distribution line shall be located within three feet of each sidewall and end wall of the absorption bed.

Section 17-1608 Serial and Sequential Distribution

A. A serial or sequential distribution system may be used where the ground slope does not allow for suitable installation of a single level soil treatment area unless a distribution box or dosing chamber is used.

B. The horizontal distance from the side of the absorption system to the surface of the ground on a slope shall be adequate to prevent lateral flow and surfacing.

C. Adjacent trenches or beds shall be connected with a stepdown/relief line or a drop box arrangement such that each trench fills with effluent to the top of the gravel or chamber outlet before flowing to succeeding treatment areas.

Section 17-1609 Storage / Distribution Media

A. Rock and Pipe

1. The pipe shall be surrounded by clean, graded gravel, rock, or other material of equal efficiency which may range in size from 1/2 inch to 2 1/2 inches or that meets ASTM D448 (AASHTO M43) Sizes 2-5. At least six inches of gravel, rock or other material shall be placed below the pipe. The gravel, rock or other material shall fill the trench around the pipe and at least two inches above the top of the distribution pipe.
2. In beds, the gravel, rock or other material shall cover the entire infiltrative surface to provide a layer at least one (1) foot deep, with a minimum of six inches below the pipe and two (2) inches above it.
3. The top of the placed gravel, rock or other material used shall be covered with non-woven permeable geotextile meeting a maximum thickness rating of 2.0 ounces per square yard or equivalent pervious material. An impervious covering shall not be used.

B. Tire Chips

1. Tire chips shall be placed within a trench or bed in accordance with Section 17-1608.A
2. Tire chips shall be nominally two inches in size and may range from 1/2 inch to a maximum of four inches in any one direction.
3. Wire strands shall not protrude from the tire chips more than 0.75 inches.
4. Tire chips shall be free from balls of wire and fine particles less than two millimeters across.

C. Chambers

1. Installation shall be according to manufacturer's instructions provided that those instructions are no less stringent than these Regulations.
2. Chambers shall be installed with the base on the infiltrative surface.

3. A distribution pipe may be placed extending the length of the chambers and may be either suspended or left in contact with the ground.
4. Effluent may be distributed by gravity or pressure dosing.

D. Manufactured Media

1. Manufactured media shall be installed with the base on the infiltrative surface.
2. Installation shall be according to manufacturer's instructions provided that those instructions are no less stringent than these Regulations.
3. Effluent may be applied by pressure distribution only if the manufacturer specifies suitability of the product for that use.

Section 17-1610 Pressure Distribution

A. Design of pressure distribution systems shall include:

1. dose size and frequency for flows and soil or media long-term acceptance rate;
2. pipe diameter and strength requirements;
3. orifice size and spacing; and
4. distal pressure head.

B. Cleanouts shall be installed at the end of each line.

Section 17-1611 Driplines

A. The infiltrative surface area shall be calculated using the LTAR (as determined by Table 16-1) for the site or a more conservative value if recommended by the manufacturer.

B. Driplines shall be installed on manufacturer's spacing recommendations.

C. Drainback shall be provided for all drip lines, pipes and pumps.

D. Provisions shall be made to minimize freezing in the distribution lines, driplines, relief valves, and control systems.

E. Provisions shall be made for back flushing or other cleaning.

Section 17-1612 Alternating Systems

A. Each section must be a minimum of 50 percent of the total soil treatment area. Size adjustment factors for methods of effluent application or type of distribution media shall not be allowed.

B. Wastewater shall be alternated between the existing and new STA zones on an annual or more frequent basis as determined by the design engineer.

C. A diversion valve or other approved diversion mechanism shall be installed on the septic tank effluent line allowing STA zones to be alternated.

D. The diversion mechanism shall be readily accessible from the finished grade.

Section 17-1613 Sequencing Zone Systems

A. Sequencing zone systems have more than two soil treatment area sections that are dosed on a frequent rotating basis.

B. Where soil conditions are similar between the sections, each section area shall be the same size. If soil conditions are such that long-term acceptance rates are different, each section may be sized for the same dose, but different long-term acceptance rates.

C. An automatic distribution valve must be used.

D. Dosing of each system must be evaluated by the design engineer based on projected daily flow rates, number of zones, and soil types.

DIVISION 17 DESIGN CRITERIA – HIGHER LEVEL TREATMENT SYSTEMS

Section 17-1701 General

A. Higher level treatment systems must be designed by a professional engineer.

B. Higher level treatment systems may be public domain technology systems or proprietary systems.

1. Public domain technology systems must be designed, installed and maintained according to industry-established criteria, manufacturer's instructions and these regulations. When design criteria are not specifically provided in these regulations, the criteria used in the design must be from the manufacturer's instructions and/or a reference commonly used as an industry standard. All such criteria used shall be cited in the design.
2. Proprietary systems must be designed, installed, and maintained according to manufacturer's instructions, these regulations, and any additional criteria identified in the Technology Review and Acceptance process found in Regulation 43, Section 13. All references used shall be cited in the design.

C. Reductions to soil treatment area or separation distances based on higher level treatment shall not be permitted.

D. Soil treatment areas for higher level treatment systems must be pressure dosed.

E. Systems must be capable of accommodating all anticipated flows and organic loads.

F. Ventilation and air systems: Mechanical components must be installed in a properly vented location and all vents, air intakes, and air hoses must be protected from snow, ice, or water vapor accumulations.

G. Covers, barriers, or other protection: All systems must be installed to include protection of openings against entry of insects, rodents, other vectors and unauthorized people.

H. The treatment levels identified in Table 13-2 are specified in this section for public domain technology, and proprietary treatment systems shall be assigned a treatment level by the technology review and acceptance process in Regulation 43, Section 13.

Section 17-1702 Sand Filters

A. Sand filters, such as a lined intermittent sand filter or recirculating sand filter, may be used as a pre-treatment system where the treated effluent is collected and dispersed to a soil treatment area or where site conditions require importing treatment media, such as an unlined sand filter, a soil replacement system, or a mounded system.

B. Intermittent (Single Pass) Sand Filters

1. Design Criteria
   a. The filtering material used in a sand filter must be clean, coarse sand, all passing a screen having four meshes to the inch. The sand must have an effective size between 0.25 and 0.60 mm. The uniformity coefficient must be 4.0 or less. Material meeting ASTM 33, for concrete sand, with one percent or less fines passing 200 mesh sieve may be used.
   b. The sand below the distribution lines must be at least two feet deep.
2. Distribution system
   a. Application of effluent to the surface of the sand filter must be by a pressurized distribu-

tion system, to provide equal distribution.

b. Pipes used to disperse the effluent must be surrounded by washed coarse screened gravel or crushed stone. All of the gravel or stone must pass a 2 1/2-inch screen and must be retained on a 3/4-inch screen. Manufactured media may be used as an alternative to gravel or stone, if approved by the Department.

c. The separation distance between parallel distribution lines must not exceed six feet, and a distribution line must be located within three feet of each filter sidewall.

