



ZONING AND LAND USE REGULATION SAN JUAN COUNTY, COLORADO

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SAN JUAN COUNTY
ZONING AND LAND USE REGULATION

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GENERAL PROVISIONS

0 – 101 PURPOSE

These regulations are enacted for the purpose of promoting the health, safety, convenience, order, prosperity, or welfare of the present and future inhabitants of San Juan County, including, but not limited to:

- .1 Securing safety from fire, avalanche, floodwater, and other dangers;
- .2 Providing adequate light and air;
- .3 Classification of land uses and distribution of land development and utilization in appropriate locations throughout the County;
- .4 Protection of the tax base;
- .5 Securing economy in governmental expenditures;
- .6 Conforming to the adopted Master Plan for the physical development of the unincorporated territory of the County;
- .7 Simplification of the review process for uses and development within the County.

0 – 102 TITLE

The title of these zoning regulations is “San Juan County Zoning and Land Use Regulations” and may be so cited and pleaded. The short forms “code”, “zoning regulations” and “regulations” used extensively herein refer in all instances to the aforesaid San Juan County Zoning and Land Use Regulations, unless the context clearly indicates the contrary.

0 – 103 FILING WITH COUNTY CLERK AND RECORDER

Upon the adoption of any regulation pursuant to this resolution, or maps showing zoning or overlay districts, the Board of County Commissioners will file a certified copy of the same in the Office of the county Clerk and Recorder, where they are available for public inspection.

0 – 104 SALE OF THE REGULATIONS AND MAPS

Copies of the Zoning and Land Use Regulations and maps will be sold at a place designated by the County Commissioners at reasonable fees to be set from time to time by resolution.

0 – 105 LEGAL STATUS

.1 Interpretation

Whenever the provisions of these regulations are found to be inconsistent with any other regulation, whichever imposes the more restrictive standard will control. The provisions of these regulations are minimum requirements that do not preclude the imposition of more restrictive standards by agreement, or by law.

.2 Severability

If any section, clause, provision or portion of these regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations are not affected thereby.

.3 Effective Date

These regulations, and any land use regulation or map, will be in effect from the date of adoption by the Board of Commissioners of San Juan County.

0 – 106 COUNTY BUILDING CODE

No building will be erected, reconstructed or structurally altered, and no building or land will be used for any purpose except in conformity with the regulations herein prescribed for the zoning district and/or zoning overlay district in which such building or land is located. No building permit will be issued unless the plans for the erection, reconstruction, alteration, or use conforms to regulations then in effect.

0 – 107 AUTHORITY AND JURISDICTION

The San Juan County Zoning and Land Use Regulations are authorized by the provisions of Article 67 of Title 24, Article 20 of Title 29 and Article 28 of Title 30 of the Colorado Revised Statutes, as amended, and apply to all of the unincorporated land within San Juan County.

0 – 108 CONFLICTS OF INTEREST

Where any provision of the Colorado Revised Statutes, or of this regulation, requires an official action by a person who is also directly affected by the substance of such action or, in any other circumstance where a conflict of interest might reasonably exist, that official action shall be performed by some other person duly qualified therefor and designated to so act by the Board of County Commissioners.

0 – 109 VESTED PROPERTY RIGHTS

Approval of a zoning or rezoning application, a permitted use, or an Improvement Permit will not establish a vested property right unless and until final approval thereof has been granted by the Board of County Commissioners or by the designated official allowed to grant such permit under the terms of this Code, or, if applicable, a final plat is approved by the Board of County Commissioners under the subdivision, zoning or other regulations of the County.

0 – 110 VIOLATIONS AND PENALTIES

Any person, firm or corporation violating any provision of these regulations is subject to the penalties set forth in a resolution incorporated herein by the San Juan County Board of Commissioners, as amended, and to any other appropriate action provided by law.

CHAPTER ONE

1 – 101 ZONING AND LAND USE DISTRICT MAPS

- .1 The location of the zoning district boundaries hereby established are shown on the maps entitled “Official Zoning and Land Use District Map of San Juan County, Colorado”. The said zoning district maps are hereby incorporated into these regulations. Everything shown thereon and all amendments thereto, will be as much a part of these regulations as if fully set forth and described herein.
- .2 Copies of the Official Zoning and Land Use District Map of San Juan County, Colorado, will be kept in the offices of the County Land Use Administrator, the County Clerk and Recorder, and the County Treasurer.
- .3 A master book containing the date of all amendments to these regulations will be kept in the office of the San Juan County Clerk and Recorder.
- .4 All amendments to the Zoning and Land Use District Map made in accordance with these regulations must be recorded on the maps within thirty (30) working days of the effective date of the final passage of the amending resolution.

1 – 102 ESTABLISHMENT OF ZONING DISTRICTS

San Juan County, Colorado, is hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement the San Juan County Master Plan and related official plans and the Official Zoning Map of San Juan County, and to serve the other purposes of this resolution.

1 – 103 ZONING DISTRICTS

- .1 For the purpose of this resolution, all land and water areas are divided into zoning districts which are designated as follows: Mountain; Rural Residential; and Urban Residential.
- .2 Overlay zoning districts are established as follows: Scenic Preservation; Mineral Resource; Watershed Protection; and Town/County Zone of Mutual Interest.

1 – 104 MAP OF ZONING DISTRICTS

Zoning districts established by this resolution are bounded and defined as shown on the Official Zoning Map of San Juan County, which, together with all explanatory materials contained thereon, are hereby made part of this resolution.

1 – 105 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules are to be used to determine the precise location of any zone boundary shown on the Official Zoning Map of San Juan County:

- .1 Boundaries shown as following or approximately following the limits of any municipality are construed as following such limits.
- .2 Boundaries shown as following or approximately following streets and roads are construed to follow the centerline of such streets and roads.
- .3 Boundary lines which follow or approximately follow platted lot lines, mining claim lines or other property lines as shown on tax maps are construed as following such lines.
- .4 Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines are construed as following such lines.
- .5 Boundaries shown as following or approximately following railroad lines are construed to lie midway between the main tracks of such railroad lines.
- .6 Boundaries shown as following or approximately following the centerline of streams, rivers, or other continuously flowing water courses are construed as following the channel centerline of such water courses taken at mean low water, and in the event of a natural change in the location of such streams, rivers, or other water courses, the boundaries are construed as moving with the channel centerline.
- .7 Boundaries shown as following or approximately following ridgelines are construed as following the highest points of the ridgelines.
- .8 Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs .1 through .7 above are construed to be parallel to such features and at such distances therefrom as are shown on the map.
- .9 If the zoning or overlay districts which apply to a specific property cannot be determined by an applicant, the Land Use Administrator will make the determination on a case by case basis. The applicant must provide all information needed to make the determination, such as a property survey and proof of ownership. If the Land Use Administrator is unable to make such determination or has a conflict of interest, the Planning Commission will make the determination.

1 – 106 STATEMENT OF INTENT AND PURPOSE FOR EACH ZONING AND OVERLAY DISTRICT

The following section specifies the purpose and intent of each Zoning and Overlay District established by this Resolution. In determining the boundaries of the Zoning Districts set forth hereunder, consideration has been given to the physiographic, scenic, historical, geological and other natural characteristics of the various areas of the County and the individual suitability of those areas for particular activities, uses, potential development and preservation.

.1 MOUNTAIN ZONING DISTRICT INTENT

The intent of the Mountain Zoning District is to preserve the natural and scenic environment of the mountains in San Juan County while allowing activities and uses

that normally occur with seasonal access in the backcountry of San Juan County. Sections of the County which are unique because of location, physical and scenic characteristics, historic resources and natural hazards or that have economic potential are designated within certain Overlay Zoning Districts and may be subject to additional requirements. The following provision shall be recorded in the real estate records of San Juan County and shall be applicable to all property located within the unincorporated areas of San Juan County.

MINING CLAIMS LOCATED IN SAN JUAN COUNTY WERE CREATED AND ORIGINALLY EXISTED FOR MINING PURPOSES. THEY WERE NOT CREATED FOR PERMANENT, NON-MINING RESIDENTIAL USES. ANYONE PURCHASING A MINING CLAIM IN SAN JUAN COUNTY IS HEREBY NOTIFIED THAT RESIDENTIAL USE OF MINING CLAIMS MAY OR MAY NOT BE PERMITTED UNDER THE COUNTY LAND USE REGULATIONS.

.2 RURAL RESIDENTIAL ZONING DISTRICT INTENT

The intent of the Rural Residential Zoning District is to allow single-family residential use on larger tracts of rural land with individual on-site sewer and water services and good roadway access.

.3 URBAN RESIDENTIAL ZONING DISTRICT INTENT

The intent of the Urban Residential Zoning District is to permit smaller-lot subdivisions, lower density multi-family units and limited commercial businesses with approved sewer and water systems where appropriate near an existing town, resort or similar development.

.4 SCENIC PRESERVATION OVERLAY DISTRICT

The intent of the Scenic Preservation Overlay District is to prevent development from adversely affecting the scenic and historic assets of the County to the greatest degree possible. Recognizing that the unsurpassed natural beauty and historic remnants found in San Juan County are some of the County's most valuable assets and further realizing that the County and its people and economy are dependent upon visitors and their ability to enjoy such assets. To that end, the District seeks to preserve the County's natural, pristine appearance and historic sites visible from Highway 550, the Durango and Silverton Narrow Gauge Railroad, the Animas River above the Eureka townsite, the Silverton Historic District, and any other historic districts or sites in the County.

.5 MINERAL RESOURCE OVERLAY DISTRICT INTENT

The intent of this Resource Overlay District is to protect access to the mineral deposits which are known to be, or expected to be, within the district. Commercial and industrial uses, except for those related to mineral exploration and extraction, are not permitted within the Overlay District. Residential development shall be kept at a low density to avoid conflict between mining and residential uses.

.6 WATERSHED PROTECTION OVERLAY DISTRICT INTENT

The intent of this Overlay District is to protect the area needed for the protection and production of a safe public water supply. Activities and uses which create a hazard to health or a danger of pollution to the water supply of the community served by the watershed areas are prohibited.

.7 TOWN/COUNTY ZONE OF MUTUAL INTEREST OVERLAY DISTRICT INTENT

The intent of this Mutual Interest Overlay is to provide a cooperative review process for proposed development and uses in the County which are adjacent to the Town of Silverton where it is anticipated that Town streets, water, sewer, and other public services might be extended; and/or may be subject to annexation by the Town at some point in the future. Any proposed development or use within this Overlay District shall be reviewed by both the Town of Silverton and San Juan County.

1 – 107 USES BY RIGHT AND USES SUBJECT TO REVIEW

The uses permitted in each Zoning District correspond to the unique characteristics of that district. Some uses by right which are permitted in a Zoning District may be restricted because of the existence of an Overlay District. Some uses by right may require an Improvement or Use Permit, pursuant to Section 2 – 102 of this Code. The review and appeal process procedures are outlined in Chapter 4 of this Code.

.1 MOUNTAIN ZONING DISTRICT USES

Within the Mountain Zone, there shall be no uses by right and all uses and activities shall be and are uses subject to review. Residential development of any sort within the alpine tundra ecosystem is strictly prohibited. All other development, including temporary and permanent structures, within the alpine tundra ecosystem is strongly discouraged and may be permitted only under limited circumstances when no reasonable or feasible alternative to such development is available. Ancillary uses associated with approved development at lower elevations (such as ski lift towers and other structures), necessary communication towers, and mining structures which cannot realistically be located underground are among the limited types of development which may be approved for location in the alpine tundra ecosystem. Special activities and uses as defined in Chapter 5 of this Code are subject to the review process and additional regulations described therein.

Any one owner or group of related owners or related parties shall be permitted to develop only one residence within the Mountain Zone as a use subject to review. Development of more than one property within the Mountain Zone by any one owner or group of related owners or related parties shall require that the application be reviewed pursuant to the County's subdivision or PUD regulations. "Related parties" shall include all entities in which any person or entity has an ownership interest and shall also include immediate family relations, for example parent, spouse, and child.

.2 RURAL RESIDENTIAL ZONING DISTRICT USES

Within the Rural Residential Zone, only activities which do not involve any construction or development of any sort (such as camping, picnicking, hiking, and outdoor recreation) are uses by right. Other uses and activities including single-family dwellings, multiple family dwellings, and commercial businesses are uses subject to review and may be permitted within this zone. Industrial uses, including mining, milling and manufacturing are not allowed in this zone unless approved as a conditional use pursuant to Section 1-108. Special activities and uses as defined in Chapter 5 of this Code are subject to the review process and additional regulations described therein.

.3 THE URBAN RESIDENTIAL ZONING DISTRICT USES

Within the Urban Residential Zone, only activities which do not involve any construction or development of any sort (such as camping, picnicking, hiking, and outdoor recreation) are permitted as uses by right. Other activities including single-family dwellings, multiple-family dwellings, and limited commercial businesses are uses subject to review and may be permitted within this zone. Industrial uses, including mining, milling and manufacturing, are not be permitted in this zone unless approved as a conditional use as set forth in Section 1-108. Special activities and uses as defined in Chapter 5 of this Code are subject to the review process and additional regulations described therein.

.4 THE SCENIC PRESERVATION OVERLAY DISTRICT

Within the Scenic Preservation Overlay District, only activities which do not involve any construction or development of any sort, including disturbing of soil or trees (such as grazing, camping, picnicking, hiking, and outdoor recreation) shall be permitted as uses by right. All other uses within this zone shall be uses subject to review.

.5 PLANNED UNIT DEVELOPMENT USES

A Planned Unit Development (PUD) designation and review process may be required for any use or activity within any zoning district if the proposed activity or use is located on more than thirty-five (35) acres; or if two or more activities or uses are proposed for the same property; or if the County determines that other unique characteristics of the proposed location, activity or use require submittal and review of a PUD application.

1 – 108 CONDITIONAL USE

Certain uses which are not generally allowed within a zone may be allowed in unique circumstances, provided that under special conditions and in specific locations the use is compatible with the zoning district.

- .1 All conditional-use permit applications shall be submitted to the Land Use Administrator. All applications shall be accompanied by maps, drawings, or other

documentation as needed in support of the request. The granting of a conditional-use permit shall not exempt the applicant from compliance with other relevant provisions of this code.

- .2 Upon determination of a completed application, the Land Use Administrator shall assist the applicant in scheduling an appearance with the Planning Commission. Such appearance shall occur no later than 40 days from the submission of the completed application.
- .3 The Planning Commission shall review the application to determine if the proposed use is compatible and harmonious with neighboring uses within the zoning district. Within 5 days of the completion of the review, the Planning Commission will submit their recommendation to the Board of County Commissioners.
- .4 Upon receipt of a recommendation of the Planning Commission, The Board of County Commissioners shall schedule a public hearing to be held no sooner than 7 days after notice of the hearing has been properly posted and published. Within 45 days of the receipt of the recommendation of the Planning Commission, the Board of County Commissioners shall make a decision regarding the conditional-use permit application.
- .5 Any granted conditional-use permit shall expire one year after the date of approval if not exercised. A conditional-use permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished. If such permit once exercised, is abandoned or discontinued for a period of one year, it will become null and void. A conditional-use permit may be revoked at any time if the applicant fails to comply with the conditions imposed by the Board of County Commissioners.
- .6 GENERAL CONDITIONS: A request for a conditional use shall be permitted to be approved, approved with conditions or denied. Each request for a conditional use approval shall be consistent with the criteria listed below:
 - (a) The request is consistent with all applicable provisions of the master plan.
 - (b) The request shall not be unduly detrimental to surrounding properties nor infringe upon the right of residents to enjoy a peaceful occupancy of their home.
 - (c) The request is compatible with the existing or allowable uses of adjacent properties.
 - (d) The request demonstrates adequate public facilities, including roads, drainage, potable water, sanitary sewer, and fire protection exist or will exist to serve the requested use.
 - (e) The request demonstrates adequate provision for maintenance of the use and associated structures.

- (f) The request has minimized all adverse affects on the natural environment.
- (g) The request will not adversely affect the public health, safety or welfare.
- (h) All processing and storage shall be conducted wholly within a building or shall be screened from view from surrounding properties.
- (i) Noise, vibration, dust, odor, or other objectionable factors involved in any activity shall be confined or reduced so as to not be unduly detrimental to surrounding properties.
- (j) Additional setback distances from adjoining properties may be required to mitigate any potential adverse impacts.
- (k) Other standards and conditions as deemed necessary to adequately protect surrounding properties.

1 – 109 CLASSIFICATION OF A USE

Uses not enumerated are included within a general use description. For instance, a water tower or a switch are included under the inclusive term “railroad” and are not mentioned elsewhere in the resolution. However, the use “campground” is not included in “Outdoor Recreation Activity” because it is specifically listed as a separate use. Therefore, the rule is that unless a use is specifically listed, it is included in the use term with a more general meaning.

1 – 110 ACCESSORY USES AND STRUCTURES

Accessory uses and structures are permitted in all zoning and overlay districts subject to review, approval and development of the primary use. Accessory uses and structures may be subject to other sections of this or other regulations.

1 – 111 NONCONFORMING USES AND STRUCTURES

The lawful use of any building, structure, or land, existing at the time of adoption of this resolution or, in the case of an amendment to this resolution, at the time of such amendment, may be continued, subject to the limitations set forth in the following paragraphs. Dwellings which exist at the time of passage of this regulation which are located in an area designated for residential use are conforming uses.

.1 EXPANSION OR ENLARGEMENT:

- (a) The expansion or enlargement of a nonconforming structure will be considered a structural alteration and will be required to conform with the provisions of this resolution.

- (b) A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this resolution.
- .2 REPAIRS AND MAINTENANCE: The following changes or alterations may be made to a nonconforming structure or to a conforming structure housing a nonconforming use:
 - (a) Maintenance repairs that are needed to maintain the good condition of a structure; except that if a structure has been officially condemned, or abated, it may not be restored under this provision.
 - (b) A structural alteration that reduces the degree of nonconformance or changes the use to a conforming use.
 - (c) Addition of a solar energy device to a structure.
- .3 RESTORATION OR REPLACEMENT:
 - (a) If a structure having a nonconforming use is destroyed or damaged in any manner, to the extent that the cost of restoration to its previous condition exceeds 50% of the cost of reconstructing the entire structure, it may be restored only if any future use complies with the requirements of this regulation.
 - (b) If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its previous condition exceeds 75% of the cost of reconstructing the entire structure, the structure may be restored only if it complies with the requirements of this regulation.
 - (c) Where a conforming structure devoted to a nonconforming use is damaged less than 50% of the cost of reconstructing the entire structure; or where a nonconforming structure is damaged less than 75% of the cost of reconstructing the entire structure; either may be repaired or restored, provided any such repair or restoration is started within 12 months and completed within 18 months from the date of partial destruction.
 - (d) The cost of land, or any factors other than the cost of the structure, are excluded in the determination of cost of restoration for any structure or activity devoted to nonconforming use.
- .4 DISCONTINUANCE: Whenever a nonconforming use has been discontinued for a period of 12 months, it will not thereafter be re-established, and any future use will be in conformance with this resolution.
- .5 NONCONFORMING LOTS: Nonconforming lots, pursuant to pre-existing subdivision plats of record at the time of passage of this resolution, may be built upon providing that all other relevant district requirements are met.

- .6 CHANGE IN NONCONFORMING USE: A nonconforming use of a structure or lot may not be changed to another nonconforming use.

1 – 112 PERMIT NOT REQUIRED

A Use or Improvement Permit is not required for an activity which is a temporary use or occupancy of the land such as hiking or skiing, unless such activity is listed in Section 5 – 101 of this Regulation. However, temporary uses such as an organized group event with registration and/or fees or that involve the location or erection of any temporary structures or facilities (portolets, group tents, temporary structures, etc.) requires a Use Permit and may require a building or other permit.

1 – 113 ZONING AND OVERLAY DISTRICT STANDARDS

.1 MOUNTAIN ZONING DISTRICT STANDARDS.

- (a) Size. Minimum parcel or lot area: five (5) acres.
- (b) Density. 1 unit/parcel.
- (c) Setbacks. Minimum setbacks: twenty (20) feet from property lines adjacent to public lands; and thirty (30) feet from property lines adjacent to private lands.

.2 RURAL RESIDENTIAL ZONING DISTRICT STANDARDS

- (a) Size. Minimum parcel or lot area: five (5) acres.
- (b) Density. 1 unit/parcel.
- (c) Setbacks. Minimum setbacks: twenty (20) feet from property lines adjacent to public lands; and thirty (30) feet from property lines adjacent to private lands.

.3 URBAN RESIDENTIAL ZONING DISTRICT STANDARDS

- (a) Size. Minimum parcel or lot area: 6,000 square feet.
- (b) Setbacks. Minimum setback: ten (10) feet from the property lines.
The County reserves the authority to modify these standards for those proposals where the impact of development or land use under less restrictive minimums is deemed inconsequential, or where the minimums are deemed inappropriate for the proposed use.

1-114 SCENIC PRESERVATION OVERLAY DISTRICT STANDARDS

The following general standards must be observed in planning, design and construction within the Scenic Preservation Overlay District.

.1 The District includes all sites located within 1,500 feet of the centerline of U.S. Highway 550 and/or within 1,500 feet of the centerline of the track of the Durango and Silverton Narrow Gauge Railroad and within 1,500 feet of the Alpine Loop from the Eureka townsite north to the County boundary.

.2 The site must be designed in a manner that protects the environmental assets of the area including timber, plants and wildlife, streams and drainage courses and geologic features. All site design and development must be done in a manner which minimizes impacts upon scenic views or vistas.

.3 All site design and development must be done in a manner that protects the historical assets of the area including historic structures, sites, and other cultural assets located within San Juan County.

.4 Design plans must take into account characteristics of soils, slopes and geological hazards, in a manner intended to protect the health, safety, and welfare of users of the site, and the scenic value of the site.

.5 Design of the site must include safe, convenient, and adequate arrangements for pedestrian circulation, roadways, driveways, off-road parking and loading space.

.6 Additional setbacks, landscaping, screening, or design requirements may be required by the County in order to preserve the natural, pristine appearance of the area and to minimize the visual impact to view sheds and view corridors.

1-115 WATERSHED PROTECTION OVERLAY DISTRICT STANDARDS

The following general standards shall be followed for the planning, design and construction of activities and uses within the Watershed Protection Overlay District:

.1 The facility must be designed in a manner that protects the purity of the water located in the watershed and preserves the area's environmental assets including soils, ground cover, plants, trees, etc..

.2 Plans shall be designed taking into account characteristics of soils, slopes and potential geological hazards, and in a manner intended to protect the health, safety, and welfare of the community.

.3 No development, use or activity will be permitted which may adversely affect the water source and the water quality for human consumption.

1-116 MINERAL RESOURCE OVERLAY DISTRICT STANDARDS

The following general standards shall be followed for the planning, design, and construction of activities or uses within the Mineral Resource Overlay District:

.1 This District identifies areas that contribute to the unique mineral resources of San Juan County, according to Township, Range and Section as projected on the Official Zoning and Land Use Maps, as follows:

T41N-R7W-S10	T41N-R7W-S22	T41N-R7W-S25
T41N-R7W-S14	T41N-R7W-S13	T41N-R7W-S16
T41N-R7W-S15	T41N-R7W-S14	T41N-R7W-S17

.2 The protection of mineral resources requires special attention when any non-mineral development or structure is proposed for activity or use within a designated area.

.3 Plans submitted for any Improvement Permit or Use Permit that includes any portion of a designated area shall demonstrate how access to minerals will be preserved.

.4 The activity or use shall be developed in a manner that protects the environmental assets of the area including soils, plants and wildlife, streams and drainage courses, and scenic vistas and preserves historical resources. Compliance with the State of Colorado Mined Land Reclamation Board (MLRB) reclamation requirements by a mining operator shall be deemed to indicate compliance with this section.

.5 Plans shall be designed taking into account characteristics of soils, slopes and potential geological hazards and in a manner intended to protect the health, safety, and welfare of users of the area.

.6 Design of the area shall include safe, convenient, and adequate arrangements for pedestrian circulation, roadways, driveways, off-road parking and loading space.

1-117 TOWN/COUNTY ZONE OF MUTUAL INTEREST OVERLAY DISTRICT STANDARDS

The Town/County Zone of Mutual Interest identifies areas which, because of their proximity to the Town of Silverton, are deemed to be a commonality of interest by both the Town and County in regards to future development.

.1 Any application for an Improvement or Use Permit within the Town/County Zone, shall be subject to the Review Process as defined in Chapter 4 of this Code.

.2 Applicants for a permit shall submit two (2) copies of the information and materials required in Section 3 – 102 of this Code, as well as any other materials specified in this Code, and any materials which the applicant feels may support the application, to the Land Use Administrator.

.3 Upon receipt of the above described submission, the Land Use Administrator shall, within fifteen (15) days, determine whether the submission is complete.

.4 Upon making the determination that the submission is complete, the Land Use Administrator shall, within three (3) days, deliver a copy of said materials to the Town of Silverton.

.5 Upon receipt of the above described submission, the Town of Silverton shall respond, within fifteen (15) days, with written comments and recommendations regarding the submission.

.6 Upon receipt of written comments and recommendations from the Town, the Land Use Administrator shall assist the applicant in scheduling their first appearance with the Planning Commission. Such appearance shall occur no later than thirty-five (35) days from the date the Land Use Administrator received written response from the Town.

.7 The Planning Commission shall give due consideration to the comments and recommendations offered by the Town and may recommend that any or all of them be included as a condition of the permit to the Board of County Commissioners for their consideration and approval. If all of the Town's recommendations are not included as a condition of permit, the Board of Commissioners shall notify the Town, in writing, of the reasons therefore.

CHAPTER TWO IMPROVEMENT AND USE PERMITS

2 – 101 PURPOSE

The purpose of Improvement or Use Permits is to provide the applicant with a uniform and consolidated method of satisfying all of the building, zoning, sanitary, land use and other regulations of the County; to provide both the applicant and the County with a means of evaluating the status of such fulfillment; and to provide the County with a uniform means of regulating and enforcing the provisions of this Code.

2 – 102 APPLICABILITY

No person, agent, partnership, company, corporation or other entity shall engage in any activity, temporary use, improvement, use or development which changes the basic character or use of the land, changes the use of a structure or other improvement, results in a disturbance of the surface of the land or in any way alters the use or the appearance of the land within any unincorporated area under the jurisdiction of San Juan County, without first obtaining approval and issuance of an Improvement or Use Permit and/or building or other permit as may be required to carry on such activity, use, improvement or development. Such activities include, but are not limited to, the construction, erection, moving, demolition or dismantling of or addition to any structure or improvement; the subdivision of land; grazing; logging; or the construction or alteration of roads or trails, ditches, foundations, parking areas, signs or camp grounds. Structural alterations or repairs are not subject to the provisions of this Code, but shall be subject to all Building, Electrical, Mechanical and Plumbing Codes and other related codes as adopted by San Juan County, and all applicable federal, state and local laws and regulations.

2 – 103 FORMS

Forms applicable to this Code are those adopted by the Board of Commissioners, and include at least the following:

- .1 An application for Improvement or Use Permit, upon which the applicant shall provide all requested information relative to the proposed activity, use, improvement or development prior to the issuance of an Improvement or Use Permit, and upon which fulfillment of each relevant requirement for issuance of an Improvement or Use Permit shall be certified by the Land Use Administrator.
- .2 An Improvement or Use Permit, of durable material, to be issued by the Land Use Administrator and to be posted at the site of the activity, use or improvement for the duration of said activity; or until a Certificate of Occupancy is issued.
- .3 A Building Permit, to be issued by the Building Inspector in order to regulate, monitor and inspect those matters covered by the Building, Electrical, Mechanical and Plumbing Codes and other related codes as adopted by the County, in all cases where a structure or building is involved.

- .4 A Certificate of Occupancy, to be issued by the Building Inspector upon fulfillment by the applicant of all of the requirements of this Code and all codes adopted by reference in this Code. Such a certificate shall be required for occupancy of any improvement for any purpose.

.5 Such other forms as may be approved by the County Commissioners for use in connection with hazard areas, stop work orders, zoning and other aspects incorporated in this Code.

2 – 104 FEES

Application for an Improvement or Use Permit shall involve those fees enumerated herein:

- .1 A base application fee for Improvement or Use Permits, the amount to be determined by resolution of the Board of County Commissioners, and to be paid at the time of application. Recognizing the fundamental requirement of this Code that all development of every sort bear all costs associated with such development so that the cost does not fall on the taxpayers of San Juan County, in the event the review of an application for an Improvement or Use Permit requires more than the specified number of staff hours on which the general application fee is based or in the event the County is required to utilize legal, technical or other expertise for which the County is charged, the applicant shall be required to pay a supplemental application fee sufficient to cover all such additional costs. Additional staff time shall be billed and paid at an hourly rate to be established by resolution of the Board of County Commissioners. Out of pocket costs incurred by the County for legal, technical or other assistance shall be billed to, and paid by the applicant in the amount actually charged.
- .2 Those fees required by the Building, Electrical, Mechanical and Plumbing Codes and other related codes as adopted by the County.
- .3 Those fees required for Subdivisions or Planned Unit Developments as specified in Chapter 7 of this Code.
- .4 Those fees by deposit which may be required for payment of costs connected with the advertisement of public hearings.
- .5 Those fees that may be charged by other agencies for matters relating to the issuance of Improvement or Use Permits.
- .6 Fees for use, improvement or development as determined by resolution of the Board of County Commissioners.
- .7 All fees and costs incurred by the County for expert assistance in evaluating any proposed activity, use, improvement or development as provided in this Zoning Regulation.

2 – 105 PROCEDURES

Applicants for issuance of an Improvement or Use Permit shall adhere to the following procedures:

- .1 The applicant must obtain an application for Improvement or Use Permit from the Land Use Administrator.
- .2 The application form contains certain information and requirements, as enumerated in Chapter 3, and the applicant is responsible for submitting a complete application and appropriate fee to the Land Use Administrator.
- .3 It is the responsibility of the applicant to obtain dated and signed approval for each and every clearance from the agency or official responsible for granting such approval, prior to the issuance of an Improvement or Use Permit. The County shall conduct all inspections to guarantee compliance with all County requirements and agreements authorized under the terms of this Code, and appropriate charges for such necessary inspections as may be charged to the applicant.
- .4 An Improvement or Use Permit shall be issued by the Land Use Administrator only after every item required by this Code or any other applicable County regulation has been satisfactorily complied with, either by certification that it does not apply, by approval, or by approval with specific stipulations which upon issuance shall become stipulations on the Permit itself.
- .5 No application for any permit or other land use approval will be processed so long as any property taxes levied against the property are unpaid. No Improvement or Use Permit shall be issued unless and until all fees and costs required by Section 2 – 104 of this Code are paid in full.
- .6 Applicants proposing a zoning change, a Planned Unit Development, a variance, or a Subdivision of land, must obtain an Improvement Permit.
- .7 Each application for an Improvement or Use Permit is to bear a permit number. This number will also appear on the Improvement or Use Permit; on the Building Permit; and on a file to be maintained by the Land Use Administrator, in which all material relating to the application, permits, inspections, or decisions of the County Commissioners is to be kept. The name of the applicant or applicant's agent must be contained in this file, and the file must be maintained as a matter of public record.

2 – 106 INSPECTIONS

Prior to and subsequent to the issuance of an Improvement or Use Permit, the County may conduct inspections of the site and improvements to inspect existing site conditions and to insure compliance with the Building, Electrical, Mechanical and Plumbing Codes and other related codes as adopted by the County, with all County requirements and agreements authorized under the terms of this Code, and with any other conditions which County staff and the County Commissioners may authorize or direct.

