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## USE AND DEVELOPMENT STANDARDS

### DIVISION 1 GENERAL DEVELOPMENT STANDARDS AND CRITERIA

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

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

#### Section 7-101 Applicability.

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

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

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

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

**Section 7-200                Block Design.**

The lengths, widths, and shapes of blocks shall be designed with regard to:

- A.     Provision of adequate building sites suitable to the special needs of the type of use(s) contemplated;
- B.     Lot sizes required by the property's zone district;
- C.     The need for convenience and emergency access, circulation, and traffic safety; and
- D.     Limitations and opportunities presented by the topography of the site.

**Section 7-201                Lot Design.**

- A.     The lengths, widths, and shapes of lots shall be designed with regard to:
  - 1.     Provision of adequate building sites suitable to the type of uses permitted within the zone district;
  - 2.     Accommodation of necessary public utilities and parking facilities;
  - 3.     The provision of safe and efficient access based on the types of use(s) permitted within the zone district (new commercial uses within rural centers should provide safe and efficient pedestrian access);
  - 4.     Lot sizes required by the property's zone district; and
  - 5.     Limitations and opportunities presented by the topography of the site.
- B.     Double frontage lots (lots bounded on two opposite sides by streets or roads) are prohibited except where the lot has a lot depth of not less than one hundred and thirty (130) feet and one of the following circumstances exist:
  - 1.     Where double frontage lot design is necessary to separate residential development from an adjacent highway or arterial road;
  - 2.     Where access to an adjacent highway or arterial road is prohibited from the lot(s); or
  - 3.     Where the subdivision design incorporates a fencing and/or landscaping plan that ensures a uniform and consistent design along the highway, arterial, or collector road.
- C.     All lots shall be designed to provide an adequate and usable building site following application of the requirements of these Land Use Regulations and the applicable zone district requirements. Where any portion of a lot includes a slope of more than 15%, a ridgeline, or lies within a floodplain or floodway area, any graphic depiction of the lot shall identify these areas.
- D.     The creation of an outlot<sup>1</sup> shall be prohibited except where such outlot will be owned by a homeowners' association, local improvement district, or special district and subject to permanent and perpetual maintenance through an agreement approved by the County at the

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

time of subdivision review and approval and the outlot is expressly limited by the subdivision plat to use as a location for:

1. A subdivision monument entry sign; or
  2. Drainage detention or retention facilities; or
  3. Open space, greenbelt, or parkland; or
  4. Undeveloped property (no buildings or structures) for the purpose of advancing traffic safety and/or road maintenance such as, but not limited to, land devoted to intersection visibility triangles and snow storage areas.
- E. Property lines of lots located at the corners of two intersecting roads shall be rounded by an arc having a radius of not less than fifteen (15) feet.
- F. Property lines of lots located at a corner of a highway or arterial road shall be rounded by a radius of at least twenty-five (25) feet.

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

- A. Public Access Required. All subdivisions shall be served by direct, uninterrupted, and permanent access to an existing public thoroughfare capable of safely and efficiently handling both the existing demand upon such thoroughfare and the estimated vehicular traffic volume generated by the proposed subdivision.
- B. Roads to Meet Standards. All lots within all proposed subdivisions shall be accessible by a state highway or a road system that meets all county road standards provided by these Land Use Regulations. Where the existing roadway system providing access to the subdivision fails to meet the applicable standards, subdivision approval shall be denied until such time that the County brings the roadway system into conformance with these Land Use Regulations. Alternatively, the Applicant shall upgrade the roadway system at the Applicant's expense as part of the public improvements necessary to serve the subdivision.
- C. Secondary Access Required. The road layout within a Major Subdivision<sup>2</sup> shall be designed to provide at least two (2) means of public access to lots within the subdivision. This secondary access requirement shall not apply to lots within a subdivision that obtains access from a cul-de-sac street that is less than one thousand (1000) feet in length. Both primary and secondary access shall be provided by roads meeting all design and construction standards applicable to such roads; provided, however, that the County may permit secondary access not meeting such standards where it is demonstrated that:
1. The secondary access is sufficient to permit access by emergency vehicles; and
  2. The secondary access will be regularly maintained, and will remain permanently available for emergency vehicle use; and
  3. The secondary access will not be detrimental to the public health, safety, and welfare.

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

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

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

Design Standards. All roads and alleys shall meet the following design requirements:

- A. Except for roads subject to ownership and control of the Colorado Department of Transportation, the layout and design of all public and private roads shall conform to the requirements of the Park County Standard Specifications for Road and Bridge Construction. See Appendix D.
- B. All roads and alleys shall be constructed and surfaced in accordance with the applicable construction standards for Park County.
- C. Alleys shall be open at both ends. Dead-end alleys are prohibited.
- D. Road layout shall be designed to connect and relate in a logical and efficient manner to existing and planned roads. Road layout and design shall consider topographic conditions, soil conditions (particularly considering drainage and erosion factors), and public convenience, safety, and aesthetics.
- E. Intersections of roads shall be made at approximately right angles unless topography of physical features prevents such an alignment.
- F. Not more than two (2) roads shall intersect at any one point.
- G. Intersection visibility shall be unobstructed for a minimum of one hundred (100) feet (measured center line to center line).
- H. The centerline of a new intersection along one side of an existing road shall reasonably align with the centerline of any existing intersection on the opposite side of such road.
- I. The center of two roads forming a three way intersection shall be spaced not less than one hundred fifty (150) feet from the centerline of any other three-way or four-way intersection.
- J. Access to a state highway shall occur only at intersections approved by the Colorado Department of Transportation in consultation with the Planning Department.
- K. Dead-end roads, with the exception of cul-de-sacs, shall be prohibited unless approved by the County and are designed to connect with a future road in an adjacent unplatted parcel. If a dead-end road is approved, a temporary turnaround may be required by the Board of County Commissioners where it is determined by the Board that the temporary turnaround is desirable to facilitate the provision of emergency services and to promote the safe and efficient management of vehicular traffic. A temporary turn-around shall be established by the dedication of a public easement which shall burden the lots upon which the turnaround is located and which shall terminate upon the County's acceptance of the through street as a public improvement.
- L. The dedication of less than the full width of a road within a subdivision plat shall not be accepted.
- M. Road names may be proposed by the Applicant at the time of subdivision application. Road names shall conform to the requirements of Division 12 of this Article. Final approval of road names and changes in road names shall be subject to the discretion of the Board of County Commissioners.

**Section 7-204 Driveways.**

- A. Driveways shall serve no more than four (4) residential Lots. Driveways shall not provide service or access to commercial or industrial zoned property unless approved by the Planning Department.
- B. All driveways serving or located on more than one Lot shall be created by written and recorded easement, plat, deed, or other legally accepted documentation, which ensures perpetual and permanent access and which demonstrates consent and approval of all fee owners of property upon and through which the driveway is located.
- C. Driveways shall meet the following requirements:

	<b>Minimum Width of Traveled Surface</b>	<b>Minimum Centerline Curve Radius</b>	<b>Maximum Linear Distance from Access</b>	<b>Maximum % of Grade Within First 50 Feet from Road</b>	<b>Maximum % of Grade After the First 50 Feet From Road</b>
Driveway serving one or two single family residential lots	16 feet	30 feet	1500 feet	1 <sup>st</sup> 10 feet <2%, then 10%	12%
Driveway serving three or four single family residential lots	20 feet	40 feet	1500 feet	1 <sup>st</sup> 10 feet <2%, then 10%	12%

The environmental health director may, at his sole discretion, grant modifications of the standards in the chart above as long as the modifications are less restrictive. The Board of Adjustment may also grant variances from the standards in the chart above, according to the procedures and requirements of article iii of these land use regulations.

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

**Section 7-205            Driveway Paving**

- A.     Paving of driveways shall require a \$100 paving permit from the Road & Bridge Department.
- B.     Existing driveways that will be paved shall comply to current driveway standards including but not limited to grades, culverts, widths and drainage (refer to Section 7-204 appendix D Article IV 4.5)
- C.     The applicant must meet all requirements as described on the paving permit.
- D.     The County is not liable for any damages to paved driveways.

**Section 7-206            Snow Removal**

- A.     Homeowners and residents are responsible for maintaining their own driveways and property.
- B.     After (the date of adoption of these land use regulations), major subdivisions shall provide easements for the storage of snow removed from rights-of-way. Other such developments may be required to do so at the discretion of the planning director or designee.
- C.     Snow removed from one portion of a resident's property must not obstruct pedestrian or vehicular traffic.

**Section 7-207    Obstructions in Rights-of-Way**

Colorado Revised Statute 43-5-301 prohibits persons or corporations from placing any obstruction on any public highway. Under the law a person or corporation can be fined if found guilty, and held liable to any person, unit of government, or corporation in civil action for any damages resulting from the obstruction.

## **DIVISION 3**

## **PARKING STANDARDS**

### **Section 7-300**

#### **Parking Standards Generally.**

- A. The purpose of these regulations is to ensure that adequate parking is provided to meet the parking needs of uses located in Park County, to promote efficient design of parking areas, and to protect the small-town character of the county's rural centers. It shall be the responsibility of the developer, owner, or operator of a specific use to provide and maintain adequate parking for that use. All parking areas shall be designed and situated so as to: (i) ensure their usefulness; (ii) mitigate adverse impacts on adjacent uses; (iii) allow for convenient access by the handicapped; and (iv) protect the public health, safety, and welfare.
- B. Applicability. The requirements of this Section shall apply to the following developments:
1. Major Subdivisions.
  2. Minor Subdivisions.
  3. Structures and uses proposed for any subdivided or platted property.
  4. Enlargements and additions of existing structures that would result in an increased need for parking.
  5. Conditional Uses.
  6. Planned Unit Developments.
  7. Section 7-301 shall not apply to individual single-family dwellings except as explicitly stated.