3. Application Rate

a. A maximum application rate of 1.0 gpd/ft2 shall be used.

4. An intermittent sand filter must not be used to treat wastewater that does not conform to TL1 treatment level or better.

C. Lined Sand Filters

1. Lined sand filters must have an impervious liner on the sides and bottom of the filter. The liner must consist of at least a 30 mil thickness PVC material or equivalent.

2. A minimum four-inch diameter under-drain pipe must be used. The under-drain pipe must be surrounded by washed coarse screened gravel or crushed stone. All of the gravel or stone must pass a 2 1/2 inch screen and must be retained on a 3/4-inch screen. Manufactured media may be used as an alternative to gravel or stone, if approved by the Department.

3. Under-drain effluent collected below the sand filter shall be dispersed to a STA sized according to its LTAR as determined by Table 16-1.

D. Unlined (Open Bottom) Sand Filters

1. The bottom of the sand filter shall be no less than two (2) feet above the high ground water surface or bedrock for installations in which effluent percolates downward through the soil.

2. A maximum application rate of 1.0 gpd/ft2 shall be used.

E. Mounded Sand Filters (Mound Systems)

1. When the infiltrative surface area of the media receiving wastewater effluent is above the natural ground surface, the system shall be considered a mounded sand filter.

2. Mounded sand filters must conform to Section 17-1701.D . (Unlined (Open Bottom) Sand Filters) of these regulation.

3. The basal area and linear loading rate must be determined from the loading rate for the soil type under the mound and the slope of the site.

4. The final slope of the mound must be no greater than three feet horizontal to one foot vertical.

5. The surface of the mounded area shall be planted with a suitable vegetative cover.

F. Recirculating Sand Filters

1. A recirculating sand filter must have an impervious liner on the sides and bottom of the filter. The liner must consist of a 30 mil thickness PVC material or equivalent.

2. A minimum four-inch diameter under-drain pipe must be used. The under-drain pipe must be surrounded by washed coarse screened gravel or crushed stone. All of the gravel or stone must pass a 2 1/2-inch screen and must be retained on a 3/4-inch screen. Manufactured media may be used as an alternative to gravel or stone, if approved by Department.

3. Filter media effective size (D10) must range from 1.0 to 1.50 mm and the uniformity coefficient (D60/D10) must be less than 4.0. Fines passing a 200 mesh sieve must be less than one percent.

4. Sand depth must be a minimum of two feet.

   Typical loading rates are 3.0 to 5.0 gpd/ ft2. Rate must not exceed 5.0 gpd/ ft2.

5. Design re-circulation ratios may be 3:1 to 5:1.
6. Effluent collected from the sand filter must be discharged to a STA sized according to its LTAR as determined by Table 16-1.

G. Rock Plant Filter (Constructed Wetland) Treatment Before a Soil Treatment Area

1. A rock plant filter system must be designed by a professional engineer.
2. The design must be site specific and include specifications for: loading, capacity, dimensions, liner material, filter media, effluent depth and depth control mechanism, density and species of plant material, and other site specific information.
3. The treated effluent from a rock plant filter must be distributed to a STA sized according to its LTAR as determined by Table 16-1.
4. Although producing higher level treatment, rock plant filters must not be assigned a treatment level higher than TL1 because of system and seasonal variability.

DIVISION 18 DESIGN CRITERIA –ALTERNATE SYSTEMS

Section 17-1801 General Provisions

A. An OWTS treating the wastewater remaining after the separation of the toilet wastes must meet all minimum design and construction standards for a TL1 OWTS based on the volume and character of wastes for the fixtures and the number of persons to be served.

B. Design criteria and construction standards for alternate systems shall be sufficient to exclude flies and rodents from access to human excreta, prevent nuisances and health hazards, provide for privacy, cleanliness of such facilities, and prevent ground or surface water pollution.

Section 17-1802 Evaporation and Evapotranspiration / Absorption Systems

A. An evapotranspiration system may be designed to consider evaporation and transpiration only; or, in soil types 3A, 4, 4A, and 5, absorption may also be considered.

B. An evapotranspiration system or evapotranspiration/absorption system must be designed by a professional engineer.

C. Data to be furnished must include, but shall not be limited to: dimensions; distribution system design; specifications of gravel and wicking sand if used, liner material if used, and bedding; properties of the soil under the evapotranspiration system and provision for vegetation cover.

D. The following formula may be used as a guide for determining the area necessary for total evapotranspiration of septic tank effluent:

$$\frac{Design\ Flow\ (gpd) \times 586}{Site\ Lake\ Evaporation\ Rate\ (\frac{inches}{year})} = Area\ (ft^2)$$

E. As an alternative, a system may be designed and sized on the basis of a monthly water balance for the system. Such a design would provide for total storage of average daily flows for all periods in which evapotranspiration is not shown to occur.

F. If the design provides wicks (sand structures which penetrate through the rock media to the bottom of the bed), they must be equal to 10 to 15 percent of the bed surface area. The wicks

must be uniformly spaced throughout the bed.

G. Sand utilized in evapotranspiration or evapotranspiration/absorption beds for wicks must meet the gradation requirements in Table 16-4 and be approved by the design engineer.

Table 16-4 Gradation of Wicking Sand for Evapotranspiration Beds

Sieve Size	Percent Passing
4	100
40	50-70
200	<15

H. Adequate surface area must be provided to evaporate/transpirate total annual average daily flows at a rate equivalent to local net lake evaporation (including the part of the year when the evaporation rate is not measured).

I. If the system is designed as an evapotranspiration/absorption system, the amount of storage and evapotranspiration capacities may be reduced by the volume of effluent absorbed by the soil based on the LTAR for that soil type.

J. Except for dwellings, if the system is designed for summer use only, as determined by the Department, the surface area may be multiplied by 0.6 to obtain the required area. Evapotranspiration beds and evapotranspiration-absorption beds may be wider than 12 feet.