STOP WORK OR STOP ORDER

Should the Land Use Administrator, Building Inspector, Code Enforcement Officer or other County personnel authorized by the Board of County Commissioners to enforce the requirements of this Code determine that an element of the submitted plan is not being followed, or that a stipulation under which the Improvement or Use Permit was issued is not being followed, they have the authority to issue a “Stop Order” on the use or activity undertaken by serving written notice to the applicant. No work on any aspect of the Use or Improvement Permit may proceed until authorized by the Land Use Administrator or County personnel who issued the “Stop Order.”

Should the Building Inspector, Code Enforcement Officer or other County personnel authorized by the Board of County Commissioners determine that a provision of the Building, Electrical, Mechanical, Plumbing Code, or other related codes as adopted by the County, is not being followed, they have the authority to issue a “Stop Work” order on the activity undertaken by posting the premises with said order, and no work on any aspect of the improvement may proceed until authorized by the Building Inspector or County personnel who issued the “Stop Order.”

2 – 108 CERTIFICATE OF OCCUPANCY

- .1 Upon the completion of the improvement, in compliance with all provisions of the International Building Codes and related codes as adopted by the County, and in compliance with all County regulations, and in conformance with all stipulations under which the Improvement Permit was issued, the Building Inspector shall issue a “Certificate of Occupancy (CO)” for the premises. Such a Certificate is required for occupancy of any improvement for any purpose.
- .2 In cases where the owner of property is constructing a single family dwelling which they propose to use as their personal residence, the Building Inspector may issue a “Temporary Certificate of Occupancy (TCO)” permitting said property owner and their family to occupy the residence before it is fully completed provided, however, that said property owner applies in writing for such a Temporary Certificate of Occupancy and further provided that, on inspection of the structure, the Building Inspector is satisfied that the structure may be safely inhabited and that adequate water and sanitary facilities are available in the event it is inhabited prior to completion. A Temporary Certificate of Occupancy shall be valid for up to one (1) year, at which time the property owner must either complete the structure and obtain a final Certificate of Occupancy or apply for the reissuance of the Temporary Certificate of Occupancy. In no event shall a residence be occupied for longer than three (3) years under Temporary Certificates of Occupancy.

2 – 109 APPEALS

Any decision of the Land Use Administrator or Building Inspector may be appealed within sixty (60) days, by the applicant or their agent, to the County Commissioners, who have final authority over the issue according to the following procedure:

- .1 If the appeal involves a question relating to the Building, Electrical, Mechanical, Plumbing Code or other related codes as adopted by the County, a hearing by a Board of Appeals, as called for in the adopted Building Code, shall be held. The Board of Appeals shall meet, hear testimony, and then make a recommendation to the Board of County Commissioners.
- .2 If the appeal involves a question relating to a zone district change, a boundary change, a text change, or an amendment to the provisions of this Code, the County Commissioners shall direct a hearing by the Planning Commission, which will then make a recommendation to the Board of County Commissioners.
- .3 If the appeal involves the decision of any officer or agency made in the administration or enforcement of this Code, or the inability to obtain a building permit or certificate of occupancy, the County Commissioners shall direct a hearing by the Board of Adjustment as set forth in Chapter 12 of this Code.

2 – 110 CONDITIONS ON PERMITS

- .1 All Improvement and Use Permits, Building Permits and Certificates of Occupancy may incorporate such conditions, limitations and/or restrictions as may be necessary to protect the health, safety and welfare of the general public, or to protect persons or property, or to protect or preserve historic structures or sites, scenic views, and other cultural assets.
- .2 Conditions, limitations and/or restrictions shall be imposed on any permit or certificate issued to property which is subject to a known natural hazard such as (by way of illustration only and not limitation) avalanche, mud, earth or rockslide, subsidence, flood, or wildfire.
- .3 Conditions, limitations and/or restrictions may include (by way of illustration only and not limitation): the construction of protective or mitigating structures or devices; prohibition of occupancy during periods of high risk from natural hazard; prohibiting construction in a hazard area; or modification of the construction to minimize the risk of injury to persons or property from the hazard.
- .4 Conditions, limitations and/or restrictions shall be in writing and shall be attached to, and become a part of, the permit or certificate at the time of the issuance by the Land Use Administrator.
- .5 The Land Use Administrator shall record, at applicant's expense, any conditions, limitations and/or restrictions in the office of the County Clerk & Recorder for the purpose of giving notice of same to any potential purchaser(s) of the property.

- .1 All Improvement Permits shall be valid for a period of three (3) years from the date of issuance of the permit. Improvement Permits may be renewed for one (1) additional three (3) year period subject to the following:
 - (a) Prior to the expiration of the permit, an Improvement Permit renewal application and fee is submitted to the County's designated agent.
 - (b) The review of the application by the County's designated agent to determine that the application is complete and consistent with the original application.
 - (c) An inspection of the site by the County's designated agent to determine that all improvements are consistent with the original application.
 - (d) The determination by the County's designated agent that significant progress had been made during the initial permitted three (3) year period.
- .2 All Use Permits are valid for a period of two (2) years from the date of issuance.
- .3 All Building Permits shall be valid for a period of two (2) years from the date of issuance of the permit. Building Permits may be reissued per the guidelines as set forth by the Building Inspector. The failure to have a valid Building Permit may be grounds for voiding an Improvement Permit
- .4 All Improvement, Use or Building Permits issued prior to the adoption of this provision shall be voided and cease to have any validity one (1) year from the date of adoption of this provision unless, prior to that time, the permitted improvement or structure is begun.
- .5 Notwithstanding any other provision contained herein, all Improvement, Use or Building Permits shall be voided by any transfer of the property subject to the permit unless, prior to the time of transfer, substantial investment in, or work on, the permitted improvement or structure has begun.
- .6 Violation of any condition of any Improvement, Use or Building Permit, or Certificate of Occupancy, shall result in the immediate voiding of the permit and the issuance of a Stop Work Order or other remedial order. Notice of the voiding of the Permit or Certificate shall be given by U.S. mail to the owner of the property at the address shown on the Permit Application, or by personal delivery of written notice to the owner of the property or permit applicant. Notice shall also be posted in a conspicuous place on the affected property. The remedy permitted by this provision shall be in addition to any other remedies for violation of a Permit or Certificate which may be available.

CHAPTER THREE UNIFORM REQUIREMENTS

3 – 101 PURPOSE AND APPLICABILITY

Uniform requirements apply to any and all applicants for an Improvement or Use Permit, regardless of the nature of the improvement, use, location, zoning district or presence or absence of hazard areas. The purpose of this provision is to insure uniformity in dealing with changes or improvement in land use or structures; to properly identify parties involved in and responsible for activities, development, improvements or changes in land use or structures; and to provide the County with a uniform means of reviewing, approving, monitoring or regulating activities, uses, growth, development or improvements for the purposes of: assessment; taxation; police and fire protection; protection of public health, safety and welfare; provision of services; maintenance of road systems; avoidance of hazards; protection and conservation of natural resources; protection of the environment; preservation and protection of historically, archeologically, economically or other significant areas, sites and structures; preservation and protection of scenic areas and vistas; preservation and diversification of the economy; and future planning.

3 – 102 REQUIREMENTS FOR PERMIT APPLICATIONS

Each application for an Improvement or Use Permit shall include, or be accompanied by, the following information:

- .1 The name, mailing address, street or rural address, telephone number and e-mail address of:
 - (a) The applicant for the permit.
 - (b) All owners of the property, including owners of any mineral rights, water rights, timber, etc., who might be affected by the proposal.
 - (c) Any agents authorized to act on behalf of the owner or the applicant. If the applicant is not the owner of the property, the applicant shall include a signed letter of authorization from the property owner allowing them to submit the application.
 - (d) Any contractor retained or to be retained to accomplish any portion of the improvement.
- .2 Proof of ownership of the property (including all mineral rights) and of deeded access to the property or, in the event the property is not owned in its entirety by the applicant, proof of binding, irrevocable consent of all owners of the property or of any mineral rights associated with the property to the development plan. In case of an application to conduct any mining activity, a lease of the property of sufficient duration to permit the completion of all activities intended under the development application may suffice.

- .3 Legal description of the property, to include:
- (a) Parcel name, if any.
 - (b) Survey number, tract number or other recorded identifying number of the parcel.
 - (c) Location of the parcel by Township, Range and Section.
 - (d) Acreage of the entire parcel involved, to the nearest tenth of an acre.
 - (e) Zoning classification of the parcel.
- .4 A vicinity map showing the surveyed boundaries of the property shall be depicted on a USGS 1:24,000 topographic map.
- .5 A list of the names and mailing addresses for all property owners within 1,500 feet of the perimeter of the property to be developed, accompanied by pre-addressed, stamped legal envelopes for each name on the list. This requirement shall not apply to improvement permits sought to build a single family dwelling in an existing approved subdivision or PUD.
- .6 If the application concerns a subdivision of land, a proposed rezoning, a PUD, or a use which is not allowed by right, the County shall require:
- (a) A certified survey plat of the property (or of any portion thereof proposed to be developed if less than the entire parcel is to be developed) together with all roads or other means of accessing the property shown to the nearest public road and if it is impractical to survey the entire parcel, including metes and bounds descriptions, and the bearing to an established survey monument, mineral monument, bench mark or other monument. The survey plat shall be drafted on mylar sheets, wet stamped and signed by a Colorado licensed surveyor and filed for the record in San Juan County Clerk and Recorder's Office. The licensed surveyor shall establish and certify permanent monuments at each corner of the property. A US Mineral Survey is sufficient description for mining activities.

Because the precise boundaries of San Juan County have not been surveyed, if the property or parcel on which development is being proposed may include land lying in another county, the survey required by this section shall be performed by the San Juan County Surveyor who, in conjunction with the county surveyor of any other counties in which any portion of the property or parcel may lie and in conformity with any applicable state statutes, shall locate and monument on the property the precise location of the County line, as fixed by state statute. The applicant shall bear all costs associated with this special survey requirement. No development shall be permitted in San Juan County on any mining claim or other parcel which lies both in San Juan and in another county if any development has occurred on any portion of the parcel lying in another county. Any use, improvement or development

authorized by San Juan County must be located on the portion of the property lying within San Juan County.

(b) A copy of the certified survey plat upon which the applicant shall provide by sketch or plan:

(i) The relative location of existing and proposed improvements, buildings, structures, roads, trails, ditches, fences, tramways, portals, shafts, other surface features or disturbances and all historic sites and features.

(ii) All adjoining property, and the owners, or the agencies responsible for the management thereof.

(iii) Location of natural land features, to include topography, rivers, streams, lakes, ponds, wetlands, gullies, cliffs and major vegetation.

(c) The applicant shall provide to the County all survey data in an approved electronic format.

Add to 3-102.6 [survey requirements] the following provision:

.7 Information as follows shall be submitted in accordance with the adopted Skyline Development Standards:

(a) Photographs of the current site conditions of the property and specifically, photographs of the proposed development location shall be taken from any roads, highway, railroad or Town of Silverton from which the proposed improvement or use may be visible.

(b) Computer generated or other representations showing the proposed improvement or use against the background of the surrounding area and sky as the improvement or use will appear when completed.

(c) When compliance with the Skyline Development Standards cannot be sufficiently determined or at the request of the Land Use Administrator, the applicant shall erect story poles connected by visible tape (e.g., construction tape) that clearly illustrate the full massing of the proposed structure.

.8 Sketch and/or site plans, floor plans, diagrams and technical drawings as may be required by the Building Code and related codes as adopted by the County;

(a) A general or conceptual site plan at Sketch Plan Review and a detailed, accurate site plan at Preliminary and/or Final Review illustrating the following:

- (i) Location and dimensions of all proposed improvements, buildings, other structures and building or activity envelope, including the distance from property boundaries; Location of all existing and proposed elevation contours at 2-foot intervals within the building or activity envelope;
 - (ii) Location and size of cistern, well or water lines;
 - (iii) Location and size of septic system, greywater system or alternative system;
 - (iv) Location and size of any other improvements such as patios, decks, storage sheds, solar collectors/panels, generators, propane tanks, trash receptacles, electric lines, etc.;
 - (v) Location and dimensions of access driveways, walkways and parking areas;
 - (vi) Identification and location of any historic features and historic trails on the property including description, location and dimensions; and
 - (vii) Location and width of any easements or rights-of-way for County roads, trails and Federal government roads.
- (b) General or conceptual building floor plans and elevations, drawn to scale, for Sketch Plan Review and detailed, accurate floor plans, elevations and details, drawn to scale, and building materials and colors specified for Preliminary and/or Final Review to facilitate the County's review of the building and its general safety.
- (c) The exact location of all proposed improvements and building sites (or building/activity envelope) must be identified on the property via the installation of survey stakes and survey flagging. Upon approval of the Improvement or Use Permit, flagging and/or staking that identifies the exact location of the approved building footprint or building/activity envelope in relationship to the property boundary shall be installed by a Colorado licensed surveyor to identify the development and building location(s) during the building permit and construction process. Land Use Administrator or designee shall inspect and approve the flagging and/or staking of the proposed development prior to commencing construction activities.

.9 Proof of an adequate water source for the use intended, to consist of either:

- (a) A decreed and adjudicated surface water right.

- (b) Evidence of ability and authority to join in an existing central water distribution system defined by name and mailing address.
 - (c) A well permit issued by the Colorado Division of Water Resources.
 - (d) A written statement from the Colorado Division of Water Resources on the feasibility and adequacy of the water source and its possible effects on actual and decreed uses of water.
 - (e) In the absence of available water on the property, evidence of having an adequate transfer and water storage system.
- .10 Evidence of a proven method of sewage disposal. The County requires an engineered waste disposal system or other proven waste disposal system in addition to San Juan Basin Health approval. Upon installation, the County may continue to review and inspect the waste disposal system to ensure that is operational and in compliance with applicable health and environmental standards. Proof of adequate sewage disposal may consist of the following:
- (a) Clearance and approval from the San Juan Basin Health Department of a professionally engineered or a designed proven alternative individual sewage disposal system.
 - (b) The ability and authority to join an existing central sewage disposal collection and treatment system.
 - (c) The ability to create a central sewage collection and treatment system, verified by the San Juan Basin Health Department and the Colorado Department of Health.
- .11 Information on the location of the property and the proposed improvements relative to the County Road System and the State of Colorado Highway System.
- .12 A completed and approved application for a driveway permit from the Colorado Division of Transportation (CDOT), if a new access road or driveway intersects U.S. 550; or from the County Road Supervisor, if a new access road or driveway intersects any County road or County maintained road, including all U.S. Forest Service (USFS), Bureau of Land Management (BLM) or other roads for which the County has maintenance responsibilities.
- .13 Written approval of an access easement or other irrevocable or permanent grant of access from the U.S. Forest Service (USFS) or the Bureau of Land Management (BLM), as appropriate, if a new or improved road or driveway crosses public land. If an access road or driveway serves more than one (1) parcel, all properties served by that road or drive shall enter into a use and maintenance agreement as a condition of any land use approval.
- .14 A project number shall be assigned by the County and applied to all files, maps, documents, permits, certificates and correspondence relating to the application.

- .15 All dates related to the application submittal, public notice, review, approval, denial, permit issuance and/or other aspects of the project shall be noted in the file by the County.
- .16 The amounts and payment of all fees.
- .17 Any and all information which may be required in connection with Sections 3 – 103 and 3 – 104 for a given case.
- .18 Proof that all property taxes levied against the property have been paid and that there are no unredeemed Certificates of Purchase associated with the property.

3 – 103 POSSIBLE REQUIREMENTS

Applicants are reminded that a variety of specific requirements exist for specific instances beyond those specified in Section 3 – 102, involving possible requirements and regulations from federal, state, special districts or municipal jurisdictions. Specific submittals may also be required for Chapters 7, 8, 9, 10, or 11 regarding special impact analyses. While the list incorporated in the application for Improvement or Use Permit is designed to cover the most common and uniform requirements, it cannot be deemed an exclusive list of requirements for all possible circumstances, and it is not purported to be such. Depending upon the type of activity, development, improvement or use being proposed, other agency approvals or clearances may be required for items such as, but not limited to, water discharge, potable water sources and clearances for utilities in relation to railroad or highway right-of-way. These, and other similar items, may be incorporated as prerequisites for the granting of an Improvement or Use Permit as applicable under this Code.

3 – 104 CONSTRUCTION AND BUILDING CODES ADOPTED

The Board of Commissioners may, on occasion, adopt various codes relating to construction and buildings. The provisions of any code so adopted apply to applications submitted under this Regulation. The most stringent provision of any code or regulation applies.

3 – 105 HISTORIC IMPACT CLEARANCE

It is the intent of this provision is to protect and preserve the historical assets of the area including historic structures, sites, and other cultural assets within San Juan County. Applicants are required to obtain clearance from the Land Use Administrator regarding any possible impacts on historic sites or structures prior to the issuance of an Improvement or Use Permit. The procedure for obtaining this clearance is as follows:

- .1 The Land Use Administrator shall submit copies of all maps, plans and drawings to the Historic Impact Review Committee. This committee is established by San Juan County Resolution 94 – 4 for the purpose of reviewing applications for Improvement or Use Permits and determining the potential impact on historic sites and structures.

- .2 The Historic Impact Review Committee, within thirty (30) days of receiving a request for review, shall provide the Land Use Administrator with a written recommendation regarding the proposed improvement or use as it relates to the historic site and structures.
- .3 The Land Use Administrator and the applicant shall then review and discuss the recommendations from the Historic Impact Review Committee. If the applicant accepts the Committee's recommendations and agrees to act in accordance, then the Land Use Administrator shall approve the Historic Site Impact Review portion of the application.
- .4 If the applicant does not accept the recommendations from the Historic Impact Review Committee or for any reason believes that the recommendations are excessive or inappropriate, the Land Use Administrator shall direct the applicant to utilize the Review and Appeal Process detailed in Chapter 12 of this Code.

3 – 106 HEALTH IMPACT CLEARANCE

Applicants for an Improvement or Use Permit are required to obtain clearance from the Land Use Administrator regarding possible impact on public health prior to the issuance of the permit. The procedure for obtaining this clearance is as follows:

- .1 Whenever an improvement, activity or use is proposed which may adversely affect the health of humans or animals, including wildlife, in a substantial or significant way, the applicant shall address the potential health impacts of the proposed activity in writing as part of the permit application.
- .2 Any application for an activity, improvement or use which may pose a potential health impact may be referred by the Land Use Administrator to the County Nurse, the Department of Health, or any other entity for review, comment and/or suggestions for minimization of the potential health impacts posed by the proposed activity, improvement or use. Such comment, if any, shall be submitted to the Land Use Administrator within thirty (30) days after the written request for same.
- .3 Among the health impacts which shall be addressed and reviewed pursuant to this provision are dust, chemical or other contaminants, fumes, smoke, noise, pollution of air, water or soil, and any other identifiable risk or hazard to humans or animals, including wildlife.
- .4 Any applicant who proposes an activity, improvement or use which involves the production, use, handling or transport of any material which has been identified by any public agency as a potential health risk, including but not limited to any materials deemed hazardous by any governmental agency, shall be required to address whether alternatives exist for any part of the proposed activity, improvement or use so as to minimize any health risks which may be associated with the proposal. It is specifically the intention of this regulation, whenever feasible, to require that an applicant utilize the least harmful alternative for any activity, improvement or use proposed.

3 – 107 COUNTY ROAD IMPACT CLEARANCE

In addition to the authority for adopting zoning and land use regulations, the Board of County Commissioners recognizes the following sections of Colorado Revised Statutes in regulating the impacts on County roads: C.R.S. 43-2-111, 43-2-208, 43-2-147, 42-4-510 & 511, 42-4-510(3) and 42-4-512.

Applicants for an Improvement or Use Permit are required to obtain clearance from the County Roads Supervisor and/or Land Use Administrator regarding possible impacts on or to County roads prior to the issuance of the permit. The procedure for obtaining this clearance is as follows:

- .1 The Land Use Administrator, through examination of the permit application and discussion with the County Roads Supervisor, shall determine if the proposed activity, improvement or use might reasonably be expected to impact any County road in one or more of the following ways:
 - (a) Threaten damage to the road surface, road base, shoulder, culverts or bridges.
 - (b) Create an unacceptable amount of airborne dust.
 - (c) Threaten the safety of the traveling public or interfere with other users of any road.
 - (d) Cause unnecessary road closures or unnecessarily long delays for the traveling public.
 - (e) Threaten environmental damage in case of spills of transported materials or otherwise.
- .2 If the Land Use Administrator and County Roads Supervisor determine that an impact described in Section 3 – 107.1 might reasonably be expected to occur, then they shall meet with the applicant for the purpose of discussing methods to mitigate the expected impact. Such mitigation may include, but is not limited to: annual impact fees, the setting of weight or load limits, the setting of trip limits or speed limits, active dust control, watering, paving, the posting of temporary warning signs, the use of flagmen, limiting the hours of use, or requiring the applicant to upgrade road conditions to handle the proposed use.
 - (a) Unless an unusual circumstance or abnormal road condition exists, it shall be presumed that twenty (20) vehicle trips per day is a reasonable amount.
 - (b) Unless an unusual circumstance or abnormal road condition exists, it shall be presumed that the weight limits set by state statute for dirt

surface unimproved secondary state highways are reasonable for County roads.

- (c) In the case of mining operations (not reclamation) where the applicant will be paying a production tax to the County in an amount anticipated to be greater than the cost of road repairs, no bond shall be required, and if such a production tax is in fact paid, no assessment shall be made for the cost of road repairs. In all other cases, the applicant shall be required to post a bond in an amount equal to one and one half times the anticipated cost of repairing any damage to County Roads.
 - (d) The applicant shall take all reasonable precautions to protect the public from any danger or adverse health impacts attributable to the permitted activity and to protect and prevent damage to the County roadways.
- .3 No work to maintain, improve or upgrade County roads, or in the case of snow removal to clear County roads, shall be performed by non-County personnel unless specifically authorized by the terms of a permit issued by the County or by a separate agreement with the County. Any work performed by non-County personnel shall be in conformity to the County's standards and shall restore or maintain the affected County road to a condition equal or superior to the condition that existed prior to the permitted activity, and shall be guaranteed by the person or entity performing the work for a period of one (1) year as to quality of materials and workmanship employed. All work performed by non-County personnel must be inspected and approved by the County Roads Supervisor and the County's Engineer or their designee. No bond shall be released until not less than one year after the County has given written approval all works performed as herein provided
- .4 If the Land Use Administrator, Roads Supervisor and the applicant all agree on a method of mitigation, then it shall be approved by the Administrator and shall become a condition of the Improvement or a Use Permit. If an agreement cannot be reached, then the Land Use Administrator shall impose such conditions as deemed reasonable and the applicant shall be instructed of their right to utilize the Review and Appeal process as described in Chapter 4 of this Zoning and Land Use Regulation.
- .5 It is the policy of San Juan County that:
 - (a) There will be no expansion of the existing system of roads maintained by the County;
 - (b) The County will not improve or maintain any roads beyond their current level regardless of future changes or increases in use;
 - (c) The County makes no commitment to continue existing levels of maintenance of any roads and may reduce or discontinue maintenance on existing County-maintained roads at any time for any reason at the sole discretion of the Board of County Commissioners;

- (d) All County roads in San Juan County are considered seasonal access only. Access via such roads shall be prohibited whenever snow or other weather or other conditions render such roads susceptible to damage or dangerous to the traveling public;
- (e) The County will not provide winter snow removal or maintenance on any roads which it does not currently maintain during the winter months. The County may cease providing winter road maintenance on any road at any time for any reason at the sole discretion of the Board of County Commissioners.
- (f) The County may prohibit any private work or maintenance on County roads (including but not limited to grading, snow removal or the like) at the County's sole discretion.
- (g) Where any proposed land use within San Juan County may increase traffic on any County road which, in the County's view, may make travel unsafe on narrow or otherwise limited County roads, the County may deny the permit, require that the proposed use or development be limited so as to not generate traffic beyond that level which can safely be accommodated by the existing roadway, or require the applicant to improve the road to that level which the County determines will be required to safely handle the level of use contemplated by the proposed use or development.

3 – 108 EXPERT ASSISTANCE

If, in the sole discretion of the Land Use Administrator, the Planning Commission or the Board of County Commissioners, as the case may be, an Application for Improvement or Land Use Permit (including an application which proposes the subdivision of land) proposes a use or development which cannot be adequately evaluated by the County without expert assistance, the County will advise the application in writing of its determination of the need for expert assistance. Where possible, such notice shall identify the expert or experts which the County proposes to retain and an estimate of the probable cost of the services to be used. Unless the applicant withdraws the application within ten business days after receipt of such notice, the applicant shall be deemed to have irrevocably agreed to reimburse the County for the cost of such expert services, up to the amount of the estimate given. The County may, before further processing of the application, require the applicant to deposit with the County an amount sufficient to cover such costs. Failure to deposit such costs when required shall be deemed to be a withdrawal of the permit application. Final issuance of any permit shall be specifically conditioned upon the applicant's payment in full of all expert costs and fees incurred by the County in connection with its evaluation of the Application for Permit.

CHAPTER FOUR REVIEW AND APPEAL PROCESS

4 – 101 PURPOSE

The purpose of the establishment of the Review Process is to guarantee a uniform means by which San Juan County and the San Juan Regional Planning Commission, may review, study, accept, modify or reject zoning and land use proposals requiring approval from the County Commissioners, or any special impact clearance referred for action of the County Commissioners. Except as otherwise provided in these regulations, all applications for review under this Chapter shall be considered in a four step process consisting of Administrative Review, Sketch Plan Review, Preliminary Plan Review and Final Plan Review by Planning Commission and Board of County Commissioners. Applications for a permit to construct a single family residence outside of an approved subdivision or PUD as a Use Subject to Review shall generally be permitted to be reviewed under the process of Administrative Review pursuant to 4-104 followed by appearance before the Planning Commission and before the Board of County Commissioners for combined preliminary and final plat approval. This streamlined process will not be utilized if either the Planning Commission or the Board of County Commissioners requires any material modifications of the proposed plan during their review.

4 – 102 APPLICABILITY

Certain parties are required by this Code to participate in the Review Process established in this chapter, and certain other parties may participate in the Review Process as follows:

1. Parties who are required to participate in the Review Process of this Code are:
 - (a) Applicants whose proposal requires a PUD, a Use Subject to Review, or is located in an Overlay Zone, as defined in Chapter 1 of this Code.
 - (b) Applicants required to utilize the procedure for special impact analysis purposes, as provided for in Chapters 8, 9, 10 and 11 of this Code.
 - (c) Unless expressly required to do so by some other provision of this Code, an applicant for an Improvement Permit to construct any structure upon a lot in a subdivision or PUD previously approved by San Juan County under its Land Use Code for such

use, may have their application for Improvement Permit reviewed/approved administratively by the Land Use Administrator.

2. Parties who may participate in the Review Process are:
 - (a) Those who wish to seek clarification or interpretation of this Code as it relates to specific plans.
 - (b) Those who wish to present plans for a major form of development or improvement for the information of or comment from the County Commissioners or the Planning Commission, when not otherwise required to appear by this Code.

4 – 103 STANDARDS FOR REVIEW

In conducting a review under Chapter 4 of the Code, the County shall consider all proposals in the context of all existing or potential uses of other properties in the relevant vicinity of the proposed use. Relevant vicinity of the proposed use shall be determined by the Land Use Administrator considering all relevant information including but not limited to existing or proposed roads, topography, view sheds, and geographic, geologic or other natural characteristics such as avalanche zones, watersheds, and the like.

1. The County recognizes that development or use of individual properties may have impacts on other properties, including County roads. Further, the County recognizes that the cumulative impact of individual development or use of properties within an area may create impacts and service demands different from or greater than the impacts and service demands of an individual development proposal. Finally, the County recognizes that unless the potential cumulative effects of development are considered in connection with each development or use proposal, future development and use of properties may be adversely affected or precluded because of effects caused by development or uses that are approved without consideration of cumulative impacts. For these reasons, the review process described herein requires the consideration of cumulative impacts of all potential development and uses within an area in connection with any proposal being reviewed under this Chapter.
2. In conducting a review under Chapter 4 of the Code, the County shall consider all proposals in the context of all existing or potential uses of other properties in the vicinity of the proposed use. This shall require consideration of each of the factors listed herein not just for the proposed use in isolation but rather in conjunction with all existing and potential uses of other properties in the vicinity so as to

permit the County to assess the overall impacts of development in the general area of the proposed use.

3. All applications for review under this Chapter will be examined initially to determine whether the proposal is consistent with the County's Master Plan. If consistent with the Master Plan, all applications will be reviewed to determine whether, based upon the objective facts contained within the record before the reviewing body:
 - (a) The proposal will have any adverse impact on public health, safety, morals or welfare.
 - (b) Adequate potable water is available or can be developed to safely support the proposed use, including fire control and suppression.
 - (c) Adequate sewage disposal can be provided to support the proposed use.
 - (d) The proposed use will have any adverse effect on public or private property in the vicinity of the development.
 - (e) The proposed use will have any adverse effect on scenic values, historic sites or structures, air or water or environmental quality, wildlife (including habitat, food sources, migration routes, hunting, etc.), erosion or other geological condition.
 - (f) Adequate road access exists or can be developed to ensure access appropriate to the use, including access for emergency services. "Adequate access" shall require proof that any access is either a public San Juan County road or state highway or else a private road or other access which meets the following minimum standards:
 - (i) have adequate water bars, bar ditches, culverts and other drainage improvements to prevent erosion of the road which might interfere with access; and
 - (ii) be subject either to (a) deed(s) granting access across all private property the access traverses from the parcel being improved to the nearest public San Juan County road or state highway (in which event the applicant also shall demonstrate the existence of a perpetual agreement governing the use and maintenance of such private road across private property) or (b) one or more valid road permits across any federal or state property lying between

the parcel being improved and the nearest public San Juan County road or state highway. If access is via a private road, the applicant also shall either prove that an existing access permit exists for the road issued by San Juan County (if the private road intersects a County road) or by CDOT (if the private road intersects a state highway) or by another county (if the private road intersects a county road lying in another county) or else shall apply for and obtain an access permit for the private road from the relevant agency.

- (g) Adequate road access exists or can be developed to ensure access appropriate to the use, including access for emergency services.
 - (h) Adequate utilities are or can be made available for the proposed use, unless deemed unnecessary or not practical.
 - (i) Adequate emergency services exist to serve the proposed use, unless deemed unnecessary or not practical.
 - (j) There are natural hazards which may adversely affect the site or the proposed use of the site. (see Chapters 8 – 11 of this Code).
4. In addition to all other powers which the County may have with regard to review under this Chapter, the County shall have the authority to:
- (a) Require the applicant to provide evaluations, studies, reports, designs or opinions from qualified experts, approved by the County, with regard to any of the factors listed above or with regard to the design or siting of any proposed development or use.
 - (b) Require the proponent to provide additional information with regard to any factor listed above to permit the County to make an informed decision regarding the application.
 - (c) Condition approval of a proposal on the elimination of any hazard, condition or effect identified by the review process or in Sections 1 – 113 through Section 1 – 116 of this Code.
 - (d) Require as a condition of approval the mitigation (either on the property where the use is proposed or on public or private property, with the consent of the owner) of any hazard, condition

or effect identified by the review process or in Sections 1 – 113 through Section 1 – 116 of this Code.

- (e) Reject the application because of hazards, conditions or effects identified in the review process or in Sections 1 – 113 through Section 1 – 116 of this Code. In the event the County denies approval after review, the denial of an application pursuant to this provision shall identify the hazard, condition or effect on which the denial is based.