Section 17-1803 Wastewater Ponds

A. Construction of new wastewater ponds for single-family homes is prohibited.

B. A septic tank shall precede the wastewater pond.

C. The depth of the design volume of the wastewater pond shall be five feet.

D. A wastewater pond shall have two feet of free board above the design volume of the pond.

E. A wastewater pond shall be fenced to keep out livestock, pets, vermin, and unauthorized people.

F. Wastewater ponds shall be designed on the basis of monthly water balance including design flow, precipitation, evaporation, and seepage.

G. Wastewater ponds shall be constructed so the seepage out of the bottom or sides does not exceed 1/32 of an inch per day. If this limit cannot be achieved using compacted natural soil materials including soil additives, an impermeable synthetic membrane liner shall be used.

H. Maintenance must include preventing aquatic and wetland plants from growing in or on the edge of the pond, protecting sides from erosion, and mowing grasses on the berm and around the pond.

I. Wastewater ponds must be designed by a professional engineer.

Section 17-1804 Vaults Other Than Vault Privies

A. Vaults for full time use in new construction are prohibited where a property can accommodate an OWTS with a STA

B. Vaults for full time use may be permitted when a failing OWTS cannot be replaced.

Vaults may be permitted for limited use occupancy on a property which cannot accommodate an OWTS with a STA.

C. A vault may be permitted if the facility is located on property where the installation of an OWTS

with a STA is not permitted.

D. Vaults may be permitted for systems where some of the wastewater flows are separated, such as toilet wastes only, into a vault. The portion not retained in the vault must be treated in an adequately-sized OWTS.

E. Variances may be granted for specialized commercial uses.

Vaults shall have a minimum 500 gallon effective volume or be capable of holding a minimum of the two-day design wastewater flow, whichever is larger.

F. A visual or an audible signal device, or both, indicating filling to a maximum of 75 percent capacity, must be installed to indicate when pumping is necessary.

G. Concrete vaults must meet the strength and watertightness requirements for septic tanks. Prefabricated fiberglass, fiberglass-reinforced polyester, and plastic tanks may be used as vaults, if the tank manufacturer provides testing criteria certifying them for this use.

Section 17-1805 Privies

A. Vault Privy

1. The minimum effective volume of the vault shall be no less than 400 gallons and it must be constructed of concrete or plastic. The vaults for privies must meet the structural and watertightness standards of vaults.
2. A vault privy must be built to include: fly- and rodent-tight construction, a superstructure affording complete privacy, an earth mound around the top of the vault and below floor level that slopes downward away from the superstructure base, a floor, and a riser of concrete or other impervious material with hinged seats and covers of easily cleanable, impervious material. All venting must be fly-proofed with No. 16 or tighter mesh screening.

B. Pit Privy

1. The bottom of the pit must be located above at least four (4) feet of suitable soil and four (4) feet above a limiting condition;
2. The pit must have at least 400 gallons of effective volume; and
3. The superstructure must:
   a. provide complete privacy and have fly- and rodent-tight construction;
   b. have an earth mound around the top of the pit and below floor level that slopes downward away from the superstructure base;
   c. have a floor, and a riser of concrete or other impervious material with hinged seats and covers of easily cleanable, impervious material.
4. All venting must be fly-proofed with No. 16 or tighter mesh screening.

Section 17-1806 Incinerating, Composting and Chemical Toilets

A. An incinerating or composting toilet may be used for toilet waste where an OWTS is installed for treating wastewater remaining after removal of toilet waste. The compartment may be located within a dwelling or building provided the unit complies with the applicable requirements of this regulation, and provided the installation will not result in conditions considered to be a health hazard as determined by the health officer. Compartment and appurtenances related to the unit must include fly-tight and vector-proof construction and exterior ventilation.

B. Incinerating Toilets

1. An approved incinerating toilet must be designed and installed in accordance with all applicable federal, state, and local air-pollution requirements and manufacturer's instructions.

C. Composting Toilets

1. An approved composting toilet must treat deposits of feces, urine, and readily decomposable household garbage that are not diluted with water or other fluids and are retained in a compartment in which aerobic composting will occur.
2. The effective volume of the receptacle must be sufficient to accommodate the number of persons served in the design of the unit installed. The effective volume of the unit must include sufficient area for the use of composting materials which must not be toxic to the process or hazardous to persons and which must be used in sufficient quantity to assure proper decomposition.
3. Residue from the composting toilet must be removed when it is filled to 75 percent of capacity. Residue from the unit must be properly disposed of by methods recommended by the manufacturer and acceptable to the Department. Disposal methods must prevent contamination of water and not cause a public health nuisance. Disposal using solid waste practices is recommended.
4. If a system will be installed where low temperature may be a factor, design and installation must address the effects of the low temperature.
5. Composting toilets must be operated according to manufacturer's specifications
6. If a system will be installed where low temperature may be a factor, design and installation must address the effects of the low temperature.
7. Composting toilets must be operated according to manufacturer's specifications.

D. Portable Chemical Toilets

1. Use of a portable chemical toilets in permanently occupied buildings is prohibited except during construction or under emergency circumstances as determined by the Department. Proper ventilation of a chemical toilet used inside shall be required.
2. The use of commercial portable chemical toilets for construction sites, recreational areas, festivals and fairs, etc., is not regulated by the Department provided that such units are pumped as necessary and maintained in a sanitary condition at all times.

Section 17-1807 Latrines

A. Slit Trench Latrines

1. A slit trench latrine shall be utilized only in remote or emergency situations when other approved sanitary means are unavailable.
2. A slit trench latrine shall be considered a temporary convenience to be used no longer than seven days and must be backfilled and graded to match its surroundings when its use is discontinued.
3. A slit trench latrine shall be located only in a place that does not adversely affect public health or the environment. The location must provide ample privacy and should be exposed to several hours of sunlight each day. A slit trench latrine shall not be located:
   a. In a building;
   b. In a covered or partially covered location such as a cave or overhanging cliff; or
   c. On a slope of greater than 30 percent.
4. A slit trench latrine shall be installed only in suitable soil.
5. A slit trench latrine shall be excavated approximately one foot wide and two feet deep for the required length. All human waste and tissue placed into the slit trench latrine shall be covered with at least two inches of soil at least once a day or more frequently if requested by

the Department.

Section 17-1808 Repairs to Existing Systems

A. In general, where possible repairs shall comply with these regulations as do new installations.

B. When space is not available or if there are other site limitations that preclude other soil treatment area options for OWTS repairs, wide beds, deep gravel trenches, alternating systems and seepage pits may be considered for repairs only. Vaults are another option.