- 5. A Land Use or Improvement Permit must be issued by the County when the County finds that the applicant has sustained the burden of proof that the proposed development, activity or use, including best management practices, if any, does not present or create an adverse effect to the resources sought to be protected or utilized within the overlay district, or districts. Such a permit will be denied when the County determines that the applicant has not sustained such burden of proof.

4 – 104 ADMINISTRATIVE REVIEW

Administrative review shall consist of informal discussion and a required site visit with County Staff of the proposal being reviewed between the applicant and County staff. The purpose of this step shall be for County staff to explain the review process to the applicant, to obtain information concerning the proposal including the gathering of all information necessary for the applicant to meet the sketch plan requirements, to determine whether the proposal is consistent with the County Master Plan and the Land Use Code, to determine whether a proposal requires additional expert review under Chapters 8, 9, 10, and 11, and Sections 3-105, 3-106, and 3-107, or any other provisions of the Code, and whether additional detail or information is needed to evaluate the proposal.

- 1. The Administrative Review process shall be completed as quickly as possible from the date of receipt of a completed application and payment of required fees but in any event within thirty days, unless a longer period is required by extensions requested by the applicant or by applicant's delay in providing needed information.
- 2. On completion of the Administrative Review, the proposal shall be scheduled for sketch plan review before the Planning Commission.
- 3. For any property or parcel any portion of which may lie in another county or to which access may be obtained via roads lying in another county, the Land Use Administrator shall notify the other county of the

proposed development or improvement and seek input from such county regarding the proposed development or improvement.

4 – 105 SKETCH PLAN APPEARANCE

The initial appearance before the Planning Commission shall be termed the Sketch Plan Appearance. The purpose of the Sketch Plan is to allow the applicant to present his/her proposed activity, use, improvement or development to the County in general terms, sufficient for a complete understanding of the project and any potential problem areas, but not requiring detailed plans and specifications. Applicants shall be subject to the following requirements:

- .1 Upon completion of the Administrative Review specified in Section 4 – 104, the applicant shall submit at least two (2) copies of oversize maps, and as many copies of all other application materials as deemed appropriate to the Land Use Administrator, who shall then assist the applicant in scheduling their appearance before the Planning Commission. Such appearance shall be scheduled no sooner than ten (10) days, nor longer than forty (40) days, from the date of the submission of the required copies of the complete application.
 - (a) The applicant shall provide the Land Use Administrator with a list of names and mailing addresses for all property owners within 1,500 feet of the perimeter of the property, accompanied by pre-addressed, stamped legal envelopes for each name on the list. The Land Use Administer shall then send written notification to each property owner at least ten (10) days prior to the public meeting.
 - (b) If the application is for an activity, use, improvement or development located within the Town/County Mutual Zone, the Land Use Administrator shall deliver a copy of the complete application to the Town of Silverton within three (3) days from the date of the submission of the required copies of the application.
 - (c) If the application is for an activity, use, improvement or development located on property any portion of which lies in another County or if access to the proposed activity, use, improvement or development may involve the use of roads lying in another County, the Land Use Administrator shall deliver a copy of the complete application to the relevant county within five (5) working days from the date of the submission of the required copies of the application together with a request that such county review and comment upon such application.

- (d) The Land Use Administrator shall deliver a copy of the complete application to the fire district or authority having jurisdiction over the property within five (5) days from the date of the submission of the required copies of the application together with a request that the fire district or authority provide any comments regarding such application at least seven days prior to the scheduled Sketch Plan appearance before the Planning Commission.
- .2 The Planning Commission shall then review the application with the applicant to determine its compliance with the County Zoning and Land Use Regulation and its conformance to the County Master Plan. In conducting such review the Planning Commission may suggest or require the submission of any additional material or information it deems appropriate in order for the Commission to be able to make a determination and recommendation to the Board of County Commissioners.
- .3 Within five (5) days from the completion of its Sketch Plan review, the Planning Commission shall submit its recommendation, accompanied by five (5) copies of the complete application, to the Board of County Commissioners.
- .4 The Board of County Commissioners shall schedule a public hearing for the Sketch Plan within thirty-five (35) days from receipt of the recommendation of the Planning Commission. The notice shall be posted and published at least seven (7) days prior to the public hearing. In making its decision regarding the Sketch Plan, the Board may take any of the following actions:
 - (a) Approve the Sketch Plan with permission to proceed with Preliminary Plan.
 - (b) Approve the Sketch Plan with conditions or stipulations.
 - (c) Refer the Sketch Plan back to the Planning Commission for further evaluation.
 - (d) Deny the application and permit. In such a case the Board shall provide the reason for the denial to the applicant in writing.
 - (e) Take other action consistent with this Code.

The next appearance before the Planning Commission, after approval of the Sketch Plan by the Board of County Commissioners, shall be termed the Preliminary Plan Appearance, and must be made no later than six (6) months after the Sketch Plan approval. Failure to appear within six (6) months shall result in the applicant being required to begin anew with the Sketch Plan unless the Board of County Commissioners, for good cause shown, waives conformance with this deadline. The purpose of the Preliminary Plan is to allow the applicant to present their proposed activity, use, improvement or development to the County in specific terms, complete in every appropriate detail including plans and specifications for structures, roads, utilities and other improvements. Applicants shall be subject to the following requirements:

- .1 The applicant shall consult with the Land Use Administrator to determine what materials will be required for the presentation. After a satisfactory consultation the applicant shall then submit at least two (2) copies of oversize maps and as many copies of the complete presentation as deemed necessary to the Land Use Administrator, who shall then assist the applicant in scheduling their appearance before the Planning Commission. Such appearance shall be scheduled no sooner than ten (10) days, nor longer than forty (40) days, from the date of the submission of the required copies of the complete presentation.
 - (a) If the presentation is for an activity, use or improvement located within the Town/County Mutual Zone, the Land Use Administrator shall deliver a copy of the complete presentation to the Town of Silverton within three (3) days from the date of the submission of the required copies of the presentation.
 - (b) If the application is for an activity, use, improvement or development located on property any portion of which lies in another County or if access to the proposed activity, use, improvement or development may involve the use of roads lying in another County, the Land Use Administrator shall deliver a copy of the complete application to the relevant county within five (5) working days from the date of the submission of the required copies of the application together with a request that such county review and comment upon such application.
 - (c) The Land Use Administrator shall deliver a copy of the complete application to the fire district or authority having jurisdiction over the property within five (5) days from the date of the submission of the required copies of the application together with a request that the fire district or authority provide any comments regarding such application at least seven days prior to the scheduled Preliminary Plan appearance before the Planning Commission.
- .2 The Planning Commission shall then review the presentation with the applicant to determine its accuracy and completeness, its compliance with

the County Zoning and Land Use Regulation and its conformance to the County Master Plan. In conducting such review the Planning Commission may suggest or require the submission of any additional material or information it deems appropriate in order for the Commission to be able to make a determination and recommendation to the Board of County Commissioners.

- (a) The Planning Commission may, at its discretion, and will if so directed by the Board of County Commissioners, or if required by law, submit copies of the Preliminary Plan presentation to any or all local, state and federal agencies for review and comment, subject to the timetable specified in Chapter 7, Section 7-104. The copies required for these submissions shall be furnished to the Planning Commission by the applicant, along with the per copy mailing fee established by the Board of Commissioners for mailing and administrative costs, to be paid to the Planning Commission.
 - (b) If copies of the presentation are submitted to agencies in the manner described in (a) above, the Planning Commission shall have the authority to continue the Preliminary Plan presentation to a second meeting, to be scheduled to allow the proper time for agencies to respond, but in any event no later than fifty-one (51) days from the date of the original mailing to the agencies.
- .3 Within five (5) days from the completion of its Preliminary Plan review, the Planning Commission shall submit a recommendation, accompanied by five (5) copies of the complete presentation, to the Board of Commissioners.
- .4 Upon receipt of a recommendation from the Planning Commission, the Board of County Commissioners shall make one copy of the complete application available to the public at the County Courthouse and shall schedule a public hearing for the Preliminary Plan within forty-five (45) days.
 - (a) The notice shall be posted and published at least seven (7) days prior to the public hearing.
- .5 In making its determination regarding the Preliminary Plan, the Board of County Commissioners may require the submission of more detailed plans or further information, including studies, reports or recommendations by certified or registered engineers or consultants, or by specially appointed committees or boards, as may be deemed necessary in order for the Board to make its decision.
- .6 The Board of County Commissioners shall, within forty-five (45) days from receipt of the recommendation of the Planning Commission, make a decision regarding the Preliminary Plan presentation. In making its decision the Board may make take any of the following actions:

- (a) Approve the Preliminary Plan with permission to proceed with Final Plan.
- (b) Approve the Preliminary Plan with conditions or stipulations.
- (c) Refer the Preliminary Plan back to the Planning Commission for further evaluation.
- (d) Deny the application and permit. In such a case the Board shall provide the reason for the denial to the applicant in writing.
- (e) Take other action consistent with this code.

4-107 FINAL PLAN APPEARANCE

The next appearance after approval of the Preliminary Plan by the Board of County Commissioners shall be termed the Final Plan Appearance, and must be made within six (6) months of the Preliminary Plan approval. Failure to appear within six (6) months shall result in the applicant being required to make a new Preliminary Plan presentation unless the Board of County Commissioners, for good cause, waives this deadline. The purpose of the Final Plan is to allow the applicant to present whatever material or information that may have been required by the Board of County Commissioners as a condition of Preliminary Plan approval; to make any necessary corrections (spelling, punctuation, etc.) to final documents; and to prepare final documents for signature and/or recording. Applicants shall be subject to the following requirements:

- .1 The applicant shall consult with the Land Use Administrator to determine what materials will be required for the presentation. After a satisfactory consultation, the applicant shall then submit the required materials to the Land Use Administrator, who shall then assist the applicant in scheduling their appearance before the Board of County Commissioners. Such appearance shall be scheduled no sooner than five (5) days, nor longer than thirty-five (35) days, from the date of the submission of the required materials.
- .2 If the application is for an activity, use or improvement located within the Town/County Mutual Overlay Zone, the Land Use Administrator shall notify the Town of Silverton and the fire district or authority having jurisdiction over the property at least fifteen (15) days prior to the date scheduled for the applicant's appearance. If the application is for an activity, use, improvement or development located on property any portion of which lies in another County or if access to the proposed activity, use, improvement or development may involve the use of roads lying in another County, the Land Use Administrator shall notify the

affected county at least fifteen (15) days prior to the date scheduled for the applicant's appearance before the BOCC for final plat approval.

- .3 The Board of County Commissioners shall review the Final Plan and make a decision within forty-five (45) days from the date of submission by the applicant. Said decision will be final, short of judicial review.
- .4 Failure to satisfy any condition or requirement imposed at the Preliminary Plan stage shall result in postponement or denial of the Final Plan.
- .5 If the submission is for an activity, use or improvement located within the Town/County Mutual Overlay Zone, the Board of County Commissioners shall inform the Town of Silverton in writing of its final decision.

4-108 FAILURE TO ACT

Failure of either the Board of County Commissioners or the Planning Commission to act within any time period specified by this chapter (or any extension of this time) will be deemed favorable approval by said body at the stage specified, and the applicant will be entitled to seek approval for the next phase of the review process.

4 – 109 CONSOLIDATION OF PROCEDURES

The Board of County Commissioners may consolidate or condense the procedures established in this chapter when the intent of this Regulation and the interests of efficiency are served.

- .1 In no case shall a Planned Unit Development (PUD) application be considered in any less than two (2) appearances before the Board of Commissioners.
- .2 Any applicant seeking to a consolidation of procedures shall make a written request to the Land Use Administrator and shall make his/her submission consistent with the requirements of the highest level approval being sought.

4-110 DESIGN AND DEVELOPMENT STANDARDS FOR ALL IMPROVEMENT AND USE PERMITS

All Improvement and Use Permit applications for individual development sites shall comply with the following design standards:

- .1 The design and development of the site shall preserve, to the greatest extent possible, the natural terrain and drainage of the land, the existing topsoil and existing vegetation. Disturbed areas shall be re-vegetated with native plant, grass and wildflower species that are certified weed free as

soon as possible after disturbance in order to prevent the establishment and dominance of non-native invasive species.

- .2 Areas subject to hazardous conditions, such as avalanche, flood, land slide, rock fall, mud flow, open mine shaft, corrosive water, etc., shall be identified and shall not be built upon or used until satisfactory plans have been approved by the County for eliminating or appropriately mitigating such hazards. The provisions of Chapters 8, 9, 10 and 11 shall govern the evaluation of those natural hazards. Natural features such as riparian areas, wetlands, fens, tarns, springs, streams, rivers, ponds, lakes shall be protected from development with adequate setbacks for any building and other site improvements; minimum required setbacks are:
Rivers and Streams: 40 feet for residential development.
Fens: 30 feet for all development.
- .3 The applicant shall dedicate an easement sixty (60) feet in width or greater, if necessary for good engineering practices as determined by the County Roads Supervisor, for any County roads that cross their property. This requirement shall be measured from the existing roadway centerline and having thirty (30) feet on each side; the width may be reduced to protect sensitive landscapes upon approval of the County Engineer and /or the County Roads Supervisor.
- .4 The applicant shall allow continued public access on any historic public trails that cross the property. Applicant shall dedicate a trail easement ten (10) feet in width as measured from the existing trail centerline and having five (5) feet on each side; public access signage may be installed by the County.
- .5 New driveways providing access to private property from County roads shall start from the existing roadway elevation. The County road shall not be filled, cut or re-graded. Driveway intersections with County roads should be minimized whenever feasible and the use of shared driveway access is strongly encouraged.
- .6 Gates, posts, or permanent manmade structures shall not be built within thirty (30) feet from the edge of a County roadway. Additionally, no fences, berms or other manmade structures/features may be approved on a site due to potential visual or other environmental impacts.
- .7 The applicant shall obtain all necessary permits and shall comply with all applicable regulations from agencies such as San Juan Basin Health Department for septic and wastewater systems, Colorado State Division of Water Resources for well water, and Colorado Division of Oil and Public Safety for propane tanks. In addition to obtaining any required permits for an individual waste disposal system, the burden shall be on the applicant

to demonstrate convincingly that (1) the proposed waste disposal system will adequately handle or treat any generated wastes, regardless of any variables such as climate, elevation, soils, use, number of occupants, length of occupation/season, type of structure, etc.; and (2) that the system as designed will protect public health and the environment from any adverse effects of operation of the system regardless of any variables.

- .8 Any change in the waste disposal system shall require appropriate approval by the Board of County Commissioners and the San Juan Basin Health Department.
- .9 The hauling of potable water and storage in a cistern may be allowed, provided the applicant demonstrates that the proposed cistern capacity will adequately supply potable water and fire suppression water for the structure regardless of the number of occupants, length of occupation or natural conditions that may affect the water supply. A change in use will require review of the water source and supply system by the County.
- .10 Individual building sites shall be placed on the Town of Silverton's utility billing system for water and refuse prior to issuance of a building permit. Any applicant who obtains water from an approved permitted on-site well or purchases potable water from an acceptable source may be placed on the Town of Silverton's billing system for refuse only. All solid waste, garbage and refuse, shall be kept within the building, in a separate secure enclosed area or in wildlife/bear-resistant containers until it is disposed at the Transfer Station.
- .11 Propane tanks that are 250 gallons and larger shall be buried where geologic conditions permit when there may be a risk of wildfire and a threat to public safety.
- .12 Any generators used for non-construction power on the property shall be properly baffled or enclosed in a structure to eliminate noise impacts.
- .13 Any wood-burning stove or device used on the site shall be the type and model approved by the Environmental Protection Agency (EPA) and shall be equipped with an approved chimney cap or spark arrestor to minimize the risk of wildfire.
- .14 The potential need for any geotechnical, structural, hydrologic and similar engineering studies and design criteria, such as those for engineered foundations and drainage and runoff control shall be examined by the County Building Official and addressed at the building permit stage.
- .15 The building site shall comply with the following wildfire prevention standards:

- (a) Only fire-resistant materials that maintain a Class B rating or better shall be used for the construction of roof structures. Wooden or shake shingles are not permitted.
- (b) The applicant shall create a plan for defensible space based upon the types of structures to be protected, the topography of the area, and the types and density of vegetation present in the area.
- (c) An annual assessment of defensible space shall be conducted by the property owner to ensure the following:
 - (1) Trees and shrubs are properly thinned and pruned within the defensible space. Slash produced from thinning and construction operations is disposed of offsite (in a location with no fire hazard), or properly mulched.
 - (2) Roof and gutters are clear of debris.
 - (3) Branches overhanging roofs and chimneys are removed.
 - (4) Chimney screens are in place and in good condition.
 - (5) Vegetation is removed from within fifteen (15) feet of chimneys.
 - (6) Grass and weeds are mowed to a low height.
 - (7) Fire extinguishers are checked and in good working condition.
 - (8) Driveways and access points are cleared sufficiently to allow for emergency equipment that is compatible with the County road conditions.
 - (9) Escape routes are posted when appropriate.
 - (10) Trash and debris accumulations are removed from the defensible space
 - (11) Firewood is stacked at least fifteen (15) feet from any structure.

16 Exterior building materials shall be naturalistic, subdued and non-reflective to minimize the visibility of the structure. If necessary, adequate

screening shall be installed to further reduce the visual impact of the structures, gas tanks or other site improvements.

.17 Exterior lighting, if used, shall provide a safe residential setting while preserving the Dark Sky environment and view of the stars.

- (a) Fixture styles, materials and colors should be compatible with the rural mountain character of the area and the scale should be consistent with their function. Exterior lighting shall be attached to the structure, shielded and down-cast. In all cases, lighting should be minimal and not extend beyond its tasks.
- (b) Full cut-off fixtures are required. Motion detectors are not encouraged and timers are prohibited.
- (c) Spillover or accent landscape lighting shall not be permitted. Lighting shall reflect downward away from adjoining properties.
- (d) The use of low wattage long-life lighting products is preferred. The use of photo voltaic or other renewable energy sources for lighting is encouraged. High intensity sodium vapor or similar lighting is prohibited.
- (e) Lighting shall not be allowed during times when the structure is unoccupied except if activated by a motion detector.

.18 Skyline Development Standards apply as follows:

- (a) Any improvement or use for which a permit is required shall not be silhouetted against the sky on hillsides or ridges as viewed from any San Juan County Road, State Highway, the Town of Silverton, or the Durango & Silverton Narrow Gauge Railroad
- (b) No parcel or lot shall be created when due to the location, vegetation or topography, it is likely that development or use of the property would result in structures or uses being silhouetted against the sky when viewed from any San Juan County Road, State Highway, the Town of Silverton, or the Durango & Silverton Narrow Gauge Railroad.
- (c) Ski lifts, tramways, zip-lines and related activities, that as a practical matter, are developed on ridgelines, shall be exempt from these regulations.
- (d) If an applicant for Improvement Permit on an existing lot provides evidence that no improvement is possible without - it

being silhouetted against the sky when viewed from any San Juan County Road, State Highway, the Town of Silverton, or the Durango & Silverton Narrow Gauge Railroad, development is permissible only after the following standards have been satisfied:

- (1) The applicant shall determine whether a variance of other regulations, such as setbacks, would enable the proposed structure to be built without penetrating the skyline.
- (2) At least three of the following four techniques shall be used to minimize skyline silhouetting:
 - i. The building or development shall be less than twenty (20) feet high, as measured from lowest visible portion of the building, and having a height to width ratio of no more than 1:1.5.
 - ii. The building or development, including the roof, shall be of naturalistic, non-reflective, earth-toned materials that match the texture and color of the surrounding landscape.
 - iii. Innovative architectural techniques such as “stepping” or earth-sheltered design shall be utilized to minimize development visibility.
 - iv. The building or development shall be designed with more than fifty percent (50%) of it shielded from the line of sight as viewed from any San Juan County Road, State Highway, the Town of Silverton, or the Durango/ Silverton Narrow Gauge Railroad.
- (3) The development shall be screened with naturalist materials and native trees and plant materials that blend into the local environment. Screening shall be sufficient such that the development effectively disappears from the sight of the casual observer and that it is compatible with the immediate natural environment.
- (4) Development shall minimize earth and vegetative disturbance to the greatest extent possible.
- (5) The building site shall retain or enhance views of the landscape from points on the landscape, and not to enhance

views of the landscape from within the structure. If only silhouetted sites are available, the site least visible from the San Juan County Road, State Highway, the Town of Silverton, or the Durango/Silverton Narrow Gauge Railroad shall be developed.

.19 Scenic Quality Report

All development proposals, including structures associated with mining activities shall be required to include a Scenic Quality Report as part of the Sketch Plan submittal. A pre-application conference, including a site visit, shall be held with the Planning Director to identify specific view sheds that will be evaluated in the Scenic Quality Report. In order to minimize visual impacts to view sheds and view corridors, additional setbacks, landscaping, screening or design requirements may be required by the County to preserve the natural beauty and historical resources of the area. Each report shall include:

- (a) The designated view sheds shall include natural and historic features as seen from and toward the site. Provide written descriptions of these view sheds and how they will be preserved. Existing site photos and graphic depictions of the proposed development shall be submitted so that staff, the Planning Commission and the Board of County Commissioners can assess the visual impacts of the project on the view shed and the effectiveness of proposed mitigation measures. The Scenic Quality Report may be referred to the Historic Review Committee for review and comments regarding any impacts to historical assets of the area including historic structures, sites and other cultural assets located within San Juan County.
- (b) Evidence shall be provided to show that the location of the structure is designed to minimize the visual impacts and that it does not detract from the scenic quality of adjacent public lands, existing trails or historic resources.
- (c) Include evidence to demonstrate that the site improvements are designed and/or oriented in ways that allow them to blend in with and utilize the natural topography and vegetation. The report shall include, but not limited to, site photos, perspective sketches, photo-simulations and/or three-dimensional models at an appropriate scale.
- (d) Provide written descriptions and photos of the proposed building materials, colors and textures. Utilizing and integrating elements, colors and textures found naturally in the landscape are strongly

encouraged while use of reflective materials, such as highly reflective glass or metals is prohibited.

- (e) Describe any plans to remove and store topsoil on-site, prior to any grading or excavation, and how it will be replaced and reused for re-grading and re-vegetation purposes.
- (f) Provide a written description and plans that illustrate how the proposed development has been integrated into the landscape and that site disturbance and grading have been minimized. Roads, structures and other improvements shall bear a logical relationship to existing topography, vegetation and other site features.
- (g) Show how utilities will be located and installed in ways that will minimize impacts to the view shed and natural environment.

.20 Square Footage Limitations

- (a) All residential development located at or above 11,000 feet and below the alpine/tundra zone shall be limited to a maximum floor area of up to one thousand (1,000) square feet. Residential development of any sort within the alpine tundra ecosystem is strictly prohibited. All other development, including temporary and permanent structures, within the alpine tundra ecosystem is strongly discouraged and may be permitted only under limited circumstances when no reasonable or feasible alternative to such development is available. Ancillary uses associated with approved development at lower elevations (such as ski lift towers and other structures), necessary communication towers, and mining structures which cannot realistically be located underground are among the limited types of development which may be approved for location in the alpine tundra ecosystem. The source of elevation shall be based on the 1927 North American Vertical Datum 10,000-foot grid based on Colorado coordinate system, south zone.

The following elements are excluded from the Floor Area calculation:

- (1) Porches, decks, and terraces that do not have roofs or floors above and are open to the sky:
 - i. If such improvement is equal to or less thirty (30) inches above grade and is two hundred fifty (250) square feet or less;

- ii. If such improvement is more than thirty (30) inches above grade or greater than two hundred fifty (250) square feet, then it is calculated as Floor Area at fifty percent (50%) of the actual area.
- (2) A single-story, detached accessory building, no greater than 200 square feet.
- (3) Structures associated with mining activities are exempt from Square Footage Limitations (Section 4-110.20).

.21 Density and Use Limitations

- (1) All Improvement Permits for single-family residential development, if approved, shall allow a maximum of one (1) unit/parcel.
- (2) All Improvement Permits for single-family residential buildings, if approved, shall be limited to private, personal, residential use.
- (3) Anyone wishing to use a single-family residential building for Vacation Rental use shall first obtain and at all times maintain a current annual Special Use Permit for such use which shall require that all services and capacities be evaluated at the maximum possible occupancy, intensity and duration of use to ensure there are adequate services and capacities to accommodate the increased demand for potable water, wastewater facilities, trash, satellite or cell phone service, emergency access and parking. "Vacation Rental" shall be any rental of a residential unit for any period less than ninety days.

In addition to the foregoing, the following requirements shall apply to all vacation rentals:

- (i) Only one vacation rental unit shall be allowed for any one owner or group of related owners or related parties. "Related parties" shall include all entities in which any person or entity has an ownership interest and shall also include immediate family relations for example parent, spouse, and child;
- (ii) In order to avoid placing excessive demands on limited emergency service resources in the County,

no more than 20 vacation rentals shall be permitted at any time within the Mountain Zone;

- (iii) As a condition of obtaining an annual Special Use Permit for a vacation rental and in addition to all other information required by this Land Use Code, the applicant shall demonstrate the following items, take the following actions, and provide the following information and consents:
 - (a) adequate emergency communications and off street dedicated parking are available at all times to guests;
 - (b) the proposed rental is safely accessible year round not only to occupants but to emergency services as well;
 - (c) the holder of the special use permit shall possess a current, valid sales tax license and collect sales and lodging taxes on all vacation rentals;
 - (d) the holder shall permit the County to inspect the premises being utilized for vacation rental to allow verification of holder's compliance with the provisions hereof; and
 - (e) the holder of the special use permit shall make available to the County access to records of all vacation rentals including registration information regarding guests and all financial records pertaining to the vacation rental for the purpose of allowing the County to verify the holder's compliance with these requirements.

CHAPTER FIVE OTHER REGULATIONS

5 – 101 SPECIAL ACTIVITIES AND USES SUBJECT TO A SEPARATE PERMIT

In addition to the requirements of Section 2 – 102, or at the discretion of the Land Use Administrator instead of the requirements of Section 2 – 102, a Land Use Permit and approval from the Board of County Commissioners must be obtained in order to carry on certain specific activities within the boundaries of San Juan County, to wit:

- .1 Any group of people assembled to obtain profit for an individual or an organization, or any group of 150 or more people assembled but not for profit.
- .2 Mine reclamation and/or the removal of mine tailings.
- .3 Guiding or outfitting for pecuniary remuneration or other gain, when the base of operation is located in San Juan County (outside the Town of Silverton).
- .4 The renting or leasing of animals or vehicles for pecuniary remuneration or other gain.
- .5 Lumbering other than that allowed by purchase of a firewood or Christmas tree permit.
- .6 Retail activity not carried on in a structure.
- .7 Competitive racing which uses any part of the County road system.
- .8 Any use of a County road which does not require an Improvement Permit, but which may reasonably be expected to impact any County road in one or more of the ways described in Section 3 – 107.1 of this Code.

A Land Use Permit shall be subject to the same procedures, fees, inspections, conditions and appeals as an Improvement Permit.

5 – 102 MOBILE UNITS

- .1 No mobile home, trailer, house trailer, mobile unit, , bus, railroad car or shipping container used for commercial, industrial, residential or storage purposes may be placed anywhere within the boundaries of unincorporated San Juan County. One (1) shipping container may be located on private property to store materials and/or equipment for a period not to exceed two (2) years provided that a County building permit has been issued for a building unit to be constructed upon the same property. The shipping container must be removed from the property upon completion of the building and prior to the issuance of a Certificate of Occupancy.
- .2 No trailer park or mobile home park used for permanent commercial or residential purposes may be located anywhere within the boundaries of unincorporated San Juan County.

- .3 This section shall be subject to any contrary state or federal laws requiring that manufactured housing be permitted within a jurisdiction regardless of the provisions of local zoning or building codes.

5 – 103 CAMPER UNITS

5 – 103 RECREATIONAL VEHICLE PARKS

Campers

- .1 Campers may be parked for occupancy on private property for a period not to exceed 20 days total during a one-year period. A self contained camping unit may be issued a revocable annual permit allowing it to exceed the 20 day total provided the following conditions are met:
- a. The private property is located fully within an avalanche zone and the Board of County Commissioners determines that there is no safe building site located on the property. At the sole discretion of the Land Use Administrator, the Planning Commission or the Board of County Commissioners, expert assistance may be required at applicant's expense pursuant Section 3-108.
 - b. An Improvement Permit Application is completed and submitted by applicant and approved by the County. Once the initial permit is granted, it may be renewed annually by payment to the County of the annual permit fee.
 - c. The applicant shall authorize the County's designated agent to inspect the property as necessary (before or after issuance of a permit) to determine that the applicant is in compliance with all County, State and Federal Regulations.
 - d. The applicant shall construct and maintain in good working order a waste water system that has been approved by the San Juan Basin Health Department. At all times while camping on the property, the self contained camping unit shall be connected to the waste water system.
 - e. The camper unit shall be located a minimum of 100 feet from a stream, river or lake.
 - f. No permanent structures will be allowed on the property.
 - g. An annual permit fee, as determined by Resolution of the Board of County Commissioners shall be paid to the County. Upon receipt of the annual fee, a revocable annual permit shall be issued that will allow one self contained camping unit to be occupied on the property during the period of June 1 through September 30, provided applicant fully complies with all permit conditions. Self contained camper units cannot be occupied, stored, kept or parked on the property except as allowed by the revocable annual permit.
 - h. No permit shall be issued until applicant demonstrates that it has set up a utility account with the Town of Silverton for water and solid waste (trash) on which there is no outstanding balance.
 - i. Refuse stored on site will be kept with the self-contained camping unit or within bear resistant containers at all times until remove to the transfer station to prevent conflict with wildlife.
 - j. A self-contained camping unit will be any vehicle designed and constructed as a self contained living quarter or recreational or seasonal travel i.e., motorhomes, travel trailers, which has factory installed bathroom facilities that

include holding tanks for clean water, gray water, black water and the required plumbing.

- .2 Campers may be parked on private property for a period not to exceed one year provided that a permitted dwelling unit is being constructed upon the same property. Occupancy may occur only after a building permit has been issued.
- .3 One unoccupied camper may be kept, stored, or parked by each dwelling unit within San Juan County. Campers in excess of this number that are not kept as part of an active vehicle must be stored in totally enclosed structures.

5 – 104 RECREATIONAL VEHICLE PARKS

- .1 Recreational vehicle parks may be established within unincorporated San Juan County. Proposals for development of a recreational vehicle park in San Juan County are subject to the Review and Appeal Process set forth in Chapter Four of this Code.
- .2 A recreational vehicle park shall be defined as any premise used, or set apart for supplying to the public, parking space for one or more recreational vehicles for temporary living or sleeping purposes, or any premise upon which two or more such vehicles are parked for temporary living or sleeping purposes, including any buildings, structures, vehicles, or enclosures used, or intended for use, as a part of the equipment of such recreational vehicle park.
- .3 The space within a recreational vehicle park upon which a single unit is placed must have no less than 2,500 square feet.
- .4 No recreational vehicle may stand any closer than twenty (20) feet to the nearest other vehicle in any direction.
- .5 The minimum land required for a recreational vehicle park within the County shall be 65,340 square feet (1.5 acres).
- .6 Each parking/camping space must have independent water, sewer, and electrical connections, all of which must be buried within the boundaries of the recreational vehicle park.
- .7 Additional structures, such as service and maintenance buildings, may be constructed within a recreational vehicle park.
- .8 All recreational vehicle parks must provide adequate screening, such as fences, walls, berms, landscaping or natural growth, along the property boundaries separating the park from adjacent lands. Such screening must be a minimum of six (6) feet high.
- .9 A recreational vehicle, if substantially damaged or destroyed, must be removed from the park within fifteen (15) days.

- .10 No recreational vehicle shall remain in a recreational vehicle park for more than a total of six (6) months in a one-year period.
- .11 Every recreational vehicle park shall be equipped at all times with fire extinguishing equipment in compliance with the Uniform Fire Code for such equipment and adequate fire protection.
- .12 Every recreational vehicle park shall contain metal garbage cans, 32 gallon, with tight fitting covers, in quantities adequate to permit disposal of all garbage and trash. Garbage cans shall be located not farther than 300 feet from any parking/camping space. The cans shall be kept in sanitary condition at all times, and garbage and rubbish shall be collected and disposed of as frequently as necessary to keep the cans from overflowing. All refuse containers shall have bear-proof lids.
- .13 Recreational vehicle parks shall be sufficiently lighted to provide for safety.
- .14 Every recreational vehicle park should provide public toilets, sinks and showers.
- .15 Every recreational vehicle park in San Juan County shall be subject to an annual license fee as established by the County Commissioners and payable each calendar year.

5 – 105 SIGNS

Signs shall be permitted in San Juan County only in accordance with the following regulations.

.1 Sign Permits

It shall be unlawful to erect, construct, reconstruct, alter, paint, repaint, or change the use of any sign without first obtaining a sign permit. No permit shall be required to repaint, resurface or restore an existing sign, previously permitted, to the same condition as originally permitted.

.2 Permit Fees

No sign permit shall be issued until a fee in the amount of \$50.00 has been paid to the County by the applicant. A single permit may authorize the erection and placement of multiple identical signs provided however that the fee for a permit covering multiple identical signs shall be \$100.

.3 Issuance of Permit

Sign permits shall be issued by the Land Use Administrator upon proof of compliance with this section and payment of all required fees. If the Land Use Administrator denies issuance of or imposes unacceptable conditions on, a sign permit, the applicant's sole recourse shall be to appeal the decision of the Land

Use Administrator to the Board of County Commissioners which shall determine the issue after a hearing. Any applicant seeking to appeal a sign permit decision to the Board of County Commissioners shall file an Appeal Notice with the Land Use Administrator within thirty days after the decision of the Land Use Administrator. Such Notice shall state in detail all objections/issues the applicant has to the decision of the Land Use Administrator. Any objection or issue not specifically stated in the Appeal Notice shall be deemed waived. At the hearing before the Board on the applicant's appeal, the applicant for the sign and any interested party may attend, be represented by counsel, and give testimony.

.4 Exceptions

Traffic control and directional or other informational signs erected or required by proper governmental authority on public property are exempt from these regulations and shall not require any permit. Also exempt from the provisions of this ordinance and not required to be permitted are:

- (a) Signs required to be posted pursuant to local, state or federal laws or regulations including official notices posted pursuant to direction of any governmental entity.
- (b) Address signs having a total surface area (including all spaces) of not more than two (2) square feet.
- (c) One (1) United States flag and one (1) state flag.

.5 General Limitations

- (a) No more than two permitted signs (other than signs limiting access under subsection .12 below) shall be erected or maintained on any property or parcel.
- (b) No signs other than address signs, signs exempted from the permitting process established by these regulations, and permitted signs limiting access under subsection .12 below shall be permitted in the Mountain Zone or in any residential subdivision, area or neighborhood.
- (c) No sign may be located on any public property including within any road right-of-way.
- (d) No sign shall resemble an authorized traffic sign or signal with regard to color, format, shape, or other characteristic, and no sign shall conflict with the information, directions, or mileage presented on an authorized traffic sign.

.6 Prohibited Signs

The following signs are absolutely prohibited:

- (a) Any sign attached to, or painted on, the roof of a building.

- (b) Any sign attached to, or painted on, a vehicle that is parked, or located, in such a manner that its purpose appears to be that of advertisement.
- (c) Any sign which is located off premises for the purpose of directing the public except for signs posted by a governmental entity.
- (d) Any sign affixed to any tree, utility or light pole or placed on any utility installation or cabinet.
- (e) Any sign containing any indecent, immoral or obscene word, symbol or material or containing any word, symbol or material which is defamatory or likely to incite imminent lawless action or containing fighting words or threats of any sort.
- (f) Any sign advertising any unlawful activity.
- (g) Signs using neon or other similar materials for illumination.

.7 Construction Standards

- (a) Signs shall be constructed of substantial, weather-resistant, permanent material in compliance with any applicable provisions of the building code and shall be maintained in good repair. No sign shall contain ribbons, streamers, flags, strings of light bulbs, spinners, pendants, balloons, or other similar flexible or movable materials or devices nor shall any sign be constructed of paper, cloth, canvas, cardboard, pliable plastic or other flexible material which may swing, sway or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment, provided however, that a sign intended to be posted for less than thirty (30) days may be constructed of fabric or other temporary material so long as the temporary nature of the sign is noted on the permit and the applicant/owner removes the sign within the time stated. No sign shall contain any emitter of smoke, sound or odor.
- (b) Signs are limited to not more than twenty (20) square feet in total area and no more than forty (40) square feet of total signage per property. Anything painted or affixed in any way to a wall or other exterior building surface, including windows, which is visible from any street, road, path, walkway or other public right-of-way shall be deemed to be a sign and shall be counted against the maximum limit of total signage. All sides of a sign having two or more visible sides shall be counted separately for determining total sign size or area.
- (c) Free standing signs shall not exceed twelve (12) feet in height, and shall be a minimum of seven and one half (7.5) feet above grade when located adjacent to, or projecting over, a pedestrian way.
- (d) Projecting or wall signs shall not be higher than the eave line or parapet wall of the building to which they are attached. Signs which project over a

pedestrian way shall not extend more than five (5) feet from the building wall. No part of any wall sign, including cutout letters, shall project more than six (6) inches from the building wall.

- (e) Signs on awnings are allowed. Lettering on awnings shall meet all requirements of this code and shall be included in the computation of square footage. No sign may be attached to, or hung from, an awning.
- (f) Except as provided in subsection (d) above, signs shall be set back from any road or street, sidewalk or right-of-way a distance of not less than six (6) feet.
- (g) No sign shall have blinking, flashing, animated, scrolling, spinning or moving parts or lights, nor shall any sign contain any other illuminating devices which have a changing light intensity, brightness or color. The light from any illuminated sign shall be shaded, shielded, or directed so as not to constitute a traffic hazard. All lighting used in connection with any sign shall comply with the County's dark skies regulations. Illuminated signs shall be turned off between the hours of 9:00 p.m. and 7:00 a.m.
- (h) A projecting sign or free standing sign shall be constructed so as not to interfere with visibility or the flow of traffic on any roadway or with the passage of humans on any sidewalks, paths or walkways.

.8 Abandoned Signs Prohibited

- (a) Any sign which is located on any property which becomes vacant or is unoccupied for a period of nine (9) months or more, any sign which relates to an activity or business which is no longer located on the premises, any sign which pertains to a time, event, or purpose which no longer exists or which has taken place, and any sign which is not maintained by its owner shall be deemed to have been abandoned and is hereby declared to be a public nuisance. No owner or lessee of any property shall allow any abandoned sign to exist on his, her or its property, building, or structure.
- (b) Any sign which has been determined to be abandoned must be removed by the owner or the lessee of the premises on which the sign is located within thirty (30) days after notice of such determination of abandonment has been mailed to such owner and any lessee by regular mail. If the owner, or lessee, of the property fails to remove such abandoned sign, the County may cause the sign to be removed and the nuisance abated and may further charge the owner of the property on which the abandoned sign is located for all costs incurred in such removal. In addition to the foregoing, the Board of County Commissioners may treat any failure to remove an abandoned sign, after notice, to be a violation of these land use regulations and may then take any action permitted under these regulations or state law to enforce compliance with these land use regulations.

.9 Definitions

- (a) SIGN – Any structure, statue, facsimile, or device used, or intended, in whole or in part, for identification, advertising, directions or the communication of any message shall be deemed to be a sign.
- (b) SIGN AREA – The area of the geometric figure which encompasses the facing of a sign, including the borders. The sign area shall refer to the entire face, or faces of the sign, whether written on or not.

.10 Non-Conforming Signs

Any legally existing sign in place at the time of adoption of this sign regulation which does not conform to these regulations may be continued for a period of not more than three (3) years. All existing signs within San Juan County shall conform to the requirements of this sign code on and after June 1, 2019

.11 Historic Interpretation Signs

Signs which interpret historic sites in San Juan County and are placed by the San Juan County Historical Society, the U.S. Bureau of Land Management, the U.S. Forest Service, or other governmental entity shall be exempt from the sign fee but shall otherwise comply with all other provisions of this sign regulation.

.12. Signs Limiting Access

Signs that post private property against hunting, fishing, trespass, or other use by the public shall be permitted in all zones provided that they first meet each of the following requirements:

- (a) no such sign shall be greater than two (2) square feet in size;
- (b) such signs shall be spaced so that (i) not more than one such sign is visible from any point on any public right-of-way (including trails) or from any point on public lands and (ii) no such sign shall be posted less than two hundred (200) feet from any other such sign located on the same property;
- (c) all such signs shall be placed within the surveyed boundaries of the private property to which they apply and shall not be located within any public right-of-way;
- (d) any signs restricting access to private property, or the property on which they are located, shall delineate the precise boundaries of the private property to which they apply;
- (e) no signs restricting access to private property shall be posted until the property being posted has been surveyed and all boundaries clearly established and marked by corner markers, survey tags, or other physical markers so that the public can determine the precise extent of the property to which access is restricted; and

- (f) all signs limiting access which do not comply with these regulations are hereby declared to be nuisances which shall be removed and abated no later than September 1, 2016. Any non-complying signs not removed by that date may be removed by the County at the landowner's expense, the cost of such removal being a lien levied against the property in the same manner as property taxes.

5 – 106 MINE AND MILL TAILINGS AND DUMPS

Any person or entity proposing any mining or mining related activity (including but not limited to, creating or modifying any mine, mill, dump or site for storage of mine or mill tailings, or discharging or disposing of or locating any waste rock or mine or mill tailings onto new or existing mine or mill dumps or tailings storage sites, or altering, expanding, or moving any existing mine or mill dump or tailings storage site or performing any reclamation, mine closure or other activity on private land) shall comply with this section.

In addition to all other information required for completion of a Land Use Permit and determined essential by the Land Use Administrator for the permitting of the proposed activity, any applicant proposing an activity which will involve mine dumps or tailings shall provide the following information:

- .1 The amount of materials involved in the proposal, and whether it is to be stored or moved and the number of employees and number and types of machinery which the applicant proposes to use in connection with its proposal.
- .2 The purpose(s) or reason (s) for proposing the activity. (For example: opening of a new or existing mine, remedial work to prevent contamination runoff, etc.)
- .3 The identity and concentration of any contaminants which may be contained in the materials involved, and which may pose a hazard or risk of damage to the health of humans, animals or the environment and a detailed plan to avoid, address, mitigate and/or minimize all hazards associated with the handling of materials.
- .4 A detailed plan for the movement, handling and placement of any materials, to include the method of movement, routes, volume, and any other information relevant to the movement, handling and placement of materials.
- .5 A plan for avoiding, addressing and/or minimizing all health hazards and emergency needs which may be associated with the proposed activity including spill response, containment of contamination, dust control, emergency medical or other service issues etc. to include identification of all potential emergency needs and proof of ability to timely meet those needs. Such proof may include proof of the availability of any needed emergency services on site or proof that the applicant has contracted with emergency service providers to meet any potential emergency needs associated with the proposed activity.
- .6 Proof of compliance with all other permitting and licensing requirements (i.e. State and Federal).

- .7 A list of alternatives to the proposed activity, or to any portion of the activity which might otherwise pose a threat to health or the environment, which may accomplish the proposed purposes(s) of the activity without the same degree of risk or hazard associated with the proposed activity. Such alternatives may include use of existing storage facilities, construction of water collection facilities to prevent runoff, use of a pipeline rather than road transport, revegetation, underground storage of tailings, etc.
- .8 Identification of all planned uses of any County roads, all impacts which may result from such uses, and a detailed plan for avoiding, addressing and/or minimizing such impacts.
- .9 Identification of the probable housing needs of all anticipated employees and proof that adequate arrangements have been made to provide such housing without adversely affecting the availability of housing to others in the community.
- .10 Proof of the availability of at least two redundant methods of communication (for example, land line, 800 MHz radio, cellular or satellite service) between the site and Silverton.
- .11 Proof that adequate arrangements have been made to provide potable water, sanitation and solid waste disposal suitable for the levels of use contemplated by the proposed use.
- .12 Identification of potential adverse economic impacts on the community and proof that adequate arrangements have been made to eliminate such impacts or protect the community and its people from and against those adverse impacts.
- .13 The County may waive compliance with any of the foregoing provisions where the applicant demonstrates that doing so will be consistent with the purpose and intent of the County's land use regulations and Master Plan.

5 – 107 THE REMOVAL OF TREES AND LUMBERING

- .1 The cutting or removal of trees by individual property owners on their own property or property held in common ownership with others shall not require a permit unless more than 5,000 board feet of lumber is cut or removed within a one year time period.
- .2 The cutting or removal of more than 5,000 board feet within a one year time is a Use Subject to Review and is subject to Chapter 4 of this Code.

5-108 JUNK AND NUISANCE

- .1 The storage, maintenance or accumulation of junk or rubbish on any parcel or tract of land within the unincorporated area of San Juan County is hereby declared to be a nuisance.

- .2 It shall be unlawful for any owner or occupant of any property located within the unincorporated area of San Juan County to:
- (a) cause, permit, allow or continue the storage, maintenance or accumulation of junk or rubbish on any parcel or tract of land in the County under such owner or occupant's control, possession, or ownership, or upon any road, trail, alley, sidewalk or land adjacent to such parcel or tract of land;
 - (b) dump or dispose of junk or rubbish in the County except in those places permitted and/or duly authorized by the Board for such purpose; and
 - (c) to fail or refuse to comply with any order issued pursuant to this Ordinance.
- .3 The following are hereby defined to be junk or rubbish:
- (a) Outside storage of used tires;
 - (b) Outside storage of any abandoned or unlicensed motor vehicle or equipment or any motor vehicle or equipment which is either inoperable or missing parts so that it is not maintained for operating unless the owner provides proof that the vehicle is in the process of being restored to operating condition;
 - (c) Any abandoned mobile home, recreational vehicle, camper or structure that is not maintained in a habitable condition or, in the case of a recreational vehicle or camper, which is kept on a property for more than the time permitted under the County's land use regulations. This provision shall not apply to historic structures which are protected under the County's land use regulations; and
 - (d) Outside storage of any worn out or discarded articles or materials, including but not limited to bottles, glass, cans, scrap metal, used/worn out vehicle parts, rubber, disposable packages or containers, paper, cardboard, furniture, carpet, construction materials or debris, appliances and any combination thereof including material stored in an abandoned or junk mobile home, recreation vehicle or vehicle.
- .4 The Board of County Commissioners shall have the authority by resolution to remove or cause to be removed, such junk or rubbish, utilizing County or contract forces or resources. If the owner fails to pay the costs of removal within five (5) days after receipt of an invoice for such cost, the whole cost thereof, including five (5) percent for inspection and incidental costs in connection therewith, may be assessed upon the lots and tracts from which such rubbish has been removed. Any assessment pursuant to this subsection shall be a lien against such lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments. In case the assessment prescribed herein is not paid within ninety (90) days from the date of the mailing of an invoice for the cost of the removal, such assessment may be

certified to the County Treasurer who shall collect such assessment, together with a ten (10%) percent penalty for the cost of collection in the same manner as other taxes are collected. The laws of the State of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall govern and apply to the collection of assessments pursuant to this subsection.

- .5. Whenever the Board of County Commissioners deems that an emergency exists which requires immediate action to protect the public health, safety and welfare, the Board may, without prior notice or hearing, issue an Order stating that such emergency exists and explaining the basis for such and requiring that such action be taken as and when deemed necessary to meet the emergency. A copy of such order shall be mailed, and if possible, physically served upon, the owner(s) and occupant(s) of the property subject to the Order. Notwithstanding any provision of this Ordinance to the contrary, such Order shall be effective immediately. Any person to whom such emergency Order is issued shall comply therewith immediately and it shall be unlawful to fail or refuse to so comply. In the event that any person to whom such emergency Order is issued fails or refuses to immediately comply therewith, the Board may, without prior notice to the owner, occupant or agent of the owner, remove, correct or otherwise abate, or cause the removal, correction or abatement, of the condition giving rise to the issuance of the emergency Order and assess and collect the whole cost thereof to the owner of the affected property in accordance with Section .4 above.
- .6
- (a) No entry upon private property for the purpose of junk or rubbish removal shall be made until an administrative entry and seizure warrant has been obtained from a court of competent jurisdiction, in accordance with § 30-15-401(1)(a)(I)(B), as amended.
- (b) A sworn or affirmed affidavit shall be prepared and submitted, along with supporting documents or pictures to the court. Said documents shall include a copy of this Ordinance, a copy of the Notice and Order issued to the owner, a copy of the signed return receipt on the certified mail or other proof of service, and a copy of the Board resolution directing the removal of the rubbish. Said affidavit shall establish the factual basis for the issuance of a warrant, including evidence that the property owner has received notice of the violation and has failed to remove the rubbish within a reasonable prescribed period of time, a reasonably specific description of the location of the property, a general list or site plan describing the rubbish to be removed from the property, and the method of disposal or temporary impoundment of such rubbish, whichever the court deems appropriate.
- (c) Within thirty (30) days, or such longer or shorter period as the court may order, following the date of issuance of an administrative entry and seizure warrant, the warrant shall be fully executed in accordance with the directions of the issuing court; a copy of the issued warrant shall be provided or

mailed, first class, to the owner and posted on the property; and proof of execution of the warrant, including a written inventory of any property impounded, shall be submitted to the issuing court.

- .7 Impoundment of removed rubbish shall occur any time so ordered by the court.
- (a) Ordinarily, any material or equipment having salvage or reuse value should be removed to an impound lot, either owned by the County or privately owned and subject to a contract with the County.
 - (b) Upon impoundment, notice shall be sent by U.S. mail, first class, to the owner and any occupant of the property with information as to the impoundment location, the person to contact for reclaiming the property, and the conditions and time limits for retrieving impounded items as provided below.
 - (c) Impoundment shall be for a period not to exceed ninety (90) days, whereupon the impounded items shall be regarded as abandoned and may be disposed of by the County as it sees fit. If the owner of the impounded items seeks to reclaim them within the 90-day period, the impounded items shall be released upon the occurrence of all of the following: All of the impounded items owned by the owner are removed from the impound lot; satisfactory evidence is provided that the owner will move the items to a site that will not result in a violation of this Ordinance or the County's Land Use Regulations; the County has verified that the property from which the impounded items were removed has remained in compliance with the provisions of this section on junk and rubbish; and all costs assessable under this ordinance, including storage costs, have been paid in full, by cash, money order or cashier's check.

CHAPTER SIX
PLANNED UNIT DEVELOPMENT

6-101 Reserved for future use.

CHAPTER SEVEN SUBDIVISION OF LAND

7 – 101 ESTABLISHMENT AND TITLE

- .1 This chapter of the Zoning and Land Use Regulation establishes the rules, regulations and standards that govern the subdivision of land within the unincorporated area of San Juan County, and sets forth the procedure to be followed by the San Juan Regional Planning Commission and the Board of County Commissioners in the application and administration of these rules, regulations and standards.
- .2 This chapter of the Zoning and Land Use Regulation may be cited as “The Subdivision Regulations of San Juan County”.
- .3 The provisions of this chapter are supplemental to the regulations contained in other chapters of the Zoning and Land Use Regulation. In the event of any conflict between the provisions of this chapter and the provisions of any other chapter, the most restrictive provision shall apply.
- .4 In the event that any governing state statute is modified subsequent to the modification of these regulations, any subdivision proposed pursuant to these regulations which has not yet been approved by the Board of Commissioners by acceptance of a final plat shall comply with the state statute as modified or with these regulations, whichever imposes greater restrictions, unless the state statute expressly provides that these regulations are superseded.

7 – 102 AUTHORITY AND JURISDICTION

San Juan County is enabled by law to control the subdivision of all of the unincorporated land within its boundaries.

- .1 Any person, partnership, or corporation intending to subdivide land within the boundaries of San Juan County shall submit plans and plats, as required by and specified in these regulations, to the Board of County Commissioners at the San Juan County Courthouse in Silverton, Colorado for review and approval.
- .2 It shall not be lawful for any person, partnership, or corporation to record any such plan or plat in any public office unless the same has been reviewed by the Planning Commission and bears thereon, by endorsement or otherwise, the approval of the Board of Commissioners.
- .3 The Board of Commissioners shall have the power to bring an action to enjoin any subdivider from offering to sell, agreeing to sell, or selling any subdivided land before a final plat for such subdivided land has been approved and recorded in compliance with these regulations.

- .4 The Board of Commissioners shall have the power to exempt from these subdivision regulations any division of land that the Board determines does not coincide with the intent and purpose of regulating the subdivision of land.
- .5 The Board of Commissioners shall have the power to require collateral to secure the construction of public improvements within a subdivision. Such collateral may include, but is not limited to, performance or property bonds, private or public escrow agreements, assignment of receivables, loan commitments, liens on property, letters of credit or deposits of certified funds.

7 – 103 PROCEDURES FOR SUBMISSION AND REVIEW OF SKETCH PLAN

- .1 Subdividers shall apply for an Improvement Permit and submit 10 copies of a sketch plan to the San Juan County Land Use Administrator prior to the submission of a preliminary plan. If the subdivision is located within the Town/County Overlay Zone, the Land Use Administrator shall, within 3 days, give a copy of the sketch plan to the Town of Silverton. Said sketch plan will enable the subdivider and the Land Use Administrator, and where appropriate the Town of Silverton, to conduct an informal review of the site plan for general scope and conditions which might affect the plan. If the application is for an activity, use, improvement or development located on property any portion of which lies in another County or if access to the proposed activity, use, improvement or development may involve the use of roads lying in another County, the Land Use Administrator shall, within five (5) working days, give a copy of the sketch plan to the other County land use or planning department to conduct an informal review of the sketch plan and provide comments to San Juan County. The Land Use Administrator shall, within five (5) working days, give a copy of the sketch plan to the fire district or authority having jurisdiction over the property together with a request that the fire district or authority provide any comments regarding such application at least seven days prior to the scheduled Sketch Plan appearance before the Planning Commission. Said sketch plan will enable the subdivider the Land Use Administrator and applicable fire district or authority to conduct an informal review of the site plan for general scope and conditions which might affect the plan.
- .2 At the time of the sketch plan submission the subdivider will be given materials and information relating to the procedures and standards by which the suitability of proposed sewer and water systems may be determined and evaluated, and in the case of on-lot sewer or water facilities, forms to be completed by a professional geologist or engineer, licensed in the State of Colorado, for submission with the preliminary plan.
- .3 Upon receipt of the sketch plan materials, the Land Use Administrator shall, within 15 days, determine that the submission is complete and shall then give the materials to the Planning Commission, which shall review them and provide recommendations to the Board of Commissioners. Review by the Planning Commission shall take place no sooner than 20 days and no longer than 35 days from the date of determination of completeness by the Land Use Administrator. The Board of Commissioners shall then review the sketch plan and the

recommendations of the Planning Commission, at the next regularly scheduled meeting of the Board, and within 5 days communicate its comments to the subdivider and the Planning Commission.

7 – 104 PROCEDURES FOR SUBMISSION AND REVIEW OF PRELIMINARY PLAN

- .1 After receiving comments and recommendations on the sketch plan from the Board of Commissioners, subdividers shall submit 15 complete copies of the required material and supporting documents for a preliminary plan to the Planning Commission.
- .2 The Planning Commission shall distribute, by certified mail, copies of the preliminary plan to all agencies entitled to same under Colorado law, including the Town of Silverton, and to any other agency, entity or person as the Planning Commission deems appropriate. The Planning Commission shall distribute, by certified mail, copies of the preliminary plan to all agencies entitled to same under Colorado law, including the Town of Silverton, any County to which notice has been given pursuant to 7-103.1, the fire district or authority having jurisdiction over the property, and to any other agency, entity or person as the Planning Commission deems appropriate together with a request that each such agency provide any comments regarding the preliminary plan within fourteen days.
- .3 The Planning Commission shall contact each of the agencies which have not responded within 15 days to determine if an extension of time is necessary for the agency to respond. If, on or before the 21st day, the agency responds that such an extension is necessary, the Planning Commission shall seek the consent of the subdivider to grant such an extension for a total period not to exceed 51 days from the date of the original mailing. The failure of any agency to respond within 21 days, or within 51 days if an extension be granted, shall, for the purposes of the hearing on the plat, be deemed to have approved said plat.
- .4 Upon receipt of response by the agencies, or default by them, the Planning Commission shall review and study as it deems necessary, including the holding of public hearings, in order to make an informed and reasonable judgement on the preliminary plan.
- .5 Within 35 days of the submission of the preliminary plan by the subdivider to the Planning Commission, or within the period of an extension agreed to by the subdivider, the Planning Commission shall consider the preliminary plan at a public meeting, and deliver to the Board of Commissioners and the subdivider its recommendations regarding the preliminary plan.
- .6 If any agency to whom a copy of the preliminary plan submission was distributed responds after the public hearing specified in 7 – 104.5, the Planning Commission shall immediately review the response and transmit both the response and the Planning Commission's comments to the Board of Commissioners.

- .7 The Planning Commission shall recommend for approval only those preliminary plans which it finds to be in conformance with the intent, standards and criteria specified in the Zoning and Land Use Regulations.
- .8 The Board of Commissioners shall, within 35 days of the receipt of the recommendation of the Planning Commission, act upon the preliminary plan at an official meeting of the Board. Failure of the Board to act within 35 days shall constitute approval of the preliminary plan.
- .9 Approval of the preliminary plan shall be effective for 18 months. Thereafter, approval of the preliminary plan will have expired unless a final plat has been submitted or a mutually agreed upon extension has been granted by the Board of Commissioners. Whenever a final plat is submitted for less than the entire area covered by the preliminary plan, approval of the preliminary plan for the remaining unplatted area shall be extended for an additional 18 months.

7 – 105 PROCEDURES FOR SUBMISSION, REVIEW AND RECORDING OF FINAL PLAT

- .1 After receiving approval of the preliminary plan from the Board of Commissioners, subdividers shall, within 18 months of such approval, submit the final plat to the Planning Commission, and if the subdivision is located within the Town/County Overlay Zone, a copy of the final plat to the Town of Silverton.
- .2 No sooner than 20 days and no longer than 35 days from the submittal of the final plat, the Planning Commission shall review the submission for completeness pursuant to the requirements of Section 7 – 111 of this Code, and for conformity to the approved preliminary plan and any conditions upon which such approval may have been made.
- .3 Within 45 days of the submission of the final plat by the subdivider, the Planning Commission shall submit to the Board of Commissioners its comments and recommendations regarding the final plat.
- .4 The Board of Commissioners shall, within 35 days of the receipt of the recommendation of the Planning Commission, act upon the final plat at an official meeting of the Board. Failure of the Board to act within 35 days shall be deemed a favorable approval of the final plat.
- .5 If the Board of Commissioners determines that the final plat submission complies with the applicable requirements of these regulations, they shall endorse on the plat as follows:

Reviewed & approved by the
Board of Commissioners of
San Juan County, Colorado.

Date: _____

- .6 The Board of Commissioners shall record the final plat with the County Clerk & Recorder within five working days of approval of the plat by the Board. The County Clerk & Recorder shall furnish the subdivider with a receipt for the final plat upon its filing by the Board.
- .7 The Board of Commissioners may withdraw its approval of any plan or plat if and when it is determined that the information provided by the subdivider, upon which such decision was based, is false or inaccurate.

7 – 106 ACCEPTANCE OF STREETS AND OTHER PUBLIC LAND DEDICATION

Approval of a subdivision shall not constitute an acceptance by San Juan County of the roads, streets, alleys, or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the County shall be accepted only by specific action of the Board of Commissioners.

7 – 107 RESUBDIVISION PROCEDURES

Resubdivision of land, or changes to a recorded plat, shall be considered a subdivision and shall comply with these regulations with the following exceptions:

- .1 No lot or parcel of land shall be created or sold that is less than the minimum requirements for the area or dimension as established by these regulations.
- .2 Drainage easements reserved for drainage shall not be changed, unless supported by complete engineering data.
- .3 Street locations and rights-of-way shall not be changed.
- .4 The plat shall not be adversely altered in any way.
- .5 If it is discovered that there is a minor drafting or surveying error in a recorded plat, the subdivider shall be required to file an amended plat with the Board of Commissioners containing the affidavits of two surveyors concerning the amendment to the plat. At least one of the surveyors must be an impartial observer having no personal interest in the subdivision.
- .6 If drafting or surveying error results in such major alterations that an amended plat would no longer meet the design standards and criteria of these regulations, then the subdivision shall again undergo approval procedures according to these regulations, including the recording of a new final plat.
- .7 Where the resubdivision complies with the appropriate requirements of these regulations, a plat indicating the resubdivision shall be submitted to the Board for its endorsement prior to the filing of such plat with the County Clerk & Recorder. Such plats shall specifically indicate the revisions being made compared to the previously recorded plat.

7 – 108 NOTIFICATION TO THE LAND USE COMMISSION

Each month the Board, or its appointed representative, shall transmit to the Colorado Land Use Commission copies of the notice of filing and a summary of information of each subdivision preliminary plan and plat submitted to them together with a report of each exemption granted by the Board pursuant to Colorado Revised Statutes 30-28-133(7) and these regulations on such form as may be provided by the Land Use Commission.

7 – 109 SKETCH PLAN REQUIREMENTS

Sketch Plans shall include the following:

- .1 The name of the subdivision, which shall not bear the same name as another subdivision unless they are adjoining and using consecutive filing numbers.
- .2 The name and address of the owner(s) of the property, including proof of ownership of the parcel which is proposed to be subdivided, such proof consisting of a title report prepared by a title insurance company licensed to do business in the State of Colorado or by an attorney licensed to practice in the State of Colorado, which title report shall list the names and addresses of all owners of interest in the property, including mineral or water rights, together with the names and addresses of all holders of mortgages, deeds of trust, easements, liens, leases, contracts or agreements affecting the property and a complete description of the nature of their interest in the property. Such proof shall also include proof of adequate access to the parcel from an existing County road or State highway. No sketch plan shall be accepted for review unless the person or entity submitting it shows consent by all of the persons having interest in the property to the proposed subdivision. No sketch plan shall be accepted for review unless the proposed subdivision has adequate access to an existing County road or State highway. If access is from a State highway, the applicant shall provide proof that necessary access permits can be obtained from the Colorado Department of Transportation.
- .3 The name and address of the subdivider(s) of the property and either proof of registration of the subdivider as required by C.R.S. 12-61-401 or proof of exemption from the registration requirements.
- .4 A map or maps (drawn to appropriate scale) showing the general location and property boundaries of the subdivision, true North, and any significant natural or man-made features on and within ½ mile of any portion of the site.
- .5 A map or maps drawn to the scale of 1" = 200' which shall show the following:
 - (a) Identification data such as: True North, name of subdivision, county, township and range and section, quarter section, block and lot.
 - (b) A lot and street layout indicating general scaled dimensions of lots to the nearest foot.