C. For repairs, bed STAs may be wider than 12 feet.

D. For deep gravel trenches or beds, the length of an absorption trench or bed may be calculated by allowance for the sidewall area of additional depth of gravel in excess of six inches below the bottom of the distribution pipe.

Formula for adjusting the length of deep-gravel trenches:

$$L \times \frac{w + 2}{W + 1 + 2D} = Adjusted\ Length$$

Where: L = length of trench or bed prior to adjustment for deep gravel

W = width of trench or bed in feet

D = additional gravel depth (ft) in excess of the minimum required six inches of gravel below the distribution pipe

(maximum allowable additional gravel depth is five feet).

2. Percolation tests and soil profile hole or soil profile excavation test pit evaluations shall be performed at the proposed infiltrative surface depth.

3. The reduction in field size area with the use of chambers shall not be applied to deep gravel systems.

E. Seepage Pits

1. For repairs to existing systems, the potential for risk to public health and water quality may be evaluated by the Department. If risk is low in the determination of the Department, a seepage pit may be used. Seepage pits are not allowed in high risk areas or on new sites.

2. A seepage pit shall consist of a buried vertical cylinder with holes in the wall. This may consist of a stack of perforated concrete rings or other suitable materials.

3. Pits shall be provided with both vertical sidewall and top supporting structural concrete or other material of equal structural integrity.

4. The excavation shall be larger than the cylinder by at least 12 inches on each side.

5. The space between the cylinder wall and the edge of the excavation shall be filled with rock ranging in size from 1/2 inch to 2 1/2 inches.

6. The capacity of the pit shall be computed on the basis of LTAR determined for each stratum penetrated. The weighted average of the results shall be used to obtain a design figure.

7. Soil strata in which the percolation is slower than 30 minutes per inch shall not be used for absorption or seepage. These strata shall not be included in the weighted average to determine the long-term acceptance rate.

8. The infiltrative surface of the pit is the vertical wall area (based on dug perimeter) of the per-

vious strata below the inlet plus the bottom area inside the vertical cylinder.

9. Pits shall be separated by a distance equal to three times the greatest lateral dimension of the largest pit. For pits over 20 feet in depth, the minimum space between pits shall be 20 feet.

Section 17-1809 Other Systems

A. For systems discharging to State Waters, see Section 17-304 of these regulations.

B. Systems that discharge other than through a soil treatment area or a sand filter system must:

1. Be designed by a professional engineer;
2. Be reviewed by the Department; and
3. Not pose a potential health hazard or private or public nuisance or undue risk of contamination.

C. Any system that will allow effluent drainage off of the property of origin must be approved by the County Board of Health

D. The following minimum performance criteria must be required for all permitted systems pursuant to this section:

1. If effluent discharge is made into areas in which the possibility exists for occasional direct human contact with the effluent discharge, the effluent at the point of discharge must minimally meet the minimum treatment criteria of TL3 effluent and specifically adhere to each of the following standards:
   a. The geometric mean of the fecal coliform density must not exceed 25 per 100 milliliters when averaged over any five consecutive samples, and no single sample result for fecal coliform can exceed 200 per 100 milliliters.
   b. The arithmetic mean of the standard five-day carbonaceous biochemical oxygen demand (CBOD5) must not exceed ten milligrams per liter when averaged over any three consecutive samples.
   c. The arithmetic mean of the total suspended solids must not exceed ten milligrams per liter when averaged over any three consecutive samples.
2. If the effluent discharge is made into an area so restricted as to protect against the likelihood of direct human contact with the discharged effluent, the effluent at the point of discharge must minimally meet the treatment criteria of TL2 effluent and specifically adhere to each of the following standards:
   a. The geometric mean of the fecal coliform density must not exceed 500 per 100 milliliters when averaged over any five consecutive samples, and no single sample can exceed 5000 fecal coliform per 100 milliliters.
   b. The arithmetic mean of the standard five-day carbonaceous biochemical oxygen demand (CBOD5) must not exceed 25 milligrams per liter when averaged over any three consecutive samples.
   c. The arithmetic mean of the total suspended solids must not exceed 30 milligrams per liter when averaged over any three consecutive samples.
3. To determine compliance with the standards contained in this section, the required sampling frequency for fecal coliform, CBOD5, and total suspended solid levels must be performed at least once per month when the system is in operation and the results submitted to the Department for compliance with the permit requirements.
4. Methods of Analysis - Sampling Points:

a. All effluent samples must be analyzed according to the methods prescribed in the American Public Health Association, American Water Works Association, and Water Environment Federation: Standards Methods for the Examination of Water and Wastewater, 21st edition.

b. The sampling point must be a location that is representative of final discharge from the system.

DIVISION 19 SYSTEM MAINTENANCE AND ABANDONMENT

Section 17-1901 Responsibility

A. The owner shall be responsible for maintenance of an OWTS unless the responsibility has been contractually assigned to a tenant or a third party or a public, quasi-public, or political subdivision.

B. Any person denying responsibility for the proper operation and maintenance of an individual sewage disposal system shall bear the burden of proof for such denial upon establishment of ownership or possessory rights for the property served by the system.

Section 17-1902 Maintenance and Cleaning

Unless required as a condition of approval or set forth in an operation or construction permit, the following inspection and maintenance schedule is recommended for all individual sewage disposal systems to ensure good working order:

Table 19-1 – MAINTENANCE RECOMMENDATIONS

TYPE OF SYSTEM	INSPECTION OR MAINTENANCE	CLEANED OR PUMPED
Septic tanks	Every 1 to 2 years	As recommended by maintenance provider
Vaults, privy vaults, holding tanks	Annually	At 80% capacity
Aeration or mechanical units	Per Permit Conditions	
New Technology Devices	Per permit conditions or maintenance agreement	
Recycling Systems Producing Potable Water	Per Permit Conditions	

Manufacturer recommendations should be followed for proprietary components; design criteria requirements should be followed for public domain components; however, at a minimum, mechanical components providing higher level treatment must be inspected/maintained every 6 months; and, components, with no mechanical parts, which provide higher level treatment must be inspected/maintained every 12 months.

Section 17-1903 Monitoring and Sampling

A. For an OWTS for which monitoring of effluent is required, the Department or delegated third party shall collect and test effluent samples to ensure compliance with the provisions of these Regulations.

B. Sampling may be required by the Department in conjunction with an enforcement action.

C. Any owner or occupant of property on which an OWTS is located may request the Department to collect and test an effluent sample from the system. The Department may perform such collection and testing services. The owner or occupant shall pay for these services.

D. If the Department or a delegated third party collects and tests effluent samples, a fee not to exceed that which is allowed by the OWTS Act may be charged for each sample collected and tested. Payment of such charge shall be stated in the permit as a condition for its continued use.

E. Conditions when the Department can require routine monitoring include:

1. Indications of inadequate performance;
2. Location in sensitive areas;
3. Experimental systems; and/or
4. Systems under product development permits.

F. Sampling and analysis shall be performed according to American Public Health Association, American Water Works Association, and Water Environment Federation: Standards Methods for the Examination of Water and Wastewater, 21st edition.

Section 17-1904 Disposal of Waste Materials

Disposal of waste materials (excluding liquid wastes and sludge) removed from a system in the process of maintenance or repair may be accomplished at the site in a manner that complies with State and local regulations, provided it does not create a hazard to the public health, a nuisance, or risk of pollution of surface or ground water. Liquid wastes and sludge shall be removed by a Systems Cleaner for proper disposal.

Section 17-1905 Termination of Use of System

A. A septic tank, vault or holding tank shall be abandoned in the following manner:

B. A tank may be completely removed and the parts disposed of safely.

C. If the tank will remain in place:

1. electrical lines, if present, shall be disconnected from all power sources;
2. the inlet and outlines shall be capped or removed;
3. the tank shall be pumped to remove as much waste as possible;
4. the bottom of the tank shall be broken so the tank neither floats nor fills with water;
5. the top shall be collapsed and the sides may be broken into the void;
6. the remaining void shall be filled with gravel, sand or compacted soil; and
7. the filled excavation will be graded to surroundings, allowing for settling and re-vegetation.

A. An absorption bed or trench, mound, or evaporation system may be abandoned in place by disconnecting and capping the inlet line.

B. A seepage pit, cesspool or other system that contains a large internal void shall be abandoned by pumping out the liquid contents, capping or removing the inlet line, then either collapsing the void or filling with soil or other inert materials to prevent subsidence or collapse.

C. A non-vaulted privy shall be abandoned by pumping any liquid material from the privy pit, treatment with quicklime or other disinfectant, then back-filling the pit with soil or inert materials. The privy structure may remain in place provided that the stool is removed and a solid floor placed in the structure.

D. The Department may require abandonment of a tank or other system component that is deemed to be a hazard.

Appendix 17-A Minimum Separation Distances

1.0 Setback Requirements

A. Horizontal distances from the various components of a system to pertinent terrain features shall be in accordance with Table A-1.

B. Where soil, geological or other conditions warrant, greater distances may be required by the Board of Health or by the Water Quality Control Commission pursuant to §25-8-206, C.R.S. and applicable regulations.

C. For repairs to existing OWTS where the size of lot precludes adherence to these distances, the proposed STA shall not be closer to setback features than the existing OWTS, as reviewed and approved by the Department per Section 17-501. Components that are not watertight should not extend into areas of the root system of nearby trees.

2.0 Modifications and Reductions

A. All requests for distance setback modifications shall be analyzed and approved by the Department and be in complete compliance with the variance procedures of these Regulations. Acceptable methods of analyzing horizontal separation distances include but are not limited to:

1. analyzing the intended uses of impacted surface and/or ground waters;
2. contacting adjacent property owners for potential conflicts with property line encroachments; and
3. analyzing potential impacts that system locations may have on building foundations and other potentially affected features.

3.0 Dry Gulches, Cut Banks and Fill Areas

A. Separation distances to dry gulches, cut banks and fill areas in Table A-1 shall apply unless the designer or design engineer determines by observation of the exposed slope of the dry gulch or cut bank or by profile holes or soil profile test pit excavations that a restrictive layer is present that will direct or allow the effluent from the soil treatment area to move laterally and surface.

B. A lesser distance may be used if it can be demonstrated by a professional engineer or professional geologist that the use of a barrier, such as a minimum 30 mil PVC liner placed between the soil treatment area and the slope of the dry gulch, cut bank or fill area will prevent effluent surfacing laterally.

C. The separation distance between a component and the crest of a dry gulch or cut bank shall be evaluated for potential erosion or slope instability if the component and the slope are too close together. If there is potential for erosion or instability, the separation distance shall be increased until the risk is minimized.

D. Components of an OWTS listed in Table A-1 shall be installed or located in accordance with the minimum distance requirements provided in Table A-1.

TABLE A-1 - MINIMUM HORIZONTAL DISTANCES IN FEET BETWEEN COMPONENTS OF AN OWTS AND WATER, PHYSICAL AND HEALTH IMPACT FEATURES

	Spring, Well, [1] Suction Line	Potable Water Supply Line	Potable Water Supply Cistern	Dwelling Occupied Building	Piped or Lined Irrigation Ditch Property Lines	Subsurface Drain, Intermittent Irrigation Lateral, Drywell, Stormwater Infiltration Structure	Lake, Water Course, Irrigation Ditch, Stream, Wetland	Dry Gulch, Cut Bank, Fill Area (from Crest)	Septic Tank
Septic Tank, Higher Level Treatment Unit, Dosing Tank, Vault	50[2]	10[2]	50[2]	5	10	10	50	10	-
Building Sewer or Effluent Lines	50[2]	10[2]	50[2]	0	10[2]	10[2]	50[2]	10[2]	-
STA Trench, STA Bed, Unlined Sand Filter, Sub-surface Dispersal System, Seepage Pit	100[2]	25[2]	100	20	10	25	50[2]	25	5
Lined Sand Filter	100	10[2]	100	15	10	10	25	10	5
Lined Evapotranspiration Field or Outside of Berm of Lined Wastewater Pond	100	10[2]	100	15	10	10	25	10	5
Unlined Sand Filter in Soil With a Percolation Rate Slower than 60 Minutes per Inch, Unlined or Partially Lined Evapotranspiration System, Outside of Berm of Unlined Wastewater Pond, or System Not Relying on STA for Treatment Other than Aerosol	100	25[2]	100	15	10	25	25	15	10
Vault Privy	100	10[2]	100	15	10	10	100[4]	10	-
Slit Trench Latrine, Pit Privy	100	50[2]	100	N/A	25	25	100	25	N/A
System Not Relying on STA for Treatment and Utilizing Aerosol Methods	100[3]	10[2]	100	125	10	0	100[3,4]	10	10

TABLE A-1 - MINIMUM HORIZONTAL DISTANCES IN FEET BETWEEN COMPONENTS OF AN OWTS AND WATER, PHYSICAL AND HEALTH IMPACT FEATURES

NOTE: The minimum distances shown above must be maintained between the owrs components and the features described. Where soil, geological or other conditions warrant, greater distances may be required by the local board of health or by the Water Quality Control Commission pursuant to Section 25-8-206, C.R.S. and applicable regulations. For repair or upgrading of existing OWTS where the size of lot precludes adherence to these distances, a repaired OWTS shall not be closer to setback features than the existing OWTS, as reviewed and approved by the local public health agency. Components that are not watertight should not extend into areas of the root system of nearby trees.