- (c) Existing topographic contours at 10 foot intervals drawn from available data, such as USGS maps.
 - (d) The acreage of the entire tract, to the nearest ½ acre, and the percent of total acreage to be devoted to each type of use (streets, wetlands, living space, etc.).
 - (e) Soil types and their boundaries, as shown on soil survey maps prepared by the U.S. Dept. of Agriculture, Soil Conservation Service, including a table of interpretations for the soil types shown on the maps.
 - (f) A winter sunlight map showing solar penetration, and thus likely snowmelt, in areas being considered for year-round access.
 - (g) Existing vegetation, streams, ponds, ditches or other water courses or bodies.
 - (h) Existing highways, roadways, trails, landmarks and reference points must be shown and the applicant must demonstrate that the proposed subdivision will have year-round wheeled vehicle access to the state highway system.
 - (i) The ownership of adjacent property and any man-made structures currently existing or known to be under proposal for construction on adjacent property.
 - (j) The nearest existing power line or lines and the location of all lines which the applicant proposes to install in order to provide commercial power to all developable lots within the proposed subdivision.
- .6 The dimensions of each and every map submitted shall be 24 inches by 36 inches, with a 2 inch binding margin on the left hand edge. In the case of multiple sheets, a key map showing the relationship of the individual maps shall be provided on each sheet.
- .7 Written reports concerning the proposed water system and sewage disposal system, documentation of water rights, historic water use, geologic characteristics and their impact on the proposed subdivision, and any existing or potential radiation, environmental or other natural or manmade hazards.
- .8 Prior to submitting the sketch plan, the applicant shall review all existing maps and other information available through the County Land Use office or any other source to obtain any data relevant to the evaluation of natural hazards which may affect the proposed development site, including but not limited to, avalanche, flood, rockfall, etc. If any property proposed for subdivision is subject to any natural hazard, the sketch plan shall contain specific plans for avoiding such hazard in any development.
- .9 Information as follows to aid the Land Use Administrator in determining the compliance of the proposed subdivision with the adopted Skyline Development Standards:

- (a) Photographs of the current condition of the property specifically including photographs of the development location taken from any roads from which the proposed subdivision may be visible.
 - (b) Computer generated or other representations showing the proposed development against the background of the surrounding area and sky as the subdivision will appear when completed.
 - (c) When compliance with the Skyline Development Standards cannot be sufficiently determined or at the request of the Land Use Administrator, the developer shall erect story poles connected by visible tape (e.g., construction tape) that clearly illustrate the full massing of the proposed development.
- .10 Proof that all property taxes levied against the property have been paid and that there are no unredeemed Certificates of Purchase associated with the property.

7 – 110 PRELIMINARY PLAN REQUIREMENTS

Preliminary Plans shall include the following:

- .1 The name of the subdivision.
- .2 The name and address of: The owner(s) of the surface estate, all mineral and water rights (if different) and of all persons or entities having any interest in the property; the name of the subdivider(s); and the name of the designer(s) of the preliminary plan.
- .3 Proof of the developer's compliance with the requirements of C.R.S. 12-61-402 (Registration).
- .4 The legal description of the area to be subdivided and its acreage, established by a survey map prepared by a licensed Colorado surveyor.
- .5 A location and vicinity map, drawn to an appropriate scale, showing the following:
 - (a) Existing and planned alleys, streets and highways.
 - (b) Zoning, taxing and other special districts.
 - (c) Significant vegetation patterns.
 - (d) Perimeter outline of the subdivision, accesses, abutting property ownership, and other relevant information within one half mile distance of the proposed plat.

- (e) Location of subdivision as defined by township, range and section, specifying mining districts, claim names, patent plats, and U.S. mineral survey numbers and field notes.
- .6 A traverse map, drawn to an appropriate scale, of the monumented perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than 1 part in 10,000. Survey tie into the state grid or other permanent marker established by the County Surveyor is required if practical. Monuments shall conform to the requirements of C.R.S. 136-1-1 and 136-2-1 et seq. (See Appendix)
- .7 A map or maps drawn to the scale of 1" = 200' which shall show the following:
- (a) Dimensions of all lots to the nearest foot.
 - (b) Lots and blocks numbered consecutively.
 - (c) Location and identification of all existing and proposed public and private easements.
 - (d) Existing and proposed streets, including names, showing that all proposed lots and parcels shall have access to the state or county highway system as required by law.
 - (e) Sites to be reserved or dedicated for playgrounds, parks, schools, or other public uses, and open space not reserved for public use.
 - (f) Sites, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single family dwellings.
 - (g) The total acreage of the subdivision and the percent of that acreage devoted to each type of use, such as streets, open space, etc.
 - (h) Existing buildings, utility lines, easements and other notable features within the subdivision and within 200 feet of the subdivision.
 - (i) A composite utility easement plan, showing location, size, and uses of all proposed easements.
- .8 A map or maps drawn to the scale of 1" = 200' which shall show the following:
- (a) Basic layout of lots and streets and significant geologic features.
 - (b) General location of trees over 6 inches in diameter (measured 6 feet above the ground).

(c) Soil types and their boundaries, as defined by the National Cooperative Soil Survey, U.S.D.A., Soil Conservation Service, and a table of interpretations for the soil types shown.

.9 A map or maps drawn to the scale of 1" = 200' which shall show the following:
(a) Basic layout of lots and streets.

(b) The existing contours, at 2 foot intervals, for predominant ground slopes between level and 5% grade; and at 5 foot intervals for predominant ground slopes over 5% grade.

(c) A generalized grading plan identifying areas of cut and fill, and street gradients. Intended contours shall be shown as solid lines and existing contours as dashed lines.

(d) Water courses and proposed storm water drainage systems, including culverts, water areas, streams, marshes, swamps, and areas of occasional flooding.

(e) The boundaries of areas subject to flooding as a frequency of once every 100 years.

NOTE The Planning Commission shall determine, from a review of the preliminary plan, whether the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, or other earth moving operations, or whether there exists other erosion hazards, and if so, shall require the subdivider to provide soil erosion and sedimentation control plans. Such control plans and specifications shall be prepared by a registered professional engineer, or the U.S. Soil Conservation Service. In the event that soil erosion and sediment control plans are required, the preliminary plan submission shall be considered incomplete until such plans have been submitted to the Planning Commission.

.10 All maps submitted as a part of the preliminary plan application shall meet the following requirements:

(a) Prints of maps shall be black on white or blue on white, and reproduction shall be clear and crisp. A poorly drawn or illegible plan is sufficient cause for its rejection.

(b) The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed in the State of Colorado.

(c) The dimensions of each and every map submitted shall be 24 inches by 36 inches, with a 2 inch binding margin on the left hand edge. In the case of multiple sheets, a key map showing the relationship of the individual maps shall be provided on each sheet.

- (d) In addition to all of the maps and information required by the foregoing sections, the applicant shall submit maps showing all other information that may be required by state statute or other government enactment.

.11 A text, appropriately bound or assembled, which shall include the following:

- (a) The Application for Improvement Permit issued by the County Land Use Administrator and all accompanying paperwork and documentation.
- (b) An abstract of title for the property, or evidence of title insurance, and any supporting documentation.
- (c) Survey notes of subdivision perimeter survey and copies of all monument records required pursuant to C.R.S. 136-4-2.
- (d) The substance of all covenants, grants of easements or restrictions to be imposed upon the use of any land, buildings or structures.
- (e) The total number of proposed dwelling units.
- (f) The total square footage of proposed non-residential floor space.
- (g) The total number of proposed off-street parking spaces, excluding those associated with single family residential development.
- (h) The function, ownership, and manner of maintenance of common open space not dedicated for public use.
- (i) Geologic investigation reports regarding area suitability for the proposed development. (see Appendix)
- (j) Estimated total number of gallons per day of water system requirements.
- (k) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central sewage treatment facility is proposed.
- (l) Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and other utilities or facilities.
- (m) Evidence that public or private sewage treatment facilities can and will provide adequate treatment for the proposed subdivision if such service is to be provided by an existing district.
- (n) Adequate evidence that a water supply, sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:

- (1) Evidence of ownership, or right of acquisition or use of, existing and proposed water rights.
 - (2) Historic use and estimated yield of claimed water rights.
 - (3) Amenability of existing rights to change of use.
 - (4) Evidence that public or private owners can and will supply water to the proposed subdivision, and the amount of water to be provided.
 - (5) Evidence of the potability of the water supply.
 - (o) Computer generated or other accurate representations showing the proposed development against the background of the surrounding area and sky, as to aid the Land Use Administrator in determining compliance with adopted Skyline Development Standards found in section 4-110(r) of the San Juan County Land Use Code.
- .12 If individual, on-lot water supply systems are proposed, a geologic report shall be submitted and shall contain a specific section on groundwater geology prepared by a qualified groundwater geologist, which indicates:
- (a) The probability of success of wells or on-site supply systems throughout the proposed subdivision.
 - (b) Expected long term yield of such wells or systems.
 - (c) Expected depth of usable water.
 - (d) Expected quality of the anticipated water.
 - (e) Any expected significant pollution, or problems of long term supply or maintenance of such wells or systems.
- .13 A noxious weed management plan.
An integrated noxious weed management plan that addresses how to stop the spread of noxious weeds shall be developed for each subdivision, and reviewed by the San Juan County's Noxious Weed Management Advisory Board. The plan will address how to prevent noxious weeds once the soil is disturbed; how to identify and monitor noxious weeds; how to contain, suppress or eradicate noxious weeds; and how to revegetate disturbed sites
- .14 The Planning Commission, in its discretion, may require of a subdivider any additional information or material which the Commission deems necessary or useful to its evaluation of the proposed subdivision.

- .15 Proof that all property taxes levied against the property have been paid and that there are no unredeemed Certificates of Purchase associated with the property.

7 – 111 FINAL PLAT REQUIREMENTS

Final Plats shall meet the following requirements:

- .1 The Final Plat may be submitted in sections covering representative and reasonable portions of the subdivision tract. In such cases submission shall include 8 copies of a map, properly designating the section submitted and its location within the entire tract, and shall include title, legend, matchlines, submission date, and other appropriate information.
- .2 The Final Plat submission shall conform in all respects to the Preliminary Plan as approved by the Board of Commissioners, and shall incorporate all modifications required by the Board as a condition of approval. The Final Plat may, however, reflect natural changes which have occurred in its environment since the approval of the Preliminary Plan.
- .3 Non-contiguous parcels shall not be submitted in the same plat, nor shall more than one plat be submitted on the same sheet. Contiguous parcels owned by different parties may be submitted in one plat, provided that all owners join in the dedication and acknowledgement.
- .4 Submission of a revision to a Final Plat shall include a copy of the original plat for comparison.
- .5 The Final Plat shall be drawn at a scale of 1" = 200' and shall address or include the following:
 - (a) All lands within the plat shall be accounted for as either lots, walkways, streets, alleys or excepted areas.
 - (b) The bearings, distances and curve data of perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse shall be given and a notation made that the plat includes all land to the water's edge or otherwise.
 - (c) For all curves on the plat, sufficient data shall be given to enable the re-establishment of the curve on the ground. For circular curves, this data shall include the radius, arc length, tangent, central angle, and notation of non-tangent curves.
 - (d) Lengths shall be shown to hundredths of a foot, and angles and bearings shown to seconds of an arc.
 - (e) All dimensions of irregularly shaped lots shall be indicated in each lot.

- (f) Bearings and lengths shall be given for lot lines, except that bearings and lengths need not be given for interior lot lines where they are the same as those of both end lot lines.
 - (g) All easements shall be designated as such, and shall show bearings and dimensions.
 - (h) All blocks, and all lots within each block, shall be consecutively numbered.
 - (i) Excepted parcels shall be marked "Not included in this subdivision" or "Not included in this plat", with the boundary indicated by bearings and distances.
 - (j) All streets, walkways and alleys shall be designated as such and shall indicate bearings and dimensions. Streets shall be named.
- .6 The Final Plat shall include the following information:
- (a) The name of the subdivision, astronomic north arrow, basis of bearings, graphic scale, and date.
 - (b) Name and address of owner(s) of record.
 - (c) Total acreage of subdivision and number of lots.
 - (d) Number of acres, to the nearest half acre, proposed for each type of use, and the percent of total area proposed for each type of use.
 - (e) Township, Range, Section and, if applicable, Quarter Section. Also, if applicable, Block and Lot.
 - (f) Location of permanent reference monuments, and block and lot monuments, set in compliance with C.R.S. 136-2-1, and any additional information required C.R.S. 136-2-2.
- .7 At least one second order benchmark (N.G.S. Datum) shall be set (at a practical tie in location) within every subdivision, and its location indicated on the Final Plat.
- .8 All Final Plat drawings shall comply with the following:
- (a) The Final Plat, and any drawing included as part of the Final Plat submission, shall be prepared and certified as to its accuracy by a registered land surveyor or, where appropriate, a registered professional engineer, licensed to do such work in the State of Colorado. A workman-like execution of the plat or drawing shall be made in every detail. A poorly drawn or illegible plat or drawing shall be sufficient cause for its rejection.

- (b) The plat shall be delineated in drawing ink, on waterproof tracing cloth or mylar, and be drawn to a scale of 1" = 200'. The size of the plat shall be 24 inches high by 36 inches wide, with a 2 inch binding margin on the left side of the sheet.
 - (c) The surveyor shall certify on the plat, by affixing his name and seal, that it conforms to these regulations and to all applicable state laws, and that the monuments described on the plat have been placed as described.
- .9 The Final Plat shall include 8 copies of an "Application For Subdivision Approval (Final Plat)", and 8 copies of the following supporting documents, all of which will be considered as a part of the Final Plat submission.
- (a) Drawings, in compliance with Section 7 – 111.8(a), of all utility lines and easements, plus written statements from applicable utility companies that service will be provided to the subdivision.
 - (b) Plans, profile and typical cross section drawings of roads, bridges, culverts, and other drainage structures, prepared in compliance with Section 7 – 111.8(a).
 - (c) Grading and drainage plan prepared in compliance with Section 7-111.8(a). The proposed grading plan shall be indicated by solid line contours which are superimposed on dashed line contours of the existing topography. Such contours shall be at 2 foot intervals for predominant slopes over 5% grade. In the case of predominantly level topography, contours of 1 foot may be required.
 - (d) Erosion control plan, prepared in compliance with Section 7 – 111.8(a), when such plan was required for, or as a result of, the Preliminary Plan review.
 - (e) Bonds, agreements, assignments, commitments, liens, or deposits required by the Board of County Commissioners in accordance with Section 7 – 102.5 of these regulations.
 - (f) Certificate of title insurance, which shall set forth the names of all owners of property included in the plat, and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the county which may affect the property included in the plat. If the opinion of title discloses the existence of any of the above, the Board of Commissioners may require the holders of such documents to join in and approve the Final Plat application before its being accepted by the Planning Commission.
 - (g) Proof of the dedication of an existing easement, when such easement is contiguous to a proposed easement or right-of-way indicated on the Final Plat.
 - (h) A letter, from the Board of County Commissioners, indicating that the Board intends to accept the lands to be dedicated for schools, roads, parks, or other

public purposes, subject to applicable improvement standards and agreements by the appropriate agencies.

- (i) State highway permit for any new street that intersects with a state highway.
 - (j) Deed restrictions that will govern the current or future use of any lot or common land.
 - (k) Monument record for the required benchmark.
- .10 Any subdivision of land, as presented in the Final Plat, shall conform to Colorado Revised Statutes, the San Juan County Zoning & Land Use Regulation, the San Juan County Comprehensive Plan, and any other applicable regulation or resolution in effect in San Juan County.
- .11 Proof that all property taxes levied against the property have been paid and that there are no unredeemed Certificates of Purchase associated with the property.”

7 – 112 FINAL PLAT DESIGN STANDARDS

All subdivisions shall comply with the following standards:

- .1 The design and development of the subdivision shall preserve, insofar as possible, the natural terrain and drainage of the land, the existing topsoil and existing vegetation.
- .2 Land subject to hazardous conditions, such as avalanche, flood, land slide, rock fall, mud flow, open mine shaft, nonpotable water, etc., shall be identified and shall not be subdivided until the hazard has been either eliminated or appropriately mitigated, or plans for the hazard to be eliminated or mitigated are included as part of the Final Plat submission.
- .3 Lots.
 - (a) No lot shall be divided by a municipal or county boundary line, by a road or alley, or by another lot. The Board of County Commissioners may permit lots to be crossed by a road provided they determine such to be consistent with the intent of these regulations and further provided that such lots may have additional conditions imposed upon them.
 - (b) No wedge-shaped lot shall be less than 30 feet in width at the front property line.
 - (c) Side lot lines shall be at substantially right angles, or radial to street lines wherever possible. Where not possible, an explanation shall be included as part of the Final Plat submission.
 - (d) All residential lots shall front on a public street.

- (e) Double frontage lots are not allowed.
- .4 Streets: No subdivision shall be approved until the applicant has provided the County with clear evidence that all streets and lots within the subdivision will have year round access to the state highway system by wheeled vehicles.
- (a) The street or highway layout shall conform to the street plan of the county in which the subdivision lies.
 - (b) Local streets shall be laid out in a manner that will discourage through traffic.
 - (c) Provision must be made for an efficient street system. Stub streets, or the extension of new streets, shall be constructed so as to connect with existing stub streets. Not more than 6 lots shall front on a stub street, except where a temporary cul-de-sac is provided.
 - (d) Intersections of local streets with major streets shall be kept to a minimum.
 - (e) Streets shall have the following right-of-way width:
 - Major highway – 100 feet, or as otherwise required by state or federal standard.
 - Collector street – 80 feet.
 - Local street and service road – 50 feet.
 - (f) Streets shall have the following roadway widths:
 - Major highway – 64 feet, or as otherwise required by state or federal standard.
 - Collector street – 44 feet.
 - Local street and service road – 34 feet.
 - (g) Streets shall be provided with concrete curbs, or, in the absence of curbs, with ten foot shoulders.
 - (h) Half streets shall not be permitted, except when required to complete a half street already in existence.
 - (i) Dead-end streets (not cul-de-sacs) are not allowed.
 - (j) Permanent cul-de-sac streets serving no more than 20 lots may be permitted. The turn around shall have a minimum radius of 65 feet for the right-of-way, and a minimum radius of 55 feet to the outside curb or edge of pavement. These measurements also apply to temporary cul-de-sacs. Engineered "hammerheads" may be allowed if approved by relevant emergency service providers.

- (k) Streets shall intersect at 90 degrees, except where prevented by topography or other obstacle. No more than two streets shall intersect at one point.
- (l) Two streets meeting a third street, or highway, from opposite sides shall meet at the same point, or shall be separated by a distance of at least 100 feet.
- (m) Streets shall assume the name of existing streets with which they are aligned within the county, or if appropriate, within an adjoining county or municipality. No new street, not in alignment with an existing street, shall be given the name of a street that already exists within the county, or that might create obvious confusion with the name of an existing street.
- (n) To assure adequate sight distances, when street roadway lines deflect more than 5 degrees, connection shall be made by horizontal curves.
- (o) Vertical curves shall be used at changes of grade exceeding one percent, and shall be designed to provide minimum sight distances of 200 feet for local streets and 300 feet for all other streets. Arterial streets and collector streets shall be as specified by the American Association of State Highway Officials.
- (p) Where a residential subdivision abuts a major highway, service roads may be required.

.5 Roadbed Construction Standards.

- (a) Roadbeds shall be graded and paved to a width of 34 feet on local streets and a width of at least 44 feet on all other streets. 10 foot shoulders shall be required in the absence of curbs.
- (b) On the properly rolled and crowned subgrade, there shall be constructed a crushed aggregate base course of 6 inches minimum depth when compacted, conforming to the Colorado Department of Transportation specifications for crushed aggregate base course. Should conditions warrant, the county may require a base of more than 6 inch depth.
- (c) On the crushed aggregate base course, a bituminous penetration surface course of 2.5 inch minimum thickness shall be constructed, conforming to the Colorado Dept. of Transportation specifications for a bituminous surface course. Should conditions warrant, the county may require an asphaltic concrete surface course.
- (d) Curbs, when required, shall be of cement concrete or asphalt on all streets throughout the subdivision, and shall be of either straight or rolled type. Straight curbs shall be 20 inches in depth, 6 inches wide at the top and 8 inches wide at the bottom. Rolled curbs shall be 14 inches in depth, 24 inches in width, 6 inches wide at the top and have a 17 inch curb return, except at corners where it shall have a 15 inch curb return.

- (e) Construction of unpaved roads shall be according to standards approved by the Board of County Commissioners.
- .6 Sidewalks shall be provided where required by the county, on both sides of all streets, not less than 4 feet in width, and constructed of reinforced 3000 P.S.I concrete at least 4 inches thick. The area from the curb line to sidewalk shall slope $\frac{1}{4}$ inch per foot toward the street.
- .7 Block lengths shall be reasonable in length and the total design shall provide for convenient access and circulation of emergency vehicles. Where blocks exceed 1000 feet in length, pedestrian rights-of-way not less than 10 feet in width shall be provided where appropriate for adequate pedestrian circulation. Improved walks of not less than 5 feet in width shall be placed within the rights-of-way.
- .8 The minimum lot size shall be 5 acres, unless determined to be greater by an agency authorized to set such standards (i.e. San Juan Basin Health). The minimum lot size may be reduced in subdivisions with central water and/or sewer systems. Additionally the minimum lot size may be reduced in subdivisions that provide affordable housing.
 - (a) The minimum lot size for subdivisions that meet the following affordable housing standards and provide central water and sewer will be 20,000 square feet or a density of two units per acre.
 - (b) The minimum lot size for subdivisions that meet the following affordable housing standards and provide central sewer shall be one acre or a density of one unit per acre.
 - (c) The minimum lot size for subdivisions that meet the following affordable housing standards and provide for central water shall be three acres or a density of one unit per three acres.
 - (d) The minimum lot size for subdivisions that meet the following affordable housing standards shall be four acres or one unit per four acres.

.8A AFFORDABLE HOUSING

(a) Residential Subdivision or PUD

10% of the housing units in each residential subdivision or PUD shall be constructed to be permanently affordable to and occupied by low and moderate income households. For purposes of this Section, a low to moderate income is defined as a household with an income not exceeding eighty percent (80%) of the San Juan County median income, adjusted by family size. Affordable housing units will be located within the approved subdivision or PUD. Affordable housing units must be located within the subdivision or PUD unless approved by the County. In lieu of providing the affordable housing on site the applicant, with County approval, may meet these requirements with a housing assistance fee sufficient to defray the cost of providing permanent low and moderate income housing off site.

(b) Commercial and Resort Subdivision or PUD

Employee Housing Units will be provided at a rate of one (1) Employee Housing Unit for each ten (10) non-employee housing units. Employee Housing Units will be provided for each 15,000 gross square feet of retail commercial space. Employee housing units must be located within the subdivision or PUD unless approved by the County. In lieu of providing the employee housing on site the applicant, with County approval, may meet these requirements with a housing assistance fee sufficient to defray the cost of providing permanent low and moderate income housing off site. The requirements for non-retail commercial shall be negotiated on an individual basis.

(c) The affordable/employee housing requirement shall be incorporated into a written agreement between the Applicant and the County. The written agreement shall among other things specify the number of employee housing units to be constructed, the approved time schedule for construction of the units and provide satisfactory financial assurances, in such form and amount as may be required by the County.

(d) Affordable/employee housing units must be permanently restricted by County approved deed restrictions.

(e) For a subdivision or PUD with less than ten (10) residential units or less than 15,000 gross square feet of commercial space a housing assistance fee shall be paid to the County in the following amount:

2 lots	.05%	of the full market value of the gross land area
3 lots	1%	of the full market value of the gross land area
4 lots	2%	of the full market value of the gross land area
5 lots	3%	of the full market value of the gross land area
6 lots	5%	of the full market value of the gross land area
7 lots	7%	of the full market value of the gross land area
8 lots	9%	of the full market value of the gross land area
9 lots	10%	of the full market value of the gross land area

Any fees collected under this provision shall be used for the development of affordable and/or employee housing and shall be collected at final plat approval.

- .9 Easements shall follow rear and side lot lines wherever practical and shall have a minimum width of 20 feet, apportioned equally in abutting properties. Where front line easements are required, a minimum width of 15 feet shall be allocated as a utility easement. Perimeter easements shall not be less than 15 feet in width, extending throughout the peripheral area of the subdivision, and shall be designed so as to provide efficient installation of utilities. Special guying easement at corners may be required. Public utility installations shall be so located as to allow for multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.
- .10 Driveways shall not have direct access to major highways.

.11 Sanitary Sewage Disposal.

- (a) All lots or parcels which cannot be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal system prior to the occupancy of or use of buildings constructed thereon. In order to determine the ability of the soil involved to properly absorb sewage effluent, an interpretive map, based upon the National Cooperative Soil Survey shall be submitted, showing the suitability of the soil for septic tank fields or pits, accompanied by the results of percolation tests.
- (b) Lands created, altered, or filled with non-earth materials within the last 10 years shall not be divided into building lots which are to be served by soil absorption waste disposal systems.
- (c) Each lot shall have 50 percent of its minimum required lot area or 20,000 square feet, whichever is less, in slopes of less than 15 percent.
- (d) Each lot to be served by an on-site soil absorption sewage disposal system shall contain a minimum depth of 8 feet from the surface of the ground to impermeable bedrock, and a minimum depth of 8 feet from the surface of the ground to the surface of groundwater (based upon annual high water level). Each site must also be at least 100 feet from any supply well, at least 50 feet from any stream or water course, and at least 10 feet from any dwelling or property line.
- (e) Soils with a percolation rate slower than 30 minutes per inch shall not be divided into building sites to be served by soil absorption sewage disposal systems.
- (f) Land rated as having severe limitations for septic tank absorption fields, as defined by the U.S. Department of Agriculture, Soil Conservation Service (county soil survey), shall not be divided into building sites to be served by soil absorption sewage disposal systems unless such building sites contain not less than 20,000 square feet of other soils rated as suitable for such systems.
- (g) An applicant desiring to install a soil absorption sewage disposal system in soils having severe limitations shall obtain the certification of a soils scientist that the specific areas lying within these soils are suitable for such a system and meet Health Department standards. In addition, the soils scientist shall certify that proposed corrective measures will overcome the severe limitations.
- (h) An applicant desiring to install a soil absorption sewage disposal system in soils having severe limitations shall have an opportunity to present evidence contesting such classification and analysis, if he so desires. The Board of County Commissioners may, after hearing such evidence, affirm, modify or change the classification.
- (i) Where local, county, or regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision within a reasonable

time, the Board of County Commissioners may require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot disposal systems. If the Board makes such a requirement, the subdivider shall either install on-lot disposal systems on each lot or require by deed restriction, or as a condition of sale, that the purchaser of said lot install such a system at the time of principal building construction.

- (j) Test procedures shall be conducted in accordance with San Juan Basin Health Department's Individual Sewage Disposal System Regulations, and any other requirements imposed by the state or county.

.12 Water supply systems shall be provided consistent with the standards and requirements of these regulations. Where on-lot water supply systems are proposed, the subdivider shall either install such systems on each lot or require by deed restriction, or as a condition of sale, that the purchaser of said lot install such a system at the time of principal building construction.

.13 Storm Drainage and Flood Plains.

- (a) Complete drainage systems for the entire subdivision area shall be designed and graphically illustrated by a professional engineer, licensed in the State of Colorado.
- (b) If the Final Plat is to be submitted in sections, a drainage plan for the entire area shall be submitted with the first section and shall indicate the stages for the development of the drainage system.
- (c) Drainage and flood plain systems shall be designed to permit the unimpeded flow of natural water courses and to ensure adequate drainage of all low water points.
- (d) Construction of buildings in a flood plain shall be in compliance with Chapter 10 of these Regulations, the chapter concerning flood plain hazard identification and analysis.
- (e) Where floodway velocities are determined to be under 5 feet per second, and maximum flood depth will not exceed 3 feet, such uses as cultivated agriculture, nurseries, recreation facilities, parks, and accessory parking may be allowed.
- (f) Any use of land is prohibited where flooding would create a public health problem. This includes shallow wells, uncased deep wells, sanitary land fills, septic tank and on-lot sewage disposal systems, water treatment plants, and sewage disposal systems not completely protected from inundation.
- (g) Trailer parks, mobile homes and similar uses are not allowed in any designated floodway.

- (h) Any proposed flood plain encroachment or channeling shall be thoroughly analyzed, and its effect on stream flow determined, before it is undertaken. Any dumping, construction, or filling operation in a designated floodway constitutes an encroachment.
 - (i) Subdividers proposing to create lots containing land which is less than 2 feet above the level of the 100 year flood plain, or where such a level is not able to be determined, less than 5 feet above the level of the maximum flood of record, must provide proof that the lot contains an adequate building site and, where applicable, adequate sites for water and sewage disposal systems.
 - (j) The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate, not only the subdivision area, but areas adjacent to and upstream from the subdivision. The design shall also consider the effects on land downstream. All designs, details and dimensions necessary to clearly explain the proposed construction and landscaping plans shall be presented as part of the drainage system plan.
- .14 In any case where a subdivision is planned for only a portion of a particular parcel of land, the subdivider shall indicate his intent for the remainder of the parcel.
- .15 A subdivision shall include the designation of areas, or sites, of character and location suitable for public use for schools and parks, according to one of the following alternatives or a combination of them as determined by the Board of County Commissioners.
- (a) 5% of the gross land area of the final plat shall be dedicated to public use.
 - (b) 5% of the full market value of the gross land area of the final plat, determined at the time of the final plat submission, shall be paid by the subdivider to the county.
- .16 A proposed subdivision shall not, by reason of its location or design, place an undue burden on public utility systems or on community or public facilities or services. Where extension, improvement or enlargement of public utility systems or community or public facilities or services is necessary due to a proposed subdivision, the subdivider shall make provision to offset higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due consideration shall be given to the difference between anticipated public costs of installation, operation and maintenance and anticipated public revenue derived from the fully developed subdivision in determining added net public cost.

7 – 113 MOUNTAIN SUBDIVISIONS

In the mountainous portions of San Juan County, additional standards may be required, or current standards modified, as follows:

- .1 Roads.

- (a) Local mountain roads shall have a minimum deeded right-of-way of 50 feet and a minimum usable road surface of 24 feet. Collector streets shall have a minimum deeded right-of-way of 60 feet and a minimum usable road surface of 34 feet. All roads and streets shall be ditched to a minimum of 5 feet. Minimum centerline radius of curves shall be no less than those determined to be necessary for fire apparatus, school buses, and other vehicles likely to require access to the area.
- (b) Drainage ditches and culverts shall be approved by the County Engineer or a professional engineer employed by the county.
- (c) Grades shall not exceed 8% except as otherwise approved by the Board of County Commissioners. The maximum permissible grade shall be 10%, for a horizontal distance not exceeding 200 feet.
- (d) At least two points of access and egress shall be available for all lots within the subdivision to ensure adequate access and egress in the event of avalanche, forest fire, or other emergency condition.

.2 Where more than 10% of the proposed subdivision area has a slope of 30% or greater, the following will be contacted for their recommendations:

- (a) San Juan Basin Health Department.
- (b) Colorado Water Quality Control Commission.
- (c) Colorado State Forest Service.
- (d) U.S. Forest Service and/or Bureau of Land Management, if land controlled by either agency abuts the subdivision.
- (e) Southwestern Water Conservation District.

.3 All slash materials, vegetative residues, fallen trees, limbs, etc., shall be removed from the subdivision, or in the case of large trees and limbs, cut and stacked for firewood at appropriate and convenient locations.

.4 No building permit shall be issued unless the plans conform to the adopted standards for the use of safety glazing materials in hazardous locations.