[1] Includes infiltration galleries permitted as wells by the Division of Water Resources.

[2] Crossings or encroachments may be permitted at the points as noted above provided that the water or wastewater conveyance pipe is encased for the minimum setback distance on each side of the crossing. A length of pipe shall be used with a minimum Schedule 40 rating of sufficient diameter to easily slide over and completely encase the conveyance. Rigid end caps of at least Schedule 40 rating must be glued or secured in a watertight fashion to the ends of the encasement pipe. A hole of sufficient size to accommodate the pipe shall be drilled in the lowest section of the rigid cap so that the conveyance pipe rests on the bottom of the encasement pipe. The area in which the pipe passes through the end caps shalt be sealed with an approved underground sealant compatible with the piping used.

[3] Add eight feet additional distance for each 100 gallons per day of design flows between 1,000 and 2,000 gallons per day, unless it can be demonstrated by a professional engineer or geologist by a hydrofogic analysis or the use of a barrier, consisting of a minimum 30 mil PVC liner or equivalent, that contamination will be minimized. Flows equal to or greater than 2,000 gallons per day must be hydrologically analyzed for flow, velocity, hydraulic head, and other pertinent characteristics as means of estimating distances required to minimize contamination as part of the Division site application process.

[4] Can be reduced to minimum distances found in Regulation 43 if it determined by the Health Officer that this will not pose any greater risk to public health or the environment.

Appendix 17-B Wastewater Flows And Strength

1.0 Estimates of Wastewater Flow

The tables in this section provides standardized estimates of wastewater flows and strength from various facilities. Actual, documented flows from similar facilities may be used for design purposes if they meet the requirements of Section 17-1305. Flow from facilities not referenced in this table shall be as set forth in Regulation 43, Table 6-2.

Table B-1 –Wastewater Flow and Strength for Dwellings

Bedrooms	gpd	lbs/BOD5/day	Bedrooms	gpd	lbs/BOD5/day
1*	150	0.40	4	525	1.4
2	300	0.80	5	600	1.6
3	450	1.20	additional, add	75	0.20

**may be used only for existing dwellings that either have only one (1) bedroom, or separate bedrooms are not provided within the structure*

Table B-2 –Wastewater Flow and Strength for Dwellings (Fixture Flow)					
Fixture	**gpd**	**lbs/BOD5/day**	**Fixture**	**gpd**	**lbs/BOD5/day**
Water closet	24.8	0.029	Kitchen sink*	5.8	0.052
Clothes Washer	19.5	0.037	Lavatory	8.4	0.021
Bath/Shower	14.7	0.014	Dishwasher	1.8	0.002
Total Flow Per Person Per Day	75	0.2			

**includes garbage disposal*

Table B-3 –Wastewater Flow and Strength for Non-Residential or Commercial Facilities		
Public Accommodations	**gpd**	**lbs/BOD5/day**
Hotels and motels per room without private baths	50	.15
Hotels and motels per room with private baths	75	.15
Multiple-family dwellings or apartments	75	.20
Boarding and rooming houses	50	.15
Mobile home	75	.20
Mobile home park per space	300	.80
COMMERCIAL WASTEWATER	**gpd**	**lbs/BOD5/day**
Facilities with short-term or transient visitors		
Examples: Airports or bus stations per passenger; fairgrounds per person attending; ball parks, race tracks, stadiums, theaters or auditoriums per seat	5	.02
Airport per employee	10	.06
Barber and beauty shops per chair	100	.70*
Bowling alleys per lane - toilet wastes only	5	.03*
Country club per member	30	.02
County club per employee	20	.06
Dentist offices per non-wet chair	50	.14*
Doctor offices per doctor	250	.80*
Factories and plants exclusive of industrial wastewater per employee per eight-hour shift – no showers	20	.05
Factories and plants exclusive of industrial wastewater per employee per eight-hour shift - showers provided	35	.08
Kennels per dog	30	.20
Laundries, self-service per commercial washer	400	.75
Office buildings per employee per eight-hour shift	15	.06
Service stations per toilet fixture	250	.50*
Stores and shopping centers per square foot of retail space	.1	.01*
Work or construction camps semi-permanent with flush toilets	50	.17

Work or construction camps semi-permanent without flush toilets	35	.02
FOOD SERVICE ESTABLISHMENT	**gpd**	**lbs/BOD5/day**
Restaurant open 1 or 2 meals per seat	50	.06/meal
24-hour restaurant per seat	75	.07/meal served
Restaurant with paper service only per seat	25	.01/meal served
Additional for bars and cocktail lounges per seat	30	.02
Drive-in restaurant per car space	50	.02
INSTITUTIONAL WASTEWATER WITHOUT KITCHENS UNLESS OTHERWISE NOTED	**gpd**	**lbs/BOD5/day**
Churches	5	.01
Hospitals per bed space	250	.20
Nursing homes per bed space	100	.17
Schools, Boarding per person	100	.17
Schools, Day without cafeteria, gym or showers	15	.04
Schools, Day with cafeterias, no gym or showers	20	.08
Schools, Day with cafeterias, gym and showers	25	.10
Schools, Day additional for school workers	15	.06
RECREATIONAL AND SEASONAL WASTEWATER USE	**gpd**	**lbs/BOD5/day**
Camps, day, no meals served	15	.12
Luxury resort	125	.17
Resort night and day		50
Campground per campsite**	50	.12
Public park flush toilet per fixture per hour when park is open	36	.04 lbs./ fixture
Public park urinal per fixture per hour when park is open	10	.01 lbs./fixture
Public park shower per fixture per hour when park is open	100	.10 lbs./ fixture
Public park faucet per fixture per hour when park is open	15	.04 lbs./ fixture
Swimming pools and bathhouses	10	.06
Travel trailer parks with individual water and sewage hookup per unit **	50	.12
Travel trailer park without individual water and sewage hookup per unit **	50	.12

**BOD levels need further verification*

***Laundry facilities are to be calculated on a per commercial washer basis in accordance with other elements of this table*

Appendix 17-C Schedule of Fees

Permit Application Fees		
On-site wastewater treatment system (OWTS) Permit Application Fee	Vault Use Permit Application Fee	Wastewater Reuse Permit Application Fee
$123.00	$223.00	$523.00

Systems Contractor	
License Application Fee	$0
Required Bonding Amount	$15,000
Systems contractors are required to provide proof of bonding and insurance at the time of licensing.	

Systems Pumper	
License Application Fee	$0
Required Bonding Amount	$5,000
Systems pumpers are required to provide proof of bonding and insurance at the time of licensing.	

Variances	
Variance Application Fee	$100

ARTICLE 18 - STANDARDS FOR FLOODPLAINS AND FLOODWAYS

Section 18-101 Intent

The intent of this section is to ensure that all development, including but not limited to, roads, bridges, subdivisions, and gravel pits, do not impact or are impacted by the floodplain and/or floodway and are in compliance with the National Flood Insurance Program.

Section 18-102 Methods of Reducing Flood Impact

In order to accomplish the purpose of managing the floodplain as established under the National Flood Insurance Program and those County policies for development in the floodplain, these standards include methods and provisions for:

- Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 18-103 Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning used in common language and to give this section it's most reasonable application.

Abrogation. To cancel or revoke formally or officially; repeal; annul.

Addition. Any activity that expands the enclosed footprint or increases the square footage of an existing structure

Area of special flood hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This is the same as "Special Flood Hazard Area."

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation. The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has one percent chance of equaling or exceeding that level in any given year.

Basement. Any area of a building having its floor sub-grade (below ground level) on all sides.

Code of Federal Regulations (CFR). The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government.

Community. Any political subdivision in the state of Colorado that has authority to adopt and enforce

floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Conditional Letter of Map Revision (CLOMR). FEMA's comment on a proposed project, which does not revise an effective floodplain map that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical Facility. A structure or related infrastructure, but not the land on which it is situated, as specified herein, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a 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 or storage of equipment or materials located within the area of special flood hazard.

Federal Register. The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA. The Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, or 3) mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Insurance Rate Map (FIRM). The official map issued by the Federal Emergency Management Agency where the special flood hazard areas have been designated as Zone A or AE.

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency for Rio Blanco County unincorporated areas, dated December 2nd, 2021. Updated RESOLUTION 2021-23

Floodplain or Flood-prone Area. Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator. The county official(s) designated to administer and enforce the floodplain management regulations.

Floodproofing. Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory Floodway). The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of

the existing floodway delineation.

Flood Zones "A". – Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgages. Because detailed analyses are not performed for such area; no depths or base flood elevations are shown within these zones.

Flood Zones "AE". – The base flood plain where base flood elevations are provided. AE Zones are now used on new format FIRMs instead of A1-A30 Zones.

Freeboard. The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally Dependent Use. A use which cannot perform its intended [purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure. Any structure that is:

1. Listed individually in the National Register of Historic Places a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior or;
    b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR). FEMA's official revision of an effective Flood Insurance Rate Map (FIRM) LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F). ~~means~~ FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use, such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. 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; pro-

vided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of CFR 60.3 of the National Flood Insurance Program regulations.

Manufactured Home. A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mean Sea Level. For the purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on the County's Flood Insurance Rate Map are referenced.

Mean Sea Level. For the purposes of the National Flood Insurance Pprogram, the North American Certical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on the County's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP). FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

No Rise Certification. A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in the floodway. A no-Rise Certification must be supported by technical data signed by registered Colorado Professional Engineer. The supporting technical data should be based on the standard step- backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM).

On-Site Wastewater Treatment System. An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or dispersing sewage generated in the vicinity, which system is not a part of or connected to a sanitary sewage system or sewage treatment works.

Recreational Vehicle (RV). A vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples of recreational vehicles include, but are not limited to: camping trailer or tent trailer; motorized camper, motor home, recreational conversion van or bus; pick-up camper; tent; travel trailer.

1. Camping trailer or tent trailer means a folding structure constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels and to be used as a temporary shelter for travel and recreation purposes.
2. Motorized camper, motor home, recreational conversion van or bus means a self-propelled vehicle consisting of a portable, temporary shelter to be used for travel and recreation purposes.
3. Pick-up camper means a structure designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary shelter for travel and recreation purposes.
4. Tent means a portable, temporary cover or shelter made of canvas, plastic or similar materials supported by poles, with or without side panels, used for travel and recreation purposes.
5. Travel trailer means a towed vehicle designed as a temporary shelter used for travel and recreation purposes.

Sanitary Sewage System. A system of sewer pipes or other transport lines designed to transport waste liquid and /or sewage from structures to a central treatment facility.

Special Flood Hazard Area. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Structure. That which is built, constructed, or erected, including but not limited to a walled and roofed building, manufactured home, framework, gas or liquid storage tank, bridge, or other object that has been put together from different parts and is principally above ground.

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 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial improvement. Any, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before commencement of the improvement, or if the structure has been damaged and is being restored, before the damage occurred. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance. A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

Violation. The failure of a structure or other development to be fully compliant with the County's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in CFR Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplain of coastal or riverine areas.

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. Updated RESOLUTION 2018-06

Section 18-105 Basis for Establishing the Special Flood Hazard Area

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "Flood Insurance Study, Rio Blanco County, Colorado Unincorporated Areas", dated December 2, 2021 (FIS), with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Resolution. These SFHAs identified by the FIS and attendant mapping are the minimum area of applicability of this Resolution and may be supplemented by studies designated and approved by the Rio Blanco County Board of Commissioners (BOCC). The Floodplain Administer shall keep a copy of the FIS and FIRM on file and available for public inspection. Updated RESOLUTION 2021-23

Section 18-106 Compliance

No structure, land development feature (road, pond, etc.), or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of these standards and other applicable regulations.

Section 18-107 Abrogation or Greater Restrictions

These standards are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these standards and another resolution, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 18-108 Interpretation

In the interpretation and application of these standards, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the BOCC

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

Section 18-109 Warning and Disclaimer of Liability

The degree of flood protection required by these standards is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These standards do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These standards shall not create liability on the part of Rio Blanco County.

Section 18-110 Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator is responsible to administer, implement and enforce the provisions of these regulations and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

The duties and responsibilities of the Floodplain Administrator shall include, but are not limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this regulation, including the actual elevation (in relation to mean sea level) of the Lowest Floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by these regulations.

(2) Review, approve, or deny all applications for Floodplain Development Permits required by these regulations.

(3) Review Floodplain Development Permit applications to determine whether a proposed building

site, including the placement of manufactured homes, comply with the provisions of these regulations.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Act Amendments of 1972, 33 U.S. C 1344) from which prior approval is required.