.5 No subdivision shall be approved which clearly creates or constitutes a hazardous condition, or which demonstrates a lack of provision for the public safety.

7 – 114 UTILITIES AND IMPROVEMENTS

.1 The following improvements shall be constructed at the expense of the subdivider, as stipulated in the Subdivision Improvements Agreement:

- (a) Roads, curbs and sidewalks.
 - (b) Sanitary sewer laterals and mains.
 - (c) Storm sewer or storm drainage system.
 - (d) Water distribution system.
 - (e) Street signs at all street intersections.
 - (f) Permanent reference monuments and monument boxes.
 - (g) Electrical service to each lot.
 - (h) Other improvements as required by the Board of County Commissioners.
- .2 No subdivision shall be approved until the applicant has provided the County with clear evidence that provision has been made for facility sites, easements, and rights of access for electrical service sufficient to ensure reliable and adequate electrical service for the proposed subdivision. Submission of a letter agreement between the subdivider and utility serving the site by which the utility contractually obligates itself to provide such service shall be deemed sufficient to establish that adequate provision for electric service to the proposed subdivision has been made. All utilities, except major power transmission lines, shall be underground, unless specifically exempted by the Board of County Commissioners, who shall grant such exemption only in the case of extreme circumstances.
- .3 No Final Plat shall be approved or recorded until the subdivider and the Board of County Commissioners have entered into the following agreements.
- (a) A Subdivision Improvements Agreement.
 - (b) Other necessary agreements setting forth the plan, method and parties responsible for the construction of any required public improvement shown on the Final Plat.
- .4 As improvements are completed, the subdivider may apply to the Board of County Commissioners for a release of all or part of the collateral deposited with the Board. If the Board determines that any of such improvements are not constructed in compliance with specifications, it shall furnish the subdivider with a list of specific deficiencies and shall withhold collateral sufficient to ensure compliance. If the Board determines that the subdivider cannot, or will not, construct any or all of the improvements in compliance with specifications, it may withdraw from the appropriate agreement and cause the construction of the improvements to occur, to be paid for from the collateral provided by the subdivider.

7 -- 115 BUILDING STANDARDS

- .1 Maximum Building Height: 35 feet
- .2 Maximum Size of Residence: 7500 square feet
- .3 Maximum Residential Structure Footprint: 5000 square feet
- .4 Minimum setback: from property line: 50 feet
- .5 Steep Slope:
No building construction will occur on slope areas in excess of 25% unless a professional geotechnical and engineered study has been submitted with sufficient information to show the extent of the hazard and the mitigation methods and design measures proposed for use on the site.
- .6 Off-Street Parking:
There shall be a minimum of two off-street parking spaces for each single family dwelling unit. There shall be a minimum of one off-street parking space for each caretaker unit.

7 -- 116 SCENIC PRESERVATION

- .1 A 100' minimum setback is required for all development adjacent to a County Road or State Highway right-of-way. Existing landscape and new landscape buffers shall be maximized in these areas. The setback may be reduced to 50 feet in areas where there is natural tree cover or grade changes which adequately buffer the visibility of buildings from the public roadway.
- .2 Landscaping shall be required to dominate the views of any new subdivision. This may be accomplished by tucking buildings into trees, planting groves of trees or other natural materials to mimic existing landscape, erecting berms covered with natural plantings, etc.
- .3 Parking and service areas shall be screened to minimize visibility.
- .4 New roads and interconnected parking lots shall be designed to minimize the number of entrances to State Highways and County roads and where possible be located behind buildings.
- .5 Colors and building materials used in construction shall blend with the surrounding landscape.
- .6 Onsite signs shall be no more than three square feet in size and shall be designed and constructed so as to be compatible with the natural setting (wood or stone).
- .7 Additional set backs, landscaping, screening, or design requirements may be required as necessary to preserve the natural, pristine appearance of the area and to minimize visual impact to view sheds and view corridors

7 -- 117 CARETAKER UNITS

Caretaker units may be permitted as an accessory use provided they meet the following requirements:

- .1 All caretaker units shall be deed restricted as to prohibit any use except: (1) occupancy by members of the family inhabiting the single-family dwelling to which the caretaker unit is accessory; (2) rental as a primary residence to persons that qualify for affordable or employee housing.
- .2 Caretaker units shall be at least 400 sq. ft. and no larger than 1,000 sq. ft.
- .3 No more than one caretaker unit shall be allowed per lot.
- .4 The caretaker unit must be included within either the principal structure or within a customary residential accessory building, such as a garage.
- .5 The rental of caretaker units for any period less than thirty days or to persons other than those who meet employee or income guidelines is strictly prohibited.

7 -- 118 REVEGETATION

Disturbed areas will be revegetated with native plants species as soon as possible after disturbance in order to prevent the establishment and dominance of non-native invasive species.

7 -- 119 LIGHTING

Lighting shall provide a safe nighttime environment while preserving the Dark Sky environment of the area and the view of the stars. Fixture styles should be consistent with the rural mountain character of the area and of a scale consistent with their function:

- .1 Light fixture style, type and color should be consistent and compatible throughout the subdivision.
- .2 In all cases, lighting should not extend beyond its tasks. Full cut-off fixtures are required. Motion detectors and timers are encouraged wherever appropriate.
- .3 Spillover lighting shall not be permitted. Lighting shall reflect away from adjoining properties.
- .4 Use of low wattage high life lighting products is encouraged, use of photo voltaic or other renewable energy sources is encouraged.

7 --120 AIR QUALITY

It is the intent of these regulations to prevent the degradation of ambient air quality and visibility on public and private land within San Juan County. The burning of solid fuels shall be limited to one fireplace insert or stove for each single family residence, restaurant,

or hotel lobby. All fireplace inserts and stoves must be certified to meet or exceed the emission standards for EPA Phase II wood burning devices.

An air quality management plan may be required of any subdivision within San Juan County to insure the preservation of air quality and visibility. Subdivisions that propose one hundred (100) or more solid fuel burning units will be required to provide an air quality management plan.

7 -- 121 WILDFIRE SAFETY

- .1 Only fire-resistant materials which maintain a Class B rating or better shall be used for the construction of roof structures. Wooden or shake shingles are not permitted.
- .2 Defensible Space
A wildfire mitigation plan will be prepared by a qualified forester with wild land fire experience or other natural resource professional with wild land fire experience. The mitigation plan will include the design of defensible space based upon the types of structures to be protected, the topography of the area, and the types and density of vegetation present in the area.
- .3 The subdivider will require that all homeowners complete an annual checklist of defensible space to include the following:
 - (a) Trees and shrubs are properly thinned and pruned within the defensible space. Slash produced from thinning operations is disposed of offsite;
 - (b) Roof and gutters are clear of debris;
 - (c) Branches overhanging roofs and chimneys are removed;
 - (d) Chimney screens are in place and in good condition;
 - (e) Vegetation is removed from within 15 feet of chimneys;
 - (f) Grass and weeds are mowed to a low height;
 - (g) Fire extinguishers are checked and in good working condition;
 - (h) Driveways and access points are cleared sufficiently to allow for emergency equipment;
 - (i) Escape routes are posted;
 - (j) Trash and debris accumulations are removed from the defensible space.

7 -- 122 TRAILS AND TRAILHEADS

Subdivisions shall be designed to preserve existing access points and/or trails to public lands. Public access shall be provided to all public trailheads and sufficient public parking shall be provided at all public trailheads.

Trail design standards shall include:

- .1 Trails shall utilize existing trail routes or cleared areas wherever practical.
- .2 Trails shall minimize the number of driveway and road crossings.
- .3 Trails shall be separated from roadways and buildings where practical.
- .4 Trails shall be located in areas that will minimize user conflicts to the maximum extent practical.
- .5 Trails shall be designed in a manner that takes advantage of natural, existing vegetation to buffer the trails from development and mitigate any safety hazards.
- .6 A minimum 8-foot wide path shall be required in heavily used areas.

7 -- 123 WATER CONSERVATION

Subdivisions shall provide a water conservation plan utilizing the following water conservation measures:

- .1 High efficiency (low flow) showerheads, toilets, faucets and appliances shall be installed.
- .2 Water meters shall be installed on properties connected to a central water system.
- .3 Water consumption for gardening and landscaping shall be minimized using Xeriscaping, water restrictions, timing devices, drip irrigation systems and other conservation practices.
- .4 Restrict the lot area that can be permanently irrigated.

7 – 124 PROTECTION OF AVAILABLE SUNLIGHT

(This section reserved for requirements concerning sightlines and the protection of sunlight on potential building lots.)

7 – 125 VARIANCES

- .1 Should the subdivider clearly demonstrate that, because of peculiar and unique characteristics of the land to be subdivided, the literal enforcement of one or more of these regulations is impracticable, or will exact an undue hardship, the Board of County Commissioners may permit such variances as are reasonable within the purpose and intent of these regulations.

- .2 The Planning Commission and/or the Board of County Commissioners may modify these Subdivision Regulations for a Planned Unit Development (PUD), provided that the overall design remains consistent with the intent of these Regulations.

7 – 126 SCHEDULE OF FEES

In addition to the fees enumerated in Section 2 – 104, the Board of County Commissioners shall specify by resolution a schedule of fees to apply specifically to Subdivisions or Planned Unit Developments.

7 – 127 FORMS

The following forms shall be utilized for subdivisions and Planned Unit Developments: (Samples found in Appendix)

- .1 Application for Subdivision Approval.
- .2 Sewage Disposal Report.
- .3 Subdivision Improvements Agreement.
- .4 Subdivision Summary.

7 -- 128 COMPUTER DISK REQUIREMENTS

The approved Final Plat shall be provided in an AutoCAD compatible dxf or dwg file on computer readable media for the GIS/Assessor's parcel map data input.

The digital file shall be tied to two known section or aliquot corners and shall include the distance and bearing to each corner. If access to a computer or the appropriate computer software is unavailable, the subdivider shall pay a fee in lieu sufficient to compensate the County for digitizing services.

In utilizing such survey information, the Assessor's parcel map data and the Geographic Information System (GIS) and its components are designed solely as a source for assessing property. The GIS/Assessor's parcel map data is not intended for, nor does it replace, legal description information in the chain of title and other information contained in official government records such as those maintained by the County Clerk and Recorder or by the courts. Representations of locations in the GIS/Assessor's parcel map data cannot be substituted for actual legal surveys. Any use of data that is disseminated through the County GIS/Assessor's parcel map data will include an appropriate hold-harmless clause benefiting the County and the originating surveyor.

CHAPTER EIGHT AVALANCHE HAZARD IMPACT ANALYSIS

8 – 101 PURPOSE

The purpose of this chapter shall be to minimize significant hazards to public health and safety in an identified avalanche hazard area; to promote the safe use of avalanche hazard areas; to reduce the adverse impact of avalanches; and to protect the public from the burden of excessive financial expenditure connected with the impact of avalanches.

8 – 102 APPLICABILITY

Any party obtaining an Application for Improvement Permit shall be required to obtain clearance relative to potential adverse impact from, or to, avalanche hazards before the Improvement Permit may be issued.

8 – 103 AVALANCHE HAZARD AREAS

Avalanche hazard areas, the characteristics common to them, and recommended mitigating factors or conditions are contained in a series of documents as follows:

- .1 (a) The County Commissioners hereby declare that areas to be defined as avalanche hazard areas in order to meet the purposes and intent of this chapter shall be the small avalanche, potential avalanche, and avalanche areas depicted on the series of maps entitled “Avalanche Hazard Map, San Juan County”, prepared by Rebecca Summer and Margaret Squier, INSTAAR (Institute of Arctic and Alpine Research), Boulder, Colorado, for San Juan County in 1976, involving and including all or part of twelve USGS 1:24,000 topographic quadrangle maps within San Juan County. These maps were approved for identification of the said hazard by the County Commissioners by Resolution 16-76 on June 2, 1976, and are filed in the office of the San Juan County Clerk and Recorder, Book 212, Pages 1-12, and in the office of the Land Use Administrator.
- (b) While the INSTAAR maps described in 8-103.1 (a) do attempt to identify all avalanche hazards in the County, it is impossible to state with certainty that they in fact do, and therefore anyone building in San Juan County may face some avalanche risk whether or not their property has already been identified as subject to an avalanche risk on the INSTAAR maps.
- .2 The County Commissioners also declare that the following materials are approved for use by the officials of this jurisdiction in the application, interpretation, and enforcement of this chapter:
 - (a) A document entitled "Natural Hazards of San Juan County, Colorado", prepared by Michael J. Bovis, Institute of Arctic and Alpine Research, Boulder, Colorado, for San Juan County in 1976, and approved as part of the identification of said hazards by the County Commissioners by Resolution 16-

76 on June 2, 1976, copies of which are filed with the Land Use Administrator.

- (b) A document entitled "Avalanche Atlas, San Juan County, Colorado", prepared by Len Miller, Betsy R. Armstrong and Richard L. Armstrong, Institute of Arctic and Alpine Research, for San Juan County in 1976, published as Occasional Paper No. 17 by INSTAAR, University of Colorado, Boulder, Colorado, and approved as part of the identification of said hazards by the County Commissioners by Resolution 16-76 on June 2, 1976, copies of which are filed with the Land Use Administrator and the County Clerk and Recorder.
- (c) A document entitled "Century of Struggle Against Snow: A History of Avalanche Hazard in San Juan County, Colorado", prepared by Betsy R. Armstrong, Institute of Arctic and Alpine Research, for San Juan County in 1976, published as Occasional Paper No. 18 by INSTAAR, University of Colorado, and approved as part of the identification of said hazards by the County Commissioners by Resolution 16-76 on June 2, 1976, copies of which are filed with the Land Use Administrator.
- (d) A series of maps entitled "Overall Hazard Map", prepared by INSTAAR for San Juan County in 1976, involving and including all, or part, of eleven USGS 1:24,000 topographic quadrangle maps within San Juan County, copies of which are filed with the Land Use Administrator.

8 – 104 PROCEDURES

Applicants for an Improvement Permit are required to obtain clearance from the Land Use Administrator regarding avalanche hazards prior to the issuance of an Improvement Permit. The procedures to be used in the granting, or denial, of this clearance shall be as follows:

- .1 Upon receipt of the information required by Section 3-102, the Land Use Administrator shall determine the avalanche hazard relative to the property in question by consultation of the maps specified in 8-103.1. The Land Use Administrator may, at his discretion, conduct an on-site inspection of the property.
- .2 At the completion of the consultation, the Land Use Administrator may do one of the following:
 - (a) Find that the property in question is not adversely affected by any avalanche hazard, and that special impact analysis for avalanche hazards does not apply.
 - (b) Find that avalanche hazards may affect the property or the improvement in question, but that plans of the applicant include sufficient mitigating techniques or elements to allow the use or improvement to proceed.
 - (i) In such a case, clearance shall be subject to conditions specified, in writing, to the applicant by the Land Use Administrator.

- (ii) In such a case, clearance can be given by the Land Use Administrator only after approval has been given by the Building Inspector, based upon the provisions of the Uniform Building Code as amended, to the plans submitted in accordance with Section 3-102 of this Code.
- (c) Find that impact cannot be sufficiently determined without further study of the property, or the avalanche hazard involved, by the Planning Commission, with final decision to be made by the County Commissioners.
 - (i) In such a case, the Land Use Administrator shall require the applicant to utilize the Review and Appeal Process detailed in Chapter 4 of this Code, as specifically authorized in 4-102.1 (b).
 - (ii) In such a case, the Planning Commission shall be required to consult and seek the written recommendation of the San Juan Avalanche Board. The Planning Commission shall supply the Avalanche Board with copies of material presented by the applicant and the County Commissioners, and the Avalanche Board shall respond to the Planning Commission with recommendations and findings, in writing, prior to the public hearing called for in 4-106.4 of this Code. The Avalanche Board shall be empowered to make recommendations regarding avalanche hazard and/or the need for, or adequacy of, avalanche defenses or other mitigating techniques.
 - (iii) In such a case, the Land Use Administrator shall require the applicant to meet additional submission requirements as listed in 8-105 below.
- (d) Deny avalanche hazard impact clearance based upon the provisions of this chapter.
- .3 If the San Juan Avalanche Board is convened, the Land Use Administrator shall require the applicant to pay a fee to cover the administrative costs of conducting the study and evaluation, the amount of such fee to be determined by resolution of the Board of County Commissioners.

8 – 105 ADDITIONAL SUBMISSION REQUIREMENTS

Applicants for an Improvement Permit shall be required to submit additional materials beyond those specified in 3-102 of this Code under certain circumstances.

- .1 Additional materials shall be submitted to the Board of County Commissioners by applicants who:
 - (a) Are required by the Land Use Administrator to utilize the Review and Appeal Process under 8-104.2 (c).
 - (b) Seek a variance to any provision of this chapter.

- (c) Wish to appeal an administrative decision made under the provisions of this chapter.
- .2 The additional materials for any of the cases above shall consist of at least four (4) copies of:
 - (a) A vicinity map, showing the location of the property in question, portrayed on the appropriate USGS 1:24,000 quadrangle map.
 - (b) A topographic map, or maps, at a scale no less detailed than 1"=500' and with contour intervals of 10' or smaller, showing the location, nature, and density of the proposed improvement.
 - (c) A narrative or graphic report detailing the following information or data:
 - (i) Location of existing and proposed structures.
 - (ii) Location of proposed areas of concentrated activity, including roads, parking areas, storage areas, and recreation sites.
 - (iii) Avalanche frequency.
 - (iv) Avalanche flow depth.
 - (v) The areal extent of the runout zone.
 - (vi) Location and description of any, and all, proposed avalanche defense structures, or other mitigating devices or techniques.
 - (vii) Design stress loads of any structure, as certified by a registered professional engineer.
 - (viii) Statement explaining why the avalanche hazard area could not be avoided completely in the improvement plans.
- .3 Unless otherwise specified, the following map standards shall be adhered to in this chapter.
 - (a) Maps will be in compliance with national map accuracy standards as promulgated by the US Bureau of Budget.
 - (b) All maps shall show a true north arrow and shall show the monumented corners of the property in question as required by 3-102.6(a) of this Code.
 - (c) One of the four copies of each map shall be in reproducible form, ie: mylar, sepia, or clear film positive.
- .4 All engineering work prepared under this chapter shall be prepared by, or under the direction of, and signed by, a registered professional engineer.

- .5 The County Commissioners may waive any part, but not all, of the submission requirements imposed by this chapter upon the written petition of the applicant that full compliance with the submission requirements would be an unreasonable burden for the applicant and that the proposed improvement will have an insubstantial impact on the surrounding area.

8 – 106 CRITERIA FOR CLEARANCE

An applicant for an Improvement Permit shall be given avalanche hazard clearance only if all of the following are met:

- .1 The requirements of Chapter 8 have been complied with.
- .2 Provision has been made for the long-term protection of the public from avalanche hazards.
- .3 The proposed improvement will not impose a financial burden upon residents of the area or upon the County.
- .4 The proposed improvement will not intensify the hazard for avalanche.
- .5 The improvement is engineered and will be constructed in a manner that will minimize hazards to public health and safety, or to property, due to avalanche.
- .6 Structures designed for human habitation or occupancy will not be located in any established avalanche area.
- .7 Areas of concentrated human winter activity will be protected by properly designed arresting or diverting structures, or other effective mitigating techniques.
- .8 Provision is made for disclosure, prior to sales, of all avalanche hazards and mitigation procedures undertaken, and for attaching a delineation and description of the avalanche hazard and mitigation measures to all deeds, titles and recorded documents involving a transfer of ownership of the property, or any part of said property.
- .9 Open space uses are incorporated into the improvement plan to the greatest practicable extent, in addition to, rather than in place of, other mitigation procedures.

8 – 107 LIMITATIONS OF AVALANCHE MAPS

- .1 Maps and documents referred to in this chapter are not intended to serve as a forecast of all possible avalanche activity within the areas depicted, and should not be relied upon as such by the public. Neither San Juan County, nor any of its agents, employees, or appointed boards, can assume responsibility for unforeseen effects of extraordinary winter storms, changes in climate, destruction or alteration

of ground cover, or other events upon the future behavior of snow avalanches, and they do not, by adoption of this regulation, purport to do so.

- .2 San Juan County shall not be liable for any damage or destruction caused by avalanche, whether or not such damage could have been foreseen or otherwise prevented by San Juan County or its agents, employees, officers or boards. All persons constructing improvements in San Juan County must consult all information in the office of the Land Use Administrator prior to seeking approval for the construction of improvements. No person shall be entitled to seek, or rely upon, any opinion of any agent, employee, officer or board of San Juan County regarding the presence or absence of natural hazards which might affect property on which they propose to construct improvements.

CHAPTER NINE GEOLOGIC HAZARD IMPACT ANALYSIS

9 – 101 PURPOSE

The purpose of this chapter shall be to minimize significant hazards to public health and safety, and to property, in an identified geologic hazard area; to promote the safe use of geologic hazard areas; to reduce the adverse impact of geologic hazards on life and property; and to protect the public from the burden of excessive financial expenditure connected with the impacts of geologic hazards.

9 – 102 APPLICABILITY

Any party obtaining an Application for Improvement Permit shall be required to obtain clearance relative to potential adverse impact from, or to, geologic hazards before an Improvement Permit may be issued.

9 – 103 GEOLOGIC HAZARD AREAS

Geologic hazard areas, the characteristics common to them, and recommended mitigating factors or conditions, are contained in a series of documents as follows:

- .1 The rockfall, debris slide, debris fan, debris flow, talus, rock glacier, accelerated creep, subsidence, and swamp areas depicted on the series of maps entitled "Surficial Deposits and Geologic Hazards Map, San Juan County", compiled by William A. Gallant of Charles S. Robinson and Associates, Inc. of Golden, Colorado, for San Juan County in 1975-76, involving and including all, or part, of eight USGS 1:24,000 topographic quadrangle maps within San Juan County. These maps were approved for identification of the said hazards by the County Commissioners by Resolution 8-76 on March 3, 1976, and are filed in the office of the County Clerk and Recorder, Book 212, Pages 13-19, and in the office of the Land Use Administrator.
- .2 The landslide, rockfall, rock glacier, talus slope, debris fan, expansive soil, subsidence, and swamp areas depicted on the series of maps entitled "Geologic Hazards", prepared by Michael Bovis, INSTAAR, Boulder, Colorado, for San Juan County in 1976, involving and including all, or part, of eleven USGS 1:24,000 topographic quadrangle maps within San Juan County. These maps were approved for identification of the said hazards by the County Commissioners by Resolution 17-76 on June 2, 1976, and are filed in the office of the County Clerk and Recorder, Book 212, Pages 20-30, and in the office of the Land Use Administrator. The County Commissioners declare that the following materials are approved by this jurisdiction, and are on file as part of the hazards in question, to be used by the appointed and elected officials of the jurisdiction in the application, interpretation, and enforcement of this chapter.
- .3 A document entitled "Geologic Hazard and Land Use Study, San Juan County, Colorado", prepared by Charles S. Robinson and Associates, Inc. of Golden, Colorado, for San Juan County in 1976, and approved as part of the identification

of said hazards by the County Commissioners by Resolution 8-76 on March 3, 1976, copies of which are filed with the Land Use Administrator.

- .4 A document entitled "Natural Hazards of San Juan County Colorado", prepared by Michael Bovis, INSTAAR, Boulder, Colorado, for San Juan County in 1976, and approved as part of the identification of said hazards by the County Commissioners by Resolution 17-76, June 2, 1976, copies of which are filed with the Land Use Administrator.
- .5 A series of maps entitled "Environmental and Engineering Geologic Map for Land Use, San Juan County", compiled by William A. Gallant of Charles S. Robinson and Associates, Inc. of Golden, Colorado, for San Juan County in 1975-76, involving and including all, or part of eight USGS 1:24,000 topographic quadrangle maps within San Juan County, copies of which are filed with the Land Use Administrator.
- .6 A series of maps entitled "Overall Hazard Map", prepared by INSTAAR of Boulder, Colorado, for San Juan County in 1976, involving and including all, or part, of eleven USGS 1:24,000 topographic quadrangle maps within San Juan County, copies of which are filed with the Land Use Administrator.
- .7 Special Publication No. 6 of the Colorado Geological Survey, entitled "Guidelines and Criteria for Identification and Land Use Controls of Geologic Hazard and Mineral Resource Areas", published in 1974, a copy of which is filed with the Land Use Administrator.

9 – 104 PROCEDURES

Applicants for an Improvement Permit are required to obtain clearance from the Land Use Administrator regarding geologic hazards prior to the issuance of an Improvement Permit. The procedures to be used in the granting, or denial, of this clearance shall be as follows:

- .1 Upon receipt of the information required by section 3-102, the Land Use Administrator shall determine the geologic hazard relative to the property in question by consultation of the maps and documents specified in 9-103. The Land Use Administrator may, at his discretion, also conduct an on-site inspection of the property.
- .2 At the completion of the consultation, the Land Use Administrator may do one of the following:
 - (a) Find that the property in question is not adversely affected by any geologic hazard, and that special impact analysis for geologic hazards does not apply.
 - (b) Find that geologic hazards may affect the property or the improvement in question, but that plans of the applicant include sufficient mitigating techniques or elements to allow the use or improvement to proceed.

- (i) In such a case, clearance shall be subject to conditions specified, in writing, to the applicant by the Land Use Administrator.
- (ii) In such a case, clearance can be given by the Land Use Administrator only after approval has been given by the Building Inspector, based upon the provisions of the Uniform Building Code as amended, to the plans submitted in accordance with section 3-102 of this Code.
- (c) Find that impact cannot be sufficiently determined without further study of the property, or the geologic hazards involved, by the Planning Commission, with final decision to be made by the County Commissioners.
 - (i) In such a case, the Land Use Administrator shall require the applicant to utilize the Review and Appeal Process detailed in Chapter 4 of this Code, as specifically authorized in 4-102.1(b).
 - (ii) In such a case, the Land Use Administrator shall require the applicant to meet additional submission requirements as listed in 9-105 below.
- (d) Deny geologic hazard impact clearance based upon the provisions of this chapter.

9 – 105 ADDITIONAL SUBMISSION REQUIREMENTS

Applicants for an Improvement Permit shall be required to submit additional materials beyond those specified in 3-102 of this Code under certain circumstances.

- .1 Additional materials shall be submitted to the County Commissioners by applicants who:
 - (a) Are required by the Land Use Administrator to utilize the Review and Appeal Process under 9-104.2 (c).
 - (b) Seek a variance to any provision of this chapter.
 - (c) Wish to appeal an administrative decision made under the provisions of this chapter.
- .2 The additional materials for any of the cases above shall consist of at least four (4) copies of:
 - (a) A vicinity map, showing the location of the property in question, portrayed on the appropriate USGS 1:24,000 topographic quadrangle map.
 - (b) A topographic map, or maps, at a scale no less detailed than 1"=500' and with contour intervals of 10' or smaller, showing the location, nature, and density of the proposed improvement.

- (c) A map, or maps, portraying the geologic conditions of the area with particular attention given to the appropriate identified geologic hazard or hazards. If appropriate, or needed, subsurface geologic cross sections shall also be utilized to portray such conditions at depth. If possible, the geologic maps shall be at the same scale and in the same format as the development plan maps.
- (d) A geologic report explaining the above maps and cross sections with particular emphasis on evaluating and predicting the impact of such geologic or hazardous conditions on the proposed land use. It shall also include recommended mitigating procedures to be employed in meeting the purposes of this chapter. Specific requirements of such a report are listed in 9-105.3 below.

.3 Additional requirements for various types of geologic hazards are as follows:

- (a) Application for improvement in a landslide area shall include, but not be limited to, the following:
 - (i) Type of landslide.
 - (ii) Rate of movement.
 - (iii) Volume of material involved in landslide.
 - (iv) Mechanism(s) responsible for initiation and movement of landslide.
 - (v) Slope gradient.
 - (vi) Location of existing and proposed structures.
 - (vii) Building type, arrangement and proportion.
 - (viii) Grading plan.
 - (ix) Surface and subsurface drainage.
 - (x) Recommended design and construction procedures.
 - (xi) Summary of the information noted above on a map with a scale of 1"=50' or larger, with accurate topographic detail.
 - (xii) Report which presents the necessary explanatory text, data tabulation and other essentials for further work or review.
 - (xiii) Mitigation techniques that will be employed, and estimated cost and documentation of previous effectiveness.
 - (xiv) Past landslides on the property.

- (b) Applications for improvement in a rockfall hazard shall include, but not be limited to, the following:
 - (i) Detailed description of type of rockfall.
 - (ii) Slope gradient on and adjacent to the site.
 - (iii) Aspect.
 - (iv) Climatological data regarding freeze-thaw cycles.
 - (v) Jointing data, with special consideration given to water percolation.
 - (vi) Specific rock types involved.
 - (vii) Talus or colluvial slopes adjacent to the rockfall area.
 - (viii) Cause of rockfall in the improvement area including, but not limited to, removal of support, ground shaking, ice wedging, or jointing.
 - (ix) Summary of the information noted above on a map with a scale of 1"=50' or larger, with accurate topographic detail.
 - (x) Report which presents the necessary explanatory text, data tabulation, and other essentials for further work or review.
 - (xi) Mitigation techniques that will be employed, and estimated cost and documentation of previous effectiveness.
 - (xii) Past occurrences of rockfall.
- (c) Applications for improvement in an unstable slope or potentially unstable area, debris slide, debris flow, debris fan, talus slope, rock glacier, or area of accelerated creep shall include, but not be limited to, the following:
 - (i) Detailed description of the geologic hazard, or hazards, present.
 - (ii) Past occurrences of the hazard and of rockfall, landslide, mudflow, and surficial creep on the site and adjacent areas.
 - (iii) Rate of movement of surficial materials.
 - (iv) Climatological data including precipitation data for short duration, intense rainstorms, and snowmelt runoff characteristics.
 - (v) Summary of the information noted above on a map with a scale of 1"=50' or larger, with accurate topographic details.

- (vi) Report which presents the necessary explanatory text, data tabulation, and other essentials for further work or review.
 - (vii) Mitigation techniques that will be employed, and estimated cost and documentation of previous effectiveness.
- (d) Applications for development in geologic hazard areas not specified above, but which are, or may be, identified or regulated, shall include such information or data as may be required by the County Commissioners.
- .4 Unless otherwise specified, the following map standards shall be adhered to in this chapter:
 - (a) Maps will be in compliance with national map accuracy standards as promulgated by the US Bureau of Budget.
 - (b) All maps shall show a true north arrow and shall show the monumented corners of the property in question as required by 3-102.6 (a) of this Code.
 - (c) One of the four copies of each map shall be in reproducible form, ie: mylar, sepia, or clear film positive.
- .5 Investigators and consultants involved in the preparation of maps and reports under this section shall meet certain statutory requirements.
 - (a) All geologic maps and reports prepared under this chapter shall be prepared by, or under the direction of, and signed by, a professional geologist.
 - (b) All engineering work prepared under this chapter shall be prepared by, or under the direction of, and signed by, a registered professional engineer.
- .6 The County Commissioners may waive any part, but not all, of the submission requirements imposed by this chapter upon the written petition of the applicant that full compliance with the submission requirements would be an unreasonable burden for the applicant and that the proposed improvement will have an insubstantial impact on the surrounding area.

9 – 106 CRITERIA FOR CLEARANCE

An applicant for an Improvement Permit shall be given geologic hazard clearance only if all of the following are met:

- .1 The requirements of Chapter 9 have been complied with.
- .2 Provision has been made for the long-term protection of the public from geologic hazards.
- .3 The proposed improvement will not impose a financial burden on residents of the area or upon the County.