(5) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of these regulations, including proper elevation of the structure.

(6) Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(7) Where Base Flood Elevation data has not been provided in accordance with the Basis for Establishing the Special Hazard Area section above, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of these regulations.

(8) For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the within Zones A1-A30 and AE depicted on the County's FIRM maps or on any other amended map via a LOMR or LOMR-F, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half (1/2) foot or six (6) inches at any point within the County.

(9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the County may approve certain development within the mapped Zones A1-A30 and AE depicted on the County's FIRM maps or on any other amended map via a LOMR or LOMR-F which increases the water surface elevation of the base flood by more than one-half (1/2) foot, provided that the County first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(10) Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

(11) Ensure that the flood carrying capacity within the altered or relocation portion of any watercourse is maintained.

Section 18-111 Floodplain Development Permit

For purposes of development in the floodplain an approval shall be obtained from the County's Floodplain Administrator before construction or development begins within any special flood hazard area. Requests for development within floodplains depicted on the County's FIRM maps or on any other amended map via a LOMR or LOMR-F shall be submitted to the Floodplain Administrator with the following information and submittal requirements, as applicable. The receipt of an approval under this Resolution is regarded as the appropriate permit for compliance with this section. Specifically, the following information is required:

- Elevation in relation to mean sea level, of the Lowest Floor (including basement) of all structures;
- Elevation in relation to mean sea level to which any structure has been floodproofed;
- Certification by a registered professional engineer or architect that the floodproofing methods for

any non -residential structure meet the floodproofing criteria and,

- Description (and engineering) providing information of the extent to which any watercourse will be altered or relocated as a result of proposed development and evidence that the development has mitigated potential impacts to surrounding uses and property.

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. Updated RESOLUTION 2018-06

Section 18-112 General Standards

In all areas of special flood hazards the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties or ground anchors. Specific requirements shall be that:
   a. over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
   b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
   c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
   d. Any additions to the manufactured home be similarly anchored.

B. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities

1. All new and replacement drinking water supply systems and groundwater wells shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
3. On-site wastewater treatment systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters and shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development that contain 10 or more lots and/or 5 or more acres.

E. Encroachments

1. Any proposed development shall be analyzed to determine effects on the flood carrying capacity of the area of special flood hazard.

F. Variances

1. The Appeal Board (BOCC), as established by the Community, shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in these regulations have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharged would result.
8. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
9. Prerequisites for granting variances:
   a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
   b. Variances shall only be issued upon:
      i. Showing a good and sufficient cause;
      ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
      iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local

laws or ordinances.

c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

10. Variances may be issued by Appeal Board for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:

a. The criteria outlined (1 thru 9) are met

b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Section 18-113 Specific Standards

A. Residential Construction

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least two (2) feet above base flood elevation. Upon completion of the structure, the elevation of the lowest floor including basement, shall be certified by a registered Colorado Professional Engineer or Land Surveyor. Such certification shall be submitted to the Floodplain Administrator.

B. Non Residential Construction

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have either the Lowest Floor, including basement, elevated to two (2) feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below two (2) feet above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

c. Upon completion of the structure, the elevation of the lowest floor including basement, shall be certified by a registered Colorado Professional Engineer or Land Surveyor. Such certification shall be submitted to the Floodplain Administrator.

C. Manufactured Homes

1. Manufactured homes shall be anchored in accordance with this standard. All manufactured homes or those to be substantially improved shall conform to the following requirement:

2. A manufactured home that is newly installed or has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the Lowest Floor of the manufactured home is elevated to at least two (2) feet above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.

D. Enclosures

1. New construction and substantial improvements, with fully enclosed areas below the Lowest Floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood-

waters.

2. Design for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:
   a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   b. The bottom of all openings shall be no higher than one foot above grade.
   c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E. Recreational Vehicles

1. All recreational vehicles placed on sites within the mapped floodplains depicted on the County's FIRM maps or on any other amended map via a LOMR or LOMR-F shall be fully licensed and ready for highway use or must meet the permitting requirements as well as the elevation and anchoring requirements for "manufactured homes" in these regulations.
2. A recreational vehicle is considered ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

F. Floodways

1. Development located within areas that can or are designated as floodways is at extreme risk due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:
2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.
3. If the above standard is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions contained herein.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

G. Letter of Map Revision Based on Fill (LOMR-F)

1. A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:
   a. RESIDENTIAL CONSTRUCTION

      The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to two feet above the Base Flood Elevation that existed prior to the placement of fill.

   b. NONRESIDENTIAL CONSTRUCTION

      The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to two feet above the Base Flood Elevation that existed prior to the placement of fill,

or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least two feet above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

H. Critical Facilities

1. A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified herin, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

I. Classification of Critical Facilities

1. It is the responsibility of the BOCC to identify and confirm that specific structures in the County meet the following criteria:
2. Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.
   a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

   These facilities consist of:

   i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
   ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
   iii. Designated emergency shelters;
   iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
   v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmissions lines, distribution lines, and service lines); and
   vi. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

   Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

   Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the BOCC that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities

are either located outside of the 100-year floodplain or are compliant with the provisions of this section, and an operation plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of an ongoing redundancy shall be provided to the BOCC on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
ii. Laboratories containing highly volatile, flammable, explosive, toxic, and/or water-reactive materials;
iii. Refineries;
iv. Hazardous waste storage and disposal sites;
v. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the chemicals listed under 40 C.F.R § 302.4 (List of Hazardous Substances and Reporting Quantities); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department o Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910. The Environmental Protection Agency (EPS) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this resolution, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the BOCC) that a release of the subject hazardous material does not pose a major threat to the public.
iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as

Critical Facilities under another category outlined in this Section.

c. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

i. Elder care (nursing homes);

ii. Congregate care serving 12 or more individuals (day care and assisted living);

iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children.

d. Facilities vital to restoring normal services including governmental operations.

These facilities consist of:

i. Essential government operations (public records, courts, jails, building permitting and inspection services, county administration and management, maintenance and equipment centers);

ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the BOCC that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this resolution, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the BOCC on an as-needed basis upon request.

J. Protection for Critical Facilities

1. All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purpose of this ordinance, protection shall include one of the following:

a. Location outside the Special Flood Hazard Area; or

b. Elevation or floodproofing of the structure to at least two feet above the Base Flood Elevation (BFE).

K. Ingress and Egress for New Critical Facilities.

New Critical Facilities shall, when practicable as determined by the BOCC, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.