- .4 The proposed improvement will not intensify adverse natural geologic hazards.
- .5 The improvement is engineered and will be constructed in a manner that will minimize hazards to public health and safety, or to property, due to geologic conditions.
- .6 Provision is made for disclosure, prior to sales, of all geologic hazards and mitigation procedures undertaken, and for attaching a delineation and description of the geologic hazard and mitigation measures to all deeds, titles, and recorded documents involving a transfer of ownership of the property in question, or any part of said property.
- .7 Open space uses are incorporated into the development or improvement plan to the greatest practicable extent, in addition to, rather than in place of, other mitigation procedures.

9 – 107 LIMITATIONS OF MAPS

- .1 Maps and documents referred to in this chapter are not intended to serve as a forecast of all possible geologic hazard activity within the areas depicted, and should not be relied upon as such by the public. Neither San Juan County, nor any of its agents, employees, or appointed boards, can assume responsibility for unforeseen effects of extraordinary geologic events, alteration of conditions, or other events upon the future behavior of potential geologic hazards, and they do not, by adoption of this regulation, purport to do so.
- .2 San Juan County shall not be liable for any damage or destruction caused by geologic hazard, whether or not such damage could have been foreseen or otherwise prevented by San Juan County or its agents, employees, officers or boards. All persons constructing improvements in San Juan County must consult all information in the office of the Land Use Administrator prior to seeking approval for the construction of improvements. No person shall be entitled to seek, or rely upon, any opinion of any agent, employee, officer or board of San Juan County regarding the presence or absence of natural hazards which might affect property on which they propose to construct improvements.

**CHAPTER 10
FLOOD DAMAGE PREVENTION**

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TITLE AND PURPOSE

10-101

10-101.1 STATUTORY AUTHORIZATION

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the County Commissioners of San Juan County, Colorado, does hereby adopt by Resolution Chapter 10 Floodplain Damage Prevention Regulation (Regulation):

10-101.2 FINDINGS OF FACT

(1) The flood hazard areas of Unincorporated San Juan County are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

10-101.3 STATEMENT OF PURPOSE

It is the purpose of this Regulation to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is located in a flood hazard area.

10-101.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, the following methods shall be used:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

DEFINITIONS

10-102

Unless specifically defined below, words or phrases used in this Regulation shall be interpreted to give them the meaning they have in common usage and to give this Regulation its most reasonable application.

100-YEAR FLOOD - A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

100-YEAR FLOODPLAIN - The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-YEAR FLOOD - A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

500-YEAR FLOODPLAIN - The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

ADDITION - Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

ALLUVIAL FAN FLOODING - A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

AREA OF SHALLOW FLOODING - A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD – The flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

BASE FLOOD ELEVATION (BFE) - 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 a 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.

CHANNEL - The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

CHANNELIZATION - The artificial creation, enlargement or realignment of a stream channel.

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. It is divided into 50 titles that represent broad areas subject to Federal regulation.

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 in Section 10-105.8, 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. See Section 10-105.8.

DEVELOPMENT - Any man-made change in improved and 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.

DFIRM DATABASE - Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) - FEMA digital floodplain map. These digital maps serve as “regulatory floodplain maps” for insurance and floodplain management purposes.

ELEVATED BUILDING - A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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 - 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 water from channels and reservoir spillways;
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) – An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

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 community official designated by title to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT – A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed

within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management Regulation.

FLOODPLAIN MANAGEMENT - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning regulation, subdivision regulations, building codes, health regulations, special purpose regulations (such as a floodplain Regulation) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD CONTROL STRUCTURE - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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.

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.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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), or Flood Boundary and Floodway Map (FBFM), or both. 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) – 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.

LEVEE – A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

LEVEE SYSTEM - A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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 or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - For 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 a community's Flood Insurance Rate Map are referenced.

MATERIAL SAFETY DATA SHEET (MSDS) – A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

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.

NEW CONSTRUCTION – The construction of a new structure (including the placement of a mobile home) or facility or the replacement of a structure or facility which has been totally destroyed.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NO-RISE CERTIFICATION – A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a 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) or Flood Boundary and Floodway Map (FBFM).

PHYSICAL MAP REVISION (PMR) - FEMA’s action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

RECREATIONAL VEHICLE - means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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, i.e., the 100-year floodplain.

START OF CONSTRUCTION - The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it

include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

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 other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

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

THRESHOLD PLANNING QUANTITY (TPQ) – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

VARIANCE - A grant of relief to a person from the requirement of this Regulation when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Regulation. (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 community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 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 floodplains of coastal or riverine areas.

GENERAL PROVISIONS

1-103

10-103.1 LANDS TO WHICH THIS REGULATION APPLIES

These Regulations shall apply to all Special Flood Hazard Areas 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 San Juan County, Colorado.

10-103.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for San Juan County, Colorado and Incorporated Areas" dated May 9, 2023 with accompanying Flood Insurance Rate Maps and/or Flood Boundary- Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of the Zoning and Land Use Regulation. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Regulation and may be supplemented by studies designated and approved by the San Juan County Commissioners. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

10-103.3 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Regulation.

10-103.4 COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of the Zoning and Land Use Regulation and other applicable regulations. Nothing herein shall prevent the San Juan County Commissioners from taking such lawful action as is necessary to prevent or remedy any violation. These Regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

10-103.5 ABROGATION AND GREATER RESTRICTIONS

This Regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these Regulations and other regulations, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10-103.6 INTERPRETATION

In the interpretation and application of this Regulation, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

10-103.7 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Regulation does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Regulation shall not create liability on the part of the Community or any official or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made thereunder.

10-103.8 SEVERABILITY

This Regulation and the various parts thereof are hereby declared to be severable. Should any section of this Regulation be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Regulation as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ADMINISTRATION

10-104

10-104.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Land Use Administrator is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Regulation and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

10-104.2 DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be 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 Section 10-115.
2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this Regulation.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
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 Control Act Amendments of 1972, 33 U.S.C. 1334) 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 this Regulation, 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. When Base Flood Elevation data has not been provided in accordance with Article 3, Section B, 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 Article 5.
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 Zones A1-30 and AE on the community's FIRM, 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 foot at any point within the community.
9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community 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 relocated portion of any watercourse is maintained.

10-104.3 PERMIT PROCEDURES

Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be

floodproofed;

3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 10-105.2-2;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
5. Maintain a record of all such information in accordance with Section 10-104.2;

Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Regulation and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

10-104.4 VARIANCE PROCEDURES

1. The Appeal Board, as established by the Community, shall hear and render judgment on requests for variances from the requirements of this Regulation.
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 Regulation.
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 the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Regulation.
6. 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 10-104.3 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this Regulation, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Regulation as stated in Section 10-101.3
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. 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.
10. 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 Regulations.
 - 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.

11. Variances may be issued by a community 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 in Section 10-104.4 are met, and
- 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.

10-104.5 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Regulation and other applicable regulations. Violation of the provisions of this Regulation by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.

Any person who violates this Regulation or fails to comply with any of its requirements shall upon conviction thereof be fined as provided by the laws of San Juan County. Nothing herein contained shall prevent San Juan County from taking such other lawful action as is necessary to prevent or remedy any violation.

PROVISIONS FOR FLOOD HAZARD REDUCTION

10-105

10-105.1 GENERAL STANDARDS

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This

requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. 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,
8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

10-105.2 SPECIFIC STANDARDS

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in Sections (i) 10-103.2, (ii) 10-104.2-7, or (iii) 10-105.7, the following provisions are required:

1. RESIDENTIAL CONSTRUCTION

New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the 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, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Section 10-105.8, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Section 10-104.3

3. ENCLOSURES

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 floodwaters.

Designs 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 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.

4. MANUFACTURED HOMES

All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. RECREATIONAL VEHICLES

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or

Meet the permit requirements of Section 10-104.3, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section.

A recreational vehicle is 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.

6. PRIOR APPROVED ACTIVITIES

Any activity for which a Floodplain Development Permit was issued by San Juan County or a CLOMR was issued by FEMA prior to May 9, 2023 may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this ordinance if it meets such standards.

10-105.3 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the Special Flood Hazard Area established in Section 10-103.2, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. RESIDENTIAL CONSTRUCTION

All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Section 10-105.8, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level 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. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 10-104.3, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

10-105.4 FLOODWAYS

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Article 2). Located within Special Flood Hazard Area established in Section 10-103.2, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. 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.
2. If Section 10-105.4-1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
3. 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.

10-105.5 ALTERATION OF A WATERCOURSE

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules and Regulations.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable Federal, State and San Juan County floodplain requirements and Regulations.
6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section 10-105.4.
7. Maintenance shall be required for any altered or relocated portions of watercourses so

that the flood-carrying capacity is not diminished.

10-105.6 PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL

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:

1. 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 one foot above the Base Flood Elevation that existed prior to the placement of fill.

2. 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 one foot 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 one foot 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.

10-105.7 STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Sections 10-103.3; 10-104.3 and the provisions of 10-105 of this Regulation.
3. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Sections 103.2 or 104.2 of this Regulation.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

10-105.8 STANDARDS FOR CRITICAL FACILITIES

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, 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.

1. CLASSIFICATION OF CRITICAL FACILITIES

It is the responsibility of the San Juan County Commissioners to identify and confirm that specific structures in their community meet the following criteria:

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, transmission 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 San Juan County Commissioners 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 operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the San Juan County Commissioners 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; and
- 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 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this Regulation, 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 local jurisdiction having land use authority) 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 government operations.

These facilities consist of:

- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community 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 San Juan County Commissioners 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 Regulation, 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 San Juan County Commissioners on an as-needed basis upon request.

2. PROTECTION FOR CRITICAL FACILITIES

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 purposes of this Regulation, protection shall include one of the following:

- a. Location outside the Special Flood Hazard Area; or
- b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

3. INGRESS AND EGRESS FOR NEW CRITICAL FACILITIES

New Critical Facilities shall, when practicable as determined by the San Juan County

Commissioners, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

CERTIFICATION

It is hereby found and declared by San Juan County

that flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this Regulation become effective immediately.

Therefore, an emergency is hereby declared to exist, and this Regulation, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED:

Austin Lashley, Chariman

Scott Fetchenhier

Pete Maisel

PASSED: _____
(date)

I, the undersigned, _____, do hereby certify that the above is a true and correct copy of a Land Use Regulation duly adopted by the San Juan County Commissioners at a regular meeting duly convened on _____.
(date)

(Secretary or responsible person)

(SEAL)

CHAPTER ELEVEN WILDFIRE HAZARD IMPACT ANALYSIS

11 – 101 PURPOSE

The purpose of this chapter shall be to minimize significant hazards to public health and safety, and to property, in an identified wildfire hazard area; to promote the safe use of potential wildfire hazard areas; to reduce the adverse impact of wildfire on life and property; and to protect the public from the burden of financial expenditure connected with the impact of wildfire.

11 – 102 APPLICABILITY

Any party obtaining an Application for Improvement Permit shall be required to obtain clearance relative to potential adverse impact from, or to, wildfire hazards before an Improvement Permit may be issued.

11 – 103 WILDFIRE HAZARD AREAS

Wildfire hazard areas, the characteristics common to them, and recommended mitigating factors or conditions, are contained in a series of documents as follows:

- .1 The County Commissioners hereby declare that areas to be defined as wildfire hazard areas in order to meet the purposes and intent of this chapter shall be the medium wildfire hazard (B) and severe wildfire hazard (C) areas depicted on a map entitled “Wildfire Hazard Area Map, Silverton, Colorado”, prepared by the Colorado State Forest Service for San Juan County in 1976 and portrayed on one USGS 1:24,000 topographic quadrangle map, which was approved for the identification of the said hazard by the County Commissioners by Resolution 18-76 on June 2, 1976, and is filed in the office of the County Clerk, Book 212, Page 31, and with the Land Use Administrator.
- .2 The County Commissioners also declare that the following materials are approved for use by the officials of this jurisdiction in the application, interpretation, and enforcement of this chapter.
 - (a) A map entitled “Ecosystem (Map), Silverton, Colorado”, prepared by the Colorado State Forest service for San Juan County in 1976, and portrayed on one USGS 1:24,000 topographical map, a copy of which is on file with the Land Use Administrator.
 - (b) A document entitled “Guidelines and Criteria for Wildfire Hazard Areas”, published in September, 1974 by the Colorado State Forest Service, a copy of which is on file with the Land Use Administrator.

11 – 104 PROCEDURES

Applicants for an Improvement Permit are required to obtain clearance from the Land Use Administrator regarding wildfire hazards prior to the issuance of an Improvement Permit. The procedures to be used in the granting, or denial, of this clearance shall be as follows:

- .1 Upon receipt of the information required by section 3 – 102, the Land Use Administrator shall determine the wildfire hazard relative to the property in question by consultation of the maps and documents specified in 11 – 103. The Land Use Administrator may, at his discretion, also conduct an on-site inspection of the property.
- .2 At the completion of the consultation, the Land Use Administrator may do one of the following:
 - (a) Find that the property in question is not adversely affected by any wildfire hazard, and that special impact analysis for flood plain hazards does not apply.
 - (b) Find that wildfire hazards may affect the property or improvement in question, but that plans of the applicant include sufficient mitigating techniques or elements to allow the use or improvement to proceed.
 - (i) In such a case, clearance shall be subject to conditions specified, in writing, to the applicant by the Land Use Administrator.
 - (ii) In such a case, clearance can be given by the Land Use Administrator only after approval has been given by the Building Inspector, based upon the provisions of the Uniform Building Code as amended, to the plans submitted in accordance with section 3 – 102 of this Code.
 - (c) Find that impact cannot be sufficiently determined without further study of the property, or the wildfire hazard involved, by the Planning Commission, with final decision to be made by the County Commissioners.
 - (i) In such a case, the Land Use Administrator shall require the applicant to utilize the Review and Appeal Process detailed in Chapter 4 of this Code, as specifically authorized in 4 – 102.1 (b).
 - (ii) In such a case, the Land Use Administrator shall require the applicant to meet additional submission requirements as listed in 11 – 105 below.
 - (d) Deny wildfire hazard impact clearance based upon the provisions of this chapter.

11 – 105 ADDITIONAL SUBMISSION REQUIREMENTS

Applicants for an Improvement Permit shall be required to submit additional materials beyond those specified in 3 – 102 of this Code under certain circumstances.

- .1 Additional materials shall be submitted to the Board of County Commissioners by applicants who:
 - (a) Are required by the Land Use Administrator to utilize the Review and Appeal Process under 11 – 104.2 (b).
 - (b) Seek a variance to any provision of this chapter.
 - (c) Wish to appeal an administrative decision made under the provisions of this chapter.
- .2 The additional materials for any of the cases above shall consist of at least four (4) copies of:
 - (a) A vicinity map, showing the location of the property in question, portrayed on the appropriate USGS 1:24,000 topographic quadrangle map.
 - (b) A topographic map, or maps, at a scale no less detailed than 1"=500' and with contour intervals of 10' or smaller, showing the location, nature, and density of the proposed improvement.
 - (c) A map, or maps, portraying the existing wildfire conditions of the area, with particular attention given to the identified hazard conditions, if applicable, and to slope, aspect, topographic and vegetative conditions. If possible, these maps shall be at the same scale and in the same format as the development plan maps.
 - (d) A report, including whatever maps or overlays may be necessary, showing the procedures proposed to reduce conditions of wildfire hazard, the fire protection plan for the improvement or use proposed, and the description and location of all fire suppression facilities that are necessary to meet the objectives of this chapter.
- .3 Unless otherwise specified, the following map standards shall be adhered to in this chapter.
 - (a) Maps will be in compliance with national map accuracy standards as promulgated by the US Bureau of Budget.
 - (b) All maps shall show a true north arrow and shall show monumented corners of the property in question as required by 3 – 102.6(a) of this Code.
 - (c) One of the four copies of each map shall be in reproducible form, ie: mylar, sepia, or clear film positive.
- .4 All maps and reports dealing with wildfire hazard or potential, or mitigation, prepared under this chapter, shall be prepared by or under the direction of, and signed by, a professional forester.

- .5 The County Commissioners may waive any part, but not all, of the submission requirements imposed by this chapter upon the written petition of the applicant that full compliance with the submission requirements would be an unreasonable burden for the applicant and that the proposed improvement will have an insubstantial impact on the surrounding area.

11 – 106 CRITERIA FOR CLEARANCE

An applicant for an Improvement Permit shall be given wildfire hazard clearance only if all of the following are met:

- .1 The requirements of Chapter 11 have been complied with.
- .2 Provision has been made for the long-term protection of the public from wildfire hazards.
- .3 The proposed improvement will not impose a financial burden upon residents of the areas or upon the County.
- .4 The proposed improvement will not intensify the hazard for wildfire.
- .5 If located within a wildfire hazard area, the proposed improvement will provide access for fire fighting equipment and personnel.
- .6 If located within a wildfire hazard area, the proposed improvement will comply with “Wildfire Safety Guidelines For Rural Homeowners” published by the Colorado State Forest Service.
- .7 Provision is made for disclosure, prior to sales, of all wildfire hazards and mitigation procedures undertaken, and for attaching a delineation and description of the wildfire hazard and mitigation measures to all deeds, titles, and recorded documents involving a transfer of ownership of the property in question, or any part of said property.
- .8 If located within a wildfire hazard area, a proposed Subdivision or Planned Unit Development will require the recommendations of the Colorado State Forest Service.

11 – 107 LIMITATIONS OF MAPS

- .1 Maps and documents referred to in this chapter are not intended to serve as a forecast of all possible wildfire activity within the areas depicted, and should not be relied upon as such by the public. Neither San Juan County, nor any of its agents, employees, or appointed boards, can assume responsibility for unforeseen effects of extraordinary weather conditions, changes in climate, destruction or alteration of vegetation or ground cover, or other events upon the future behavior of rural fires, and they do not, by adoption of this regulation, purport to do so.

- .2 San Juan county shall not be liable for any damage or destruction caused by wildfire, whether or not such damage could have been foreseen or otherwise prevented by San Juan County or its agents, employees, officers or boards. All persons constructing improvements in San Juan County must consult all information in the office of the Land Use Administrator prior to seeking approval for the construction of improvements. No person shall be entitled to seek, or rely upon, any opinion of any agent, employee, officer or board of San Juan County regarding the presence or absence of natural hazards which might affect property on which they propose to construct improvements.

CHAPTER TWELVE BOARD OF ADJUSTMENT

12 – 101 CREATION

A Board of Adjustment is hereby created, which shall consist of five members appointed by the County Commissioners, each to be appointed for a three year term. No more than two members of the Planning Commission shall serve on the Board of Adjustment.

12 – 102 DUTIES AND POWERS

The Board of Adjustment is empowered and required to:

- .1 Meet at the request of the Chairperson, by petition of at least three members, by request of the Land Use Administrator, or by order of the County Commissioners.
- .2 Permit the public to attend and be heard at all meetings.
- .3 Adopt any rules of procedure necessary to transact the business of the Board, so long as such rules are not inconsistent with the provisions of this Code.
- .4 Interpret the zoning maps and render decisions upon questions of lot lines or district boundary lines as they may arise in the administration of this Code.
- .5 Hear appeals taken by any person aggrieved by their inability to obtain a building permit, a certificate of occupancy, or by the decision of any officer or agency made in the administration or enforcement of this Code.
- .6 Hear variance requests where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning or land use regulation would result in peculiar and exceptional practical difficulties to, or undue hardship upon, the owner of such property; to authorize, upon appeal, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantially impairing the intent and purpose of this Code.
- .7 All hearings and interpretations required under sections 12-102.4, .5 and .6 above shall be heard, and a decision rendered, within 31 days of the date of filing of the appeal or request for interpretation.

- .8 Publish, at the expense of the applicant, in a local newspaper, one time, not less than three days prior to any hearing, notice of the date, time, place and purpose of any hearings scheduled in accordance with the provisions of this chapter.
- .9 Notify the applicant and the Board of Commissioners, in writing, of all hearings scheduled and recommendations or decisions made.

12 – 103 VOTE NECESSARY

The concurring vote of four members of the Board of Adjustment will be required to reverse any order, requirement, decision or determination of any officer or agency charged with the enforcement of this Code; to decide in favor of the applicant; or to overturn any interpretation or ruling of the Board of County Commissioners.

12 – 104 DECISIONS AND FURTHER APPEAL

The Board of Adjustment will study applications, hear evidence and testimony, and make decisions based thereon. All decisions will be subject to review by certiorari. Appeals of Board decisions may be taken by the applicant, by any aggrieved person, by any officer or department of the County, or by the Board of County Commissioners, provided however, that any such appeal must be taken within thirty days of the rendering of the Board's decision.

CHAPTER THIRTEEN GENERAL PROVISIONS

13 – 101 NON-CONFORMING USES

The existing and continuing lawful use of the land, and of buildings or structures, which is not in conformity with the provisions of this Code may be continued provided that no such use shall be changed, expanded or enlarged except in conformity with the provisions of this Code.

- .1 Non-Conforming Uses which shall be allowed to continue under the provisions of this Code shall be:
 - (a) Any structure for which a building Permit was duly issued by the Building Inspector prior to 5:00 P.M., July 9, 2008.
 - (b) Any use of land or structures which existed in conformity with all other applicable federal, state, and county laws and regulations on July 9, 2008.
 - (c) Any use of land or structures specifically approved by the electorate of the state or county.
- .2 Non-Conforming Uses shall become subject to the provisions of this Code in all respects when:
 - (a) The use is changed or altered in any way.
 - (b) The use is expanded or enlarged in any way, to include additional structural elements or additional surface disturbance or alteration beyond that present on July 9, 2008.
 - (c) The use is discontinued for one year or more.
 - (d) The use or structure is damaged or destroyed to the extent of at least 50% of the appraised value.
- .3 In the event that any of the conditions specified in 13 – 101.2 occur, any reuse, reconstruction or replacement shall be deemed a new one, and shall be subject to the provisions of this Code.

13 – 102 CONFLICT WITH OTHER REGULATIONS

Compliance with this Code shall not exempt an applicant from compliance with any other applicable municipal, county, special district, state or federal laws or regulations. To the extent that the requirements of this Code differ from any other applicable requirements, the more restrictive shall apply.

13 – 103 SPECIAL EXCEPTIONS OR EXEMPTIONS

Requests for special exceptions or exemptions to the requirements of this Code shall be considered as requests for amendment of the Zoning Code. Such requests shall be subject to the requirements set forth herein for amending the Zoning Code and may be granted only if such requests are in harmony with the general purpose and intent of this Code. No special exception or exemption shall be granted to the provisions of this Code, or recommended by the Planning Commission, unless the following facts are found:

1. That there are special circumstances or conditions affecting the property.
2. That the exception or exemption is necessary for the preservation and enjoyment of substantial property rights of the applicant which could not otherwise be enjoyed.
3. That the grant of the exception or exemption will not be detrimental to the public welfare or injurious to other property rights.
4. That the grant of the request will be consistent with, and secure the general objectives of this Code.

13 – 104 VARIANCES

Except as set forth in Chapter 12, variances to this Code and its provisions may be granted only by vote of the Board of County Commissioners after completion of at least one full appearance step in the Review and Appeal Process covered in Chapter 4 of this Code.

13 – 105 APPEALS

Except as set forth in Chapter 12, appeals of any administrative decision made under the provisions of this Code may be made by any party, whether owner, applicant, or neither, by the completion of at least one full appearance step in the Review and Appeal Process covered in Chapter 4 of this Code.

13 – 106 BUILDING CODES

The Codes as adopted by San Juan County Ordinance 2008-1 Building Regulations shall hereby be used in the application and enforcement of this Zoning and Land Use Regulation:

13 – 107 GOVERNMENTAL APPLICABILITY – WAIVER OF FEES

The provisions of this Code shall be deemed to apply to all jurisdictions – municipal, county, special district, state, and federal – and this Code, its provisions and its forms, shall be used by San Juan County whenever possible as a means of assuring intergovernmental cooperation and review of plans and proposals, subject to the invocation of provisions of the laws or constitutions of the United States and the State of Colorado. Any and all County-originated fees in this Code shall be waived for all political jurisdictions utilizing

the provisions and processes enumerated in this Code. This Code shall also be deemed to apply to all lessees, permittees, and assignees of any political or governmental jurisdiction, to whom the waiver of fees shall not apply.

13 – 108 SEVERABILITY

If any Section, clause, provision or portion of this Code is adjudged unconstitutional or invalid, the remainder of this Code shall not be affected thereby, it being the intent of the Board of County Commissioners to have passed each portion separately and independently of each other.

13 – 109 ENFORCEMENT

As a regulation of the County of San Juan, State of Colorado, primary enforcement responsibility for the provisions of this Code shall rest with the County Code Enforcement Officer. The right and privilege of any citizen to sign a formal complaint under the provisions of this Code shall be preserved. The Code Enforcement Officer shall enforce the provisions of this Code under the terms specified in 2 – 106, 2 – 107 and 2 – 108, and shall be authorized as well to enforce compliance with the requirement to obtain the permits necessary under the provisions of this Code.

13 – 110 PENALTIES

- .1 Any person, firm or corporation violating any provision of this Code, or any amendment hereto, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as allowed under state law. Each day during which such violation, or illegal structure or use continues shall be deemed a separate offense. In addition to any other recovery of civil or criminal penalties, if the County prevails it shall recover all costs of the enforcement proceeding including attorney's fees and expenses, expert witness fees and expenses, and all other costs regardless of type or amount.
- .2 In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, used, or maintained, or any land is, or is proposed to be, used in violation of this Code or any amendment hereto, the Board of Commissioners, the District Attorney, or any owner of real estate within the County, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful structure, erection, construction, reconstruction, alteration, maintenance or use.
- .3 Any property owner, contractor or agent who violates this Code and/or the conditions of their Improvement or Use Permit shall be prohibited from submitting any land use applications or performing any work in the County for three (3) years. The Board of County Commissioners may reduce the prohibition period or render a warning depending upon the circumstances and scope of the violation. In addition to the above powers, the Board of County Commissioners, upon reasonable belief that a violation of this Code has occurred, may impose a temporary moratorium pending resolution of the issue upon the issuance of

Improvement Permits, Land Use Permits, building permits, certificates of occupancy, and/or any other permit for the property concerning which such violations are alleged or any other property owned by the same person or entity or by any related person or entity, until such time as a resolution of the alleged violation has been determined by the County, or, if appealed, the court of final jurisdiction. If a violation of this Code is found to have occurred, the County may, in addition to any other penalties imposed, deny the issuance of future Improvement Permits, Land Use Permits, building permits, certificates of occupancy, and/or any other permit upon the subject property or any other property owned by the same person or entity or by any related person or entity for a period not to exceed ten (10) years from the date of such determination.

- .4 The authority for this penalty section is derived from 30-28-124 and 30-28-209, CRS 1973, in the exercise of County powers as derived from that article.

13 – 111 AMENDMENT

This Code, and any provisions thereof, may be amended from time to time as necessary by the Board of County Commissioners. Any such amendment shall not be made or become effective unless the same has been proposed by, or is first submitted for the review and comment of, the Planning Commission. Before adopting any such amendment, the County Commissioners shall conduct a public hearing thereon, giving at least 14 days notice of the time and place of such hearing in at least one publication of a newspaper of general circulation published in San Juan County.

13 – 112 EFFECTIVE DATE

This Code shall be in full force and effect on and after July 6, 1993, as specified in Resolution 93 – 10 of the Board of Commissioners of San Juan County, adopted July 6, 1993.

13 – 113 SOVEREIGN IMMUNITY AND ASSUMPTION OF RISK

All persons constructing improvements in San Juan County are hereby put on notice that there are potential natural hazards relating to such construction even in areas not previously recognized as posing any natural hazards. All persons constructing improvements in San Juan County do so assuming all risks associated with any natural hazards which may affect their property, whether or not those risks are known and whether or not known risks are specifically called to their attention. No provision of this Code or of any other action or enactment of San Juan County shall constitute, or be construed as, a waiver of sovereign immunity by San Juan County relating in any way to damage to, or destruction of, property or persons as a result of natural causes. San Juan County hereby invokes sovereign immunity to the fullest extent possible regarding any damages or injury caused by forces of nature.

13 – 114 NOTICE OF HAZARDS

- .1 All persons selling or transferring real estate located within San Juan County but outside of any incorporated city or town shall, prior to the closing of the sale or transfer, give the following Notice to the purchaser or transferee of the property:

“Property located in San Juan County may be located in an area of natural hazard from avalanche, flood, mud, earth or rockslide, subsidence, or wildfire. Such natural hazard may substantially affect the uses which may be made of the property. Information regarding natural hazards may be obtained from several sources, including the County Land Use Administrator.”

- .2 The County Land Use Administrator shall cause a copy of such Notice to be recorded in the records of the County Clerk and Recorder. Such Notice shall apply to, and run with, all property located in the County which is not located within any incorporated city or town. A copy of such Notice shall be provided to any person searching title to land in the records maintained by the County Clerk and Recorder.
- .3 (a) Pursuant to Sections 8 – 106.8, 9 – 106.6, 10 – 106.8, and 11 – 106.7, any Application for Improvement Permit for which approval has been given for property that is subject to a known natural hazard as defined in this Code shall include a KNOWN NATURAL HAZARD form completed by the applicant and approved by the Land Use Administrator.

- (b) The KNOWN NATURAL HAZARD form shall consist of the following:

Name(s) and address(es) of record owner(s) of property:

Legal description of property:

Prior deed reference: Book ____ Page ____ Rec. No. ____

Nature of known natural hazards which affect property:

Terms of any hazard mitigation or limitations on use of the property required in order to minimize risk to life and/or property from natural hazard:

- (c) Any KNOWN NATURAL HAZARD form that has been completed as part of an Application for Improvement Permit shall be recorded by the applicant with the County Clerk & Recorder prior to the issuance of the Improvement Permit.
- .4 (a) Pursuant to Sections 8 – 106.8, 9 – 106.6, 10 – 106.8, and 11 – 106.7, any deed transferring a property which has been issued an Improvement Permit but which is subject to any known natural hazard as defined in this Code shall contain the following notice endorsed on the face of the deed:

THE PROPERTY DESCRIBED IN THIS DEED IS SUBJECT TO THE PROVISIONS OF THE SAN JUAN COUNTY ZONING AND LAND

USE REGULATION CONCERNING NOTICE OF NATURAL HAZARDS. ANYONE SEEKING INFORMATION ABOUT THIS PROPERTY SHOULD REFER TO THE ATTACHED DISCLOSURE OF AVALANCHE, FLOOD, GEOLOGIC OR WILDFIRE HAZARD WHICH DESCRIBES THE NATURE OF THE KNOWN NATURAL HAZARDS TO WHICH THIS PROPERTY MAY BE SUBJECT.

- (b) Pursuant to Sections 8 – 106.8, 9 – 106.6, 10 – 106.8, and 11 – 106.7, any deed transferring a property which has been issued an Improvement Permit but which is subject to any known natural hazard as defined in this Code shall have permanently attached to it, and recorded with it, a completed and approved KNOWN NATURAL HAZARD form as defined in Section 13 – 114.3(b).

13-115 NOTICE REGARDING ROAD MAINTENANCE AND ACCESS

The County Land Use Administrator shall cause the following Notice to be recorded in the land records of the San Juan County Clerk and Recorder:

“Purchasers of property in San Juan County are notified that all roads in San Juan County other than U. S. Highway 550 provide seasonal access only. County policy provides that: there shall be no expansion of the existing system of roads maintained by the County, the County will not improve or maintain any roads beyond their current level regardless of future changes or increases in use; the County makes no commitment to continue existing levels of maintenance of any roads and may reduce maintenance levels on existing County-maintained roads at any time for any reason at the sole discretion of the Board of County Commissioners; and the County will not provide winter snow removal or maintenance on any roads which it does not currently maintain during the winter months and may cease providing winter road maintenance on any road at any time for any reason at the sole discretion of the Board of County Commissioners

CHAPTER FOURTEEN DEFINITIONS

14 – 101 PURPOSE

It is the purpose of this section to define words, terms and phrases contained within this resolution.

14 – 102 GENERAL

- .1 **Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.
- .2 **Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine; the singular number includes the plural and the plural includes the singular. The word "County" means San Juan County, Colorado. The words "Commissioners" or "County Commissioners" or "Board of Commissioners" mean the Board of Commissioners of San Juan County, Colorado. The words "Planning Commission" mean the San Juan County Regional Planning Commission.
- .3 **Terms defined in other codes.** Where terms are not defined in this code and are defined in the building code and in other codes that have been adopted by the Board of Commissioners of San Juan County, such terms shall have the meanings ascribed to them as in those codes.
- .4 **Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

14 - 104 DEFINITIONS

When used in this resolution, the following terms shall have the meanings herein ascribed to them:

ABUTTING: Having a common border with, or being separated from such common border by, an alley, road, highway or railroad right-of-way, or stream or river, or easement.

ACCESS: A means of vehicular approach or entry to a property.

ACCESSORY USE: A use conducted on the same lot or parcel as the primary use as the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

ACRE: Forty-three thousand, five hundred and sixty square feet.

ACTIVITY OR BUILDING ENVELOPE: One or more areas of a lot or parcel designated in accordance with this Land Use Code within which all development must occur, and that may include separate areas for different activities, including, but not limited to, primary and accessory buildings, a garage, parking area, deck, patio/terrace, well or other water supply, septic system, propane tank, landscaping, construction, grading, retaining wall, mitigation of environmental hazards, vegetation removal or disturbance, etc.

ADEQUATE WATER SUPPLY: A water source providing sufficient useable water for the uses intended 24 hours a day, 365 days a year, over and above any senior adjudicated water rights.

ALLEY: Any public way or thoroughfare which is more than 10 feet but less than 16 feet in width and which affords or could afford if developed only a secondary means of access to abutting property.

ALPINE TUNDRA ECOSYSTEMS: Alpine tundra ecosystems are found above tree line and are characterized generally by the absence of extensive tree coverage. Several distinct plant communities are found in the alpine tundra ecosystem, including low shrubs, cushion plants, small forbs, lichens and lush meadows of sedges and grasses. Among other qualities, alpine tundra ecosystems function to collect, store, filter and distribute water for all the in-stream, agricultural, municipal, domestic, industrial and recreational purposes for which water is essential.

APPEAL: A means for obtaining review of a decision, determination, or failure to act pursuant to the terms of this resolution.

APPELLANT: One who seeks to appeal any administrative decision made under the provisions of this Code.

APPLICANT: Any person, agent, partnership, corporation or company who applies for an Improvement Permit under the provisions of this Code, or who applies for a variance to any provision of this Code, whether owner or lessee of the property or not.

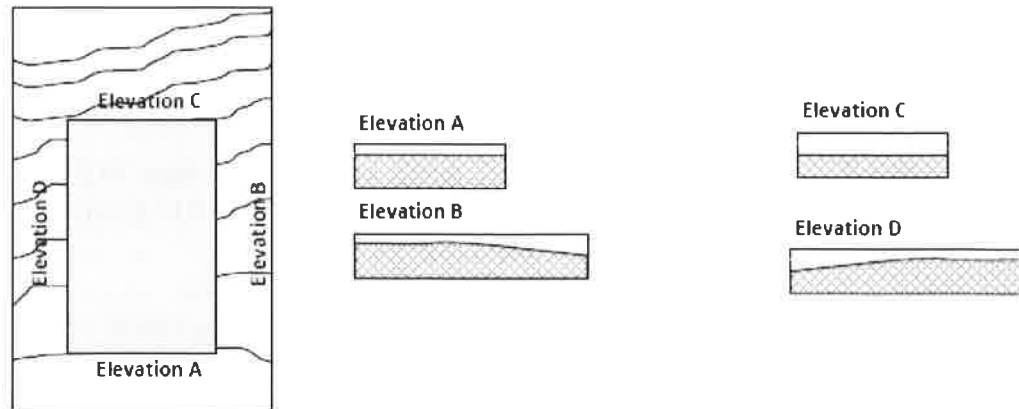
APPLICATION FOR IMPROVEMENT PERMIT: A standard form, required by this Code, upon which an applicant shall provide all required information relative to the improvement or activity prior to the issuance of an Improvement Permit.

APPROVING AUTHORITY: The Board of Commissioners of San Juan County, Colorado unless a different agency is designated by resolution or by the terms of this Code.

ARCHITECTURAL FEATURE (EXTERIOR): The architectural style, design and general arrangement of the exterior of a structure, including but not limited to, the texture, materials, windows, lights, signs and other fixtures appurtenant to a structure.

ARTERIAL ROAD OR STREET: A roadway so designated.

BASEMENT: That portion of a building having its floor below ground level and the exterior walls on all sides being four (4) feet or less above finished or natural grade, whichever is more restrictive. For residential buildings at or above 11,000 feet, basements are exempt from the Floor Area calculation.



BEDROOM: A room or a portion of a dwelling unit used or intended to be used primarily for sleeping purposes and/or where one (1) or more individuals sleep. A bedroom may have a closet and/or a bathroom

BERM: A mound of soil, either natural or manmade.

BICYCLE-COMPATIBLE ROADWAY: A road designated to accommodate the shared use of the roadway by bicycles and motor vehicles.

BICYCLE LANE: A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

BICYCLE PATH: A pathway, usually separated from the roadway, designed specifically for bicycling.

BLOW-OFF: An outlet in a pipe through which water or sediment can be discharged from a lower pipe.

BUFFERYARD: A unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING: A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

BUILDING, ACCESSORY: A building which (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot or parcel as the principal structure or use served except as otherwise expressly authorized by provisions of this resolution, and (4) is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

BUILDING CODE: Shall include all Building Codes as currently adopted by the Board of Commissioners of San Juan County, Colorado.

BUILDING HEIGHT (STRUCTURE HEIGHT): The vertical distance measured from natural grade at any point within the interior of the building and from natural or finished grade, whichever is more restrictive, at any point around the perimeter of the building to the highest point of the structure, excluding antennas and chimneys.

BUILDING INSPECTOR: An appointed County official, called for in the Uniform Building Codes as adopted, and charged with the enforcement of the Uniform Building Codes and with the issuance and monitoring of building permits and with all inspections called for in this Code.

BUILDING LINE: A line on a lot or parcel, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum set-back required by this resolution. The building line delimits the area in which buildings are permitted subject to all applicable provisions of this resolution.

BUILDING PERMIT: A standard form, required by this Code and the Uniform Building Codes as adopted, dealing with data, materials, plans, costs and specifications involved in the erection, modification or demolition of a structure.

BUILDING, PRINCIPAL: A building in which is conducted, or intended to be conducted, the main or principal use of the lot or parcel on which it is located.

CAMPING: The use of any camping unit or recreational vehicle for recreation and temporary habitation.

CAMPING UNIT: Any tent, tipi, self-propelled or towed camping unit that is mounted on or drawn by another vehicle including tent trailer or camper, intended for recreational purposes, and not for permanent residential use, constructed of materials that are not addressed as a habitable residence by the Building Code, as adopted by San Juan County.

CAPITAL IMPROVEMENTS PROGRAM: A proposed schedule of all future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing.

CAPPED SYSTEM: A completed water supply and/or sewerage system put in place for future use (contingent upon expansion).

CARETAKER'S RESIDENCE: A dwelling unit which is used exclusively by either the owner, manager, or operator of a principal permitted use and which is located on the same parcel as the principal use.

CARPORT: Space for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

CERTIFICATE OF OCCUPANCY: A standard form, required by this Code, to be issued by the Building Inspector upon fulfillment by an applicant of all of the requirements of this Code, and to be required prior to occupancy of any improvement for any purpose.

CHANNEL: The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

CHANNELIZATION: The straightening and deepening of channels and/or the surfacing thereof to permit water to move more directly.

CHARACTER: The distinct physical characteristics of a structure or area that set it apart from its surroundings and contribute to its individuality. Specifically with respect to structures, character means the density, height, coverage, setback, massing, fenestration, materials and scale of materials. With respect to an area, character means the nature of the area in terms of intensity of the use using the terms rural, suburban, or urban.

CHURCH: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

CLUB or LODGE: An association of persons for the promotion of some non-profit common object, meeting periodically, limited to members, with not more than 1/3 of the gross floor area used for residential occupancy.

CLUSTER DEVELOPMENT: A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or cluster, which may allow the total development density to exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space and recreational land.

COLLECTOR STREET: A street or road designed to carry vehicular traffic from a residential area, or non-residential area, to a major street or highway.

COLORADO STATE GRID SYSTEM: A system of mapping grid coordinates devised by and covering the State of Colorado, potentially one method of locating a parcel of real property.

COMMON UTILITY LATERAL: A lateral serving more than one unit.

COMMON OPEN SPACE: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements.

COMPATIBLE: Capable of existing together without conflict or ill effects. Specifically with respect to structures, compatible means consistent with, harmonious with, similar to and/or enhances the mixture of complementary architectural styles, either of an individual structure or the character of the surrounding structures. With respect to resource extraction activities, compatible means able to exist or act together harmoniously, considering noise levels, odors, potential fire hazard, visual impacts, effects to surface water and groundwater quality/quantity, adequacy of the road system, air quality and surrounding land uses.

CONDITION: A stipulation upon which the issuance of an Improvement Permit, Land Use Permit, and/or the granting of a Certificate of Occupancy will be contingent.

CONDOMINIUM: A building, or buildings, consisting of separate fee simple estates to individual units of a multi-unit property together with an undivided fee simple interest in common general and limited elements.

CORNER: Any point at which the boundary of a given parcel of real property changes direction or character.

COUNTY ROAD: A road formally designated and numbered by the County Commissioners to be part of the road system of the County.

CROSSWALK: A right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.

CUL-DE-SAC: A local street with only one means of ingress and egress and having the other end for the reversal of traffic movement.

CULVERT: A structure designed to convey a water course, not incorporated in a closed drainage system, under a road or walk.

CURB: A vertical or upward sloping edge of a roadway.

DEDICATION: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

DETENTION BASIN: A man-made or natural water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to development.

DEVELOPER: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase, and any person who proposes to build upon, develop or alter land which is subject to this resolution.

DEVELOPMENT: Any construction or activity which changes the basic character or use of the land on which it occurs.

DISPOSITION: A conveyance of interest in subdivided land.

DIVIDED STREET: A street having an island or other barrier separating opposing lanes.

DOUBLE FRONTAGE LOT: A lot which fronts one public street on the front lot line and another public street on the rear lot line.

DRAINAGE: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or alleviation of flooding.

DRAINAGE SYSTEM: The system through which water flows from the land, including all watercourses, water bodies and wetlands.

DRIVEWAY: A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure, facility, or any parcel of land.

DWELLING: A permanent building or portion thereof, which is used, or designated for use, for private residential purposes.

DWELLING, MULTIPLE FAMILY: A building designed for or containing two or more dwelling units.

DWELLING, SINGLE FAMILY: A dwelling designed for and occupied by not more than one (1) family.

DWELLING UNIT: A room or group of rooms providing or intended to provide living quarters for not more than one family.

EASEMENT: A right-of-way granted by a property owner or required by law or by this resolution to allow for access, ingress, egress or other stated purpose across one's property for use by others.

ENVIRONMENTAL CONSTRAINTS: Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development.

ESCROW: A deed, a bond, money, or a piece of property delivered to a third person to be delivered to the grantee only upon fulfillment of a condition.

EXTRACTION: Removing ore from a mine and separating the valuable ore from the dirt and refuse in which it was found.

FAMILY: One or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling and living as a single housekeeping unit.

FENCE: A constructed barrier, including berms, intended to mark a boundary, to prevent intrusion or escape, to shield or screen views or to perform any similar function. Any fence is deemed to be a structure under this regulation.

FINAL PLAN APPEARANCE: An appearance before the County Commissioners which may be required for a final decision of an issue after utilization of earlier steps in the Review and Appeal process. It is usually characterized by presentation of final or significantly revised plans, or the findings of special studies or reports, and must culminate with a final decision by the County Commissioners.

FINAL PLAT or PLAN: The final map or written description of all or a portion of a subdivision or other activity or development which is presented for final approval.

FLOOD PLAIN: The area contiguous with a lake, stream, or stream bed, whose elevation is greater than the normal water pool elevation, but equal to or lower than the 100 year flood elevation.

FLOOR AREA: Floor area means the sum of the horizontal areas of all floors in principal and accessory buildings on a site, as measured from the interior faces of the walls, and enclosed porches as measured by the interior limits thereof. Interior spaces with the potential to contain additional horizontal floors shall be measured from the finish floor elevation to the ceiling above, or if there is no floor above, to the underside of the roof assembly. Any part of a building whose interior height is fourteen (14) feet or less shall be counted once (x1) for floor area purposes. Any part of a building whose interior height is greater than fourteen (14) feet and less than or equal to twenty-three (23) feet shall be counted twice (x2) for floor area ratio purposes, and any part of such building that has an interior height greater than twenty-three (23) feet shall be counted three (3) times. The following elements are excluded from the Floor Area calculation:

a. Unroofed porches, decks, and terraces;

1. If such improvement is equal to or less than thirty (30) inches above grade and is less than 250 square feet;
2. If such improvement is more than thirty (30) inches above grade or greater than 250 square feet, the area is calculated as fifty percent (50%) of the actual floor area.

b. A single detached accessory building, no greater than 200 square feet

GARAGE: A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

GAS STATION: An establishment providing sales of vehicle fuel and such services as lubrication, oil and tire changes, and minor repairs. This does not include paint spraying or body repair.

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 safety or to property. The term includes, but is not limited to, landslides, rockfalls, mudflows, unstable or potentially unstable slopes, seismic effects, radio- activity and ground subsidence.

GRADE: The slope of the ground, street, trail or other public way expressed in percentage (%) terms.

GRADE (FINISHED): The elevation of the ground surface measured where it meets the exterior wall of a structure or other site improvement upon completion of construction.

GRADE (NATURAL): The undisturbed elevation of the ground surface prior to construction or other development activity.

GREENHOUSE: An enclosed building, permanent or portable, which is used for the growth of small plants.

GROUND FLOOR: The floor level of a structure situated at or nearest the grade around the structure.

GROUND SUBSIDENCE: A process characterized by the downward displacement of surface material caused by natural phenomena, such as removal of underground fluids, natural consolidation or dissolution of underground minerals; or by man-made phenomena such as underground mining.

GUTTER: A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off water.

HEALTH DEPARTMENT: The San Juan Basin Health Department.

HISTORIC DISTRICT: An area related by historical events or themes, by visual continuity or character, or by some other special feature that helps to give it a unique historical identity and designated as such by local, state or federal government and given official status and protection.

HISTORIC SITE: A structure or place of historical significance. It may be designated as such by local, state or federal government and given official status and protection.

HOME OCCUPATION: A business, profession, occupation or trade conducted for gain or support and located entirely within a residential building, or an accessory structure thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building or structure.

HOTEL: A building or group of buildings used, or intended to be used, for the temporary occupancy of paying guests, and which may or may not have kitchen facilities.

HOUSE TRAILER: (See 'Manufactured Home')

IMPACT: Any material effect on surrounding property, persons, or community which potentially endangers health, safety, economy, resources uses, or enjoyment.

IMPERVIOUS SURFACE: A surface which does not absorb water.

IMPOUNDMENT: A body of water confined by a dam, or other barrier.

IMPROVEMENT: Any man-made work which becomes part of, is placed upon, or is affixed to, real estate or which in any way alters the land or any characteristic thereof.

IMPROVEMENT PERMIT: A standard form, required by this Code as a prerequisite to initiation of any work on any development, activity, or improvement which changes the basic characteristic or use of the land, changes the use of a structure, or alters the use or appearance of the land in an unincorporated area of San Juan County.

JUNKYARD: Any land or structure used for a salvaging operation, including but not limited to, the storage and sale of waste paper, rags, scrap metal or discarded materials, and their collection; or the dismantlement, storage, and salvage of two or more unlicensed, inoperative vehicles.

KENNEL: Any place in or at which any number of dogs are kept for the purpose of sale, or in connection with boarding care or breeding, for which a fee is charged.

LANDSLIDE: A mass movement of earth, rock, mud or debris where there is a distinct surface rupture, or zone of weakness, which separates the slide material from more stable, underlying material on the land.

LAND USE ADMINISTRATOR: An appointed County official charged with the administration of this Code; with administration of matters involving or affecting County-owned lands; and with the issuance of Improvement Permits under the provisions of this Code.

LATERAL SEWER: A sewer which discharges into another sewer and has only building sewers tributary to it.

LEGAL DESCRIPTION: A description from which it is possible to locate accurately on the ground the boundaries of the land described.

LOADING AREA: A parking space other than a public street, alley or road, used for the parking of commercial vehicles or for the purpose of loading or unloading materials or merchandise.

LOCAL STREET: A street designed to carry vehicular traffic from a residential or non-residential unit to a collector street.

LOT: A parcel of land undivided by any street or private road and occupied by, or designated to be developed for, one building or principal use and the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as are designed and arranged or required by this resolution for such building, use, or development.

LOT AREA: The area contained within the boundary lines of a lot.

LOT DEPTH: The shortest distance from a street or road to the rear of a lot as measured in the mean direction of the side lot lines.

LOT FRONTAGE: Lot width measured at the street lot line.

LOT LINE: A line bounding a lot which divides one lot from another, or from a street or any other public or private place.

LOT OF RECORD: Any validly recorded lot which at the time of its recordation complied with all applicable laws and regulations.

LOT WIDTH: The mean horizontal distance between the side lot lines measured at right angles to those side lot lines at the building line.

MAJOR HIGHWAY: A street or road designed to carry vehicular traffic into, out of, or through the county.

MAJOR STREET: A street or road designed to carry vehicular traffic from one part of the county to another part of the county.

MANUFACTURED HOME: ('Mobile Home')

A structure, transportable in one or more sections, which is built on a permanent chassis and is intended to be used as a single family dwelling with or without a permanent foundation.

MASTER PLAN: The Master Plan for San Juan County and Silverton, adopted by the County Commissioners by Resolution 1998-01 on June 23, 1998 or any Master Plan subsequently amended or adopted by the County Commissioners.

MILLING AND REDUCTION: The operation by which ores which have been removed from the ground are separated from any waste materials which may still be present after the process of extraction.

MINERAL: An inanimate constituent of the earth including but not limited to, coal, oil and natural gas, oil shale, sand, gravel, quarry aggregate, limestone, or other natural substance in either solid, liquid or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or construction material; or an inanimate constituent of the earth containing base or precious metal in any form. The definition does not include surface or ground water subject to appropriation for domestic, agricultural or industrial purposes.

MINERAL RESOURCE AREA: An area in which minerals are located in concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise. The term includes any area in which there has been significant mining activity in the past, in the present, or planned for the future.

MINERAL RIGHTS: Rights to the minerals on or beneath the surface of a given parcel of property.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or placement of any floor.

MINING: The process or business of extracting from the earth the precious or valuable metals, either in their native state or in their ores.

MINI-STORAGE: A building, or group of buildings, in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized stalls or lockers for the dead storage of a customer's goods or wares.

MOBILE HOME: (Manufactured Home')

A structure, transportable in one or more sections, which is built on a permanent chassis and is intended to be used as a single family dwelling with or without a permanent foundation.

MOBILE HOME PARK: A parcel, or contiguous parcels, of land which has been so designated and improved that it contains two or more lots available to the public for rent or sale, and for the placement thereon of mobile homes for occupancy.

MODULAR HOME: A factory built home, other than a manufactured home, which meets all of the following requirements:

1. Is designed only for erection or installation on a site-built permanent foundation;
2. Is not designed to be moved once so erected or installed;
3. Is designed and manufactured to comply with the Uniform Building Code and all other building requirements adopted by San Juan County.

MOTEL: Same as a Hotel, with on-site parking.

MUDFLOW: A flowing mass of predominantly fine grained earth material possessing a high degree of fluidity during movement.

NATURAL HAZARD: A naturally occurring event that may result in a negative impact to people, property or the environment. Natural hazards include but are not limited to avalanches, mud slides, rockfall, wildfires and floods.

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

NON-CONFORMING BUILDING: A building or structure or portion thereof, legally existing at the time of passage of this Code, but presently conflicting with the provisions of this Code.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the time of passage of this Code, but presently conflicting with the provisions of this Code.

OFF-SITE: Located outside the boundary lines of the parcel or lot in question but within the property that is subject to development or on other property not a part of a development but available for use by a developer.

OFF-STREET PARKING SPACE: The space required to park one passenger vehicle, which space shall not be less than 200 square feet, exclusive of access drives.

ON-SITE: Located on the parcel in question.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment.

OWNER: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase, a lot or a parcel of land.

PARCEL: A tract, lot or plat of land of any size and including patented mining claims that may or may not be subdivided or improved.

PARKING SPACE: An area provided for the parking of motor vehicles.

PERC TEST (Percolation Test): A test designed to determine the ability of ground to absorb water, used to determine whether or not the soil is suitable for a septic system.

PERFORMANCE GUARANTEE: A financial guarantee to insure that all improvements, facilities, or work required by this resolution will be completed in compliance with the plans for development.

PERMANENT MONUMENT: Any structure of masonry and/or metal which is permanently placed on or in the ground for the purpose of locating or identifying a particular point, including those specifically placed for surveying reference.

PERVIOUS SURFACE: A surface that permits absorption of water.

PLANNED UNIT DEVELOPMENT (PUD): A project, improvement, or development which is pre-planned in its entirety, with variation permitted from regulations in the context of the acceptance of the overall plan in its entirety on merits which outweigh the variation from regulations.

PLAT: A map or maps, and supporting materials, prepared in accordance with subdivision or other regulations as an instrument to be used for recording real estate interests with the County Clerk and Recorder.

PRELIMINARY PLAN APPEARANCE: The second appearance, or series of appearances, of a party using the Review and Appeal process, or making application for a subdivision. It is usually characterized by more detailed presentations and plans than were required in the Sketch Plan Appearance.

PROSPECTING: The act of searching for or investigating a mineral deposit. Prospecting may include, but is not limited to, sinking shafts, tunneling, drilling core and bore holes, digging pits or cuts and other works for the purpose of extracting samples prior commencement of development or extraction operations, and the improving and/or building of roads, access ways and other facilities related to such work and requiring the issuance of a Use and/or Improvement Permit.

PUBLIC DOMAIN: All land in which title is vested in the United States, the State of Colorado, or other government entity as distinguished from land in which title is vested in private parties, corporations, or governmental subdivisions by deed or by patent.

PUBLIC HEARING: A hearing, open to the general public, which has been preceded at least five calendar days by publication of a notice on the time,

date, place and purpose of the hearing in a newspaper of general circulation within San Juan County. Cost of such publication shall be borne in advance by the applicant.

QUARRY: An open excavation where works are visible at the surface.

RECREATIONAL VEHICLE: A vehicle or a unit that is mounted on, or drawn by, another vehicle, primarily designed for recreation and temporary living. Recreational vehicles include travel trailers, truck campers, camping trailers, camper vans, toy haulers, fifth wheels and motor homes.

RECREATIONAL VEHICLE PARK: A parcel or lot on which campsites are established for parking of recreational vehicles by the general public for use as temporary living quarters for purposes of recreation or vacation.

RESIDENTIAL USE: Used or intended for use exclusively for non-commercial, personal dwelling purposes, and does not include vacation rentals, hotels or lodges.

RESUBDIVISION: The changing of any existing lot, parcel or piece of ground or of any plat previously recorded with the County Clerk and Recorder.

RETAINING WALL: A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

RETENTION BASIN: A pond, pool, or basin used for the storage of water runoff.

REVIEW and APPEAL PROCESS: The process by which the County Commissioners and the Planning Commission review, study, accept or reject proposals requiring approval, decision or variance from the provisions of this Code; hear appeals of administrative decisions; grant or deny special impact hazard clearance; and by which an applicant may seek final approval, variances, decisions or clarifications under this Code.

RIGHT-OF-WAY: A strip or other area of land specifically designated or reserved for travel, passage and/or the installation of utilities or other similar uses by persons other than or in addition to, the landowner.

RIGHT-OF-WAY (PUBLIC): A dedicated strip or other area of land on or over which the County and/or public may travel or use for passage and within which public utilities and/or streets, sidewalks, trails and other ways may be installed.

ROAD: A place or way for travel by vehicle or on foot when so designated or accepted by the County. A thoroughfare outside a platted subdivision or incorporated municipality, or a route for vehicular access. A driveway is not a road.

ROADWAY: That portion of a street right-of-way designed for vehicular travel.

ROCKFALL: A relatively free-falling or precipitous movement of a newly detached segment of rock of any size from a cliff, overhang, or other very steep slope.

ROOMING HOUSE: A dwelling where lodging is provided, for compensation, for persons who are not members of a family occupying that dwelling unit, and who do not occupy the dwelling as a single housekeeping unit.

SAN JUAN AVALANCHE BOARD: A board constituted to act in an advisory capacity to the Planning Commission on the topic of avalanche hazards and related defense or mitigating techniques.

SCALE: The perceived or relative size and proportions of a development, building, structure or architectural element.

SCREEN: A structure or planting that provides a continuous view obstruction within a site or property.

SEDIMENTATION: The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

SETBACK: An area commencing and extending horizontally and vertically from a lot line, property line or other boundary that shall be unoccupied and unobstructed from the ground upward, excepting trees, vegetation and/or fences.

SEWER: Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

SHOULDER: The graded part of the right-of-way that lies between the edge of the main pavement and the curbline.

SIGN: Any device fixed to, painted on, or incorporated in the building surface, or displayed from or with a building or structure, or free-standing upon the site and which is visible from a road, trail, public right-of-way, public domain or an adjacent parcel of land, and which is designed to convey to or direct to the public a message concerning the identification of the premises or to advertise or promote any private or public interests, person or organization.

SITE PLAN: An accurately scaled development plan that illustrates the existing conditions on a land parcel and fully depicts the details of a proposed development.

SKETCH PLAN: A scaled, conceptual development plan that illustrates the existing conditions on a land parcel and depicts the general aspects of a proposed development.

SKETCH PLAN APPEARANCE: The initial appearance before the Planning

Commission made by a party using the Review and Appeal process, or making application for a subdivision.

SPECIAL EVENTS: Temporary, short-term uses of lands or structures, not otherwise permitted by the applicable zoning regulations. Special Events include, but are not limited to: 1) public events intended for amusement or entertainment (e.g., concerts, festivals); 2) fund raising or non-commercial events for non-profit religious, educational, or community service organizations, and 3) foot, bike and ski races.

STABLE: A building or land that shelters horses or other animals.

STEEP SLOPES: Land area where the inclination of the land's surface from the horizontal is 12% or greater. Slope is determined by an on-site topographic survey.

STOP WORK ORDER: A standard form, required by this Code, to be utilized by the Building Inspector when a submitted plan is not being followed, when a requirement or condition is not being met, or when a provision of this Code or the Uniform Building Code is not being adhered to, and when he is not able to bring the responsible party into compliance.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling above it shall be the story.

STREET: Any avenue, boulevard, road, lane, parkway, alley, street, or other way, used or designed for the movement of vehicular traffic. A street may be improved or unimproved, and may be comprised of pavement, shoulders, gutters, sidewalks, parking areas and other space within the right-of-way.

STREET RIGHT-OF-WAY: That portion of land dedicated to public use for street and utility purposes.

STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as the bearing walls, columns, beams or girders, or any change in the dimension or configuration of the roof or exterior walls.

STRUCTURE: Anything which is constructed or erected, the use of which normally requires permanent location on the ground, or attachment to something having permanent location on the ground.

SUBDIVIDER or DEVELOPER: Any person, firm, partnership, venture, association or corporation who participates as owner, agent, promoter or developer, in the planning, platting, development, promotion, sale or lease of a subdivision.

SUBDIVISION: A parcel of land in unincorporated San Juan County that is divided into two (2) or more lots, tracts, sites, parcels, separate interests, interests in common or other division. No person may submit an application for subdivision approval to San

Juan County unless the subdivision plan or plat provides that all lots and parcels created by the subdivision will have year-round wheeled vehicle access to the state highway system in conformance with the state highway access code.

- (a) The term "subdivision" shall not apply to any division of land which creates parcels which each comprise 35 acres or more of land, none of which is intended for use by multiple owners.
- (b) The term "subdivision" shall not apply to any division of land which creates parcels which, when divided by the number of interests in such parcel, results in 35 acres or more per interest.
- (c) The term "subdivision" shall not apply to any division of land which is created by order of any Colorado court or by operation of law.
- (d) The term "subdivision" shall not apply to any division of land which is created by a lien, mortgage, deed of trust or other security instrument.
- (e) The term "subdivision" shall not apply to any division of land which is created by a security or interest in any investment trust regulated by Colorado law.
- (f) The term "subdivision" shall not apply to any land divided for the purpose of creating cemetery lots.
- (g) The term "subdivision" shall not apply to any division of land which creates an interest in oil, gas, water or minerals which are now, or hereafter, severed from the surface ownership of real property.
- (h) The term "subdivision" shall not apply to any division of land which is created by the acquisition of an interest in such land in the name of a husband and wife, or by other persons in joint tenancy, or as tenants in common. Such an interest shall be deemed, for the purpose of subsection (d), as only one interest.

SUBGRADE: The natural ground lying beneath a road.

TOPSOIL: The original upper layer of soil material which is usually darker and richer than the subsoil.

TRAIL: A track or path constructed, or worn by passage, suited or designed for human and animal traffic as opposed to vehicular traffic.

TRAILER: A portable or mobile unit which once was or is now capable of being transported, moved or towed by a vehicle.

UNINCORPORATED AREA: That portion of San Juan County not located within the boundaries of any town or city duly incorporated under the laws of the State of Colorado.

UNSTABLE SLOPE: An area susceptible to a landslide, mudflow, rock-fall, or accelerated creep of slope forming materials.

USE: The purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained, or actual activity upon the land.

USE, PRINCIPAL: The specific primary purpose for which a building or land is used.

USE SUBJECT TO REVIEW: A use determined by regulation to be of such importance, that it requires review by the Planning Commission and/or the Board of County Commissioners.

VACATION RENTAL: The commercial use and short term occupancy of a personal, residential dwelling unit by the general public on a nightly or weekly basis for a fee. A vacation rental is a Use Subject to Review and requires approval of a Use Permit.

VARIANCE: A specific, written, and perhaps conditional, waiver of one or more provisions of this Code granted only by the Board of County Commissioners.

WATER RIGHT, ADJUDICATED: A right to surface water use, decided and decreed by a Water Court of the State of Colorado.

WETLAND: An area of one-quarter acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area.

WILDLIFE/BEAR-RESISTENT DUMPSTER/TRASH ENCLOSURE: A device or structure intended to store domestic refuse and limit access by nondomestic mammals.

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

YARD: The space between a lot line and building line, unoccupied and unobstructed from the ground upward by buildings or structures.

YURT: A circular, domed temporary structure made of cloth, canvas or other fabric material that is located on decking or other structural system. Any yurt, regardless of use, shall be connected to an approved professionally engineered or proven alternative solid waste disposal system, meet the snow and wind load requirements of the Building Code as adopted by the County and comply with the design standards in Section 4-110 of this Regulation.