### **Section 7-301**

#### **Minimum Parking Design Standards.**

A. Minimum Size Standards for Parking Area.

1. Parking Space Size.
  - a. Angled or perpendicular parking spaces (spaces positioned between thirty (30) and ninety (90) degrees to the adjacent access driving lane) shall be a minimum of ten (10) feet in width and twenty (20) feet in length, measured rectangularly.
  - b. Parallel parking spaces shall be a minimum of ten (10) feet in width and twenty-two (22) feet in curb length.
2. Aisle Widths.
  - a. Aisle widths between parking rows for outdoor parking shall be a minimum of twenty-four (24) feet in width.
  - b. Aisle widths between parking rows for covered parking lots shall be a minimum of twenty-two (22) feet in width.
  - c. Driveway widths (access lanes leading to commercial, industrial, or multi-family residential parking areas) shall be a minimum of twenty (20) feet in width.

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

B. Design Requirements for Parking Areas.

Location of Parking Spaces.

1. For all non-residential land uses, required parking shall be provided in the same site as the use served by the parking area. Exceptions to this requirement may be approved by the Planning Director or designee where it is demonstrated that off-site parking is available through the shared and coordinated use of another parking area reserved for and suitable for access by the proposed use, or for developments in rural centers in which the provision of parking within rights-of-way allows for more efficient land uses. Non-residential land uses are encouraged to pursue shared parking. Parking shall not be permitted within rights-of-way except as allowed for in this section.
2. For all residential land uses, required parking shall be provided on the same site as the use served by the parking area.
3. No parking area shall be located on any portion of the site which is reserved for or identified as open space, greenbelt, wildlife habitat, forage area, or corridor, wetland, riparian area, or aquifer recharge area.

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

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

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

D. Other Requirements of Off Street Parking.

1. No driveway shall exceed a maximum slope of eight (8) percent within fifty (50) feet from the edge of the public or private road.
2. Sheet drainage of parking areas shall be minimized and parking areas wider than 64 feet shall contain some mechanism for concentrating flow of drainage (swales or under-drains).
3. An All Weather Surface<sup>3</sup> is required for all parking areas, excluding driveways serving two or fewer dwellings.
4. Parking spaces shall be graded to ensure drainage does not create any erosion, flooding or water quality problems.
5. All paved parking areas serving commercial or industrial land uses shall be striped and painted.
6. A flat (less than 2% grade) area accessible to emergency vehicles is required at the terminus of residential driveways.
7. All handicapped parking spaces shall be designated in accordance with the Manual on Uniform Traffic Control Devices.

**Section 7-302                      Parking Plans**

A. Parking Plan. A plan to accommodate projected parking demand ("Parking Plan") shall be proposed by an owner or applicant in order to satisfy the requirements of this Division. For permitted developments, where such Parking Plan is administratively determined by the Planning Director to provide safe and sufficient parking for the projected parking demand and such Parking Plan is found to comply with the intent of this Division, the Planning Director shall approve such Plan. This determination shall be made in writing, kept with the permit application in the planning department records, and may be appealed in accordance with Division 2, Article III of these Land Use Regulations. For developments requiring approval by the Board of County Commissioners, the Parking Plan shall be submitted with the development application.

B. Parking Plan Requirements. Parking Plans shall contain the following items.

1. A site plan drawn to a commonly used engineering scale showing all parking areas, vehicular and pedestrian accesses, and structures served by the parking area. If in a Rural Center, any proposed street parking should also be shown.
2. A written explanation of the method used to calculate the required parking. The current edition of the Institute of Transportation Engineers publication "Parking Generation" shall be used as a starting point but may be adjusted due to expected parking demand, local conditions, and site characteristics.
3. If shared parking is proposed, an explanation of the analysis used to determine the total number of spaces needed by all uses and an agreement signed by the owners of all land occupied by the uses arranging for maintenance of the parking area.

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

## **DIVISION 4**

## **UTILITY LAYOUT AND EASEMENT REQUIREMENTS**

### **Section 7-400**

### **Public Easements.**

- A. Public easements sufficient to provide reasonable service facilities for public utilities (water, sewer, electricity, gas, telephone, cable, etc.) shall be designated and dedicated to the County for public use on each subdivision plat and shall meet the following minimum standards:
1. At least fifteen (15) feet in width when located on one side of a rear lot line; or
  2. At least a total of twenty (20) feet (10 feet on each side) when centered on a rear lot line; and
  3. At least and fifteen (15) feet (7.5 feet on each side) along side lot lines.
- B. The use or uses for each public easement shall be designated on the plat. Where undesignated, the easement shall be available for all public uses. Whenever possible, easements should permit co-location of uses to minimize the need for multiple easements. The Applicant is encouraged, in lieu of providing easements on each and every lot line, to propose a public easement layout plan for providing the necessary utilities in order to reduce the number and complexity of easements. The layout plan is subject to approval by the utility providers and by the County.
- C. Sanitary sewer lines shall not be located along side lot lines or extend between lots except where such location is determined by the Board of County Commissioners as the only reasonable alternative due to topographic or physical features of the property and a twenty (20) foot wide easement for both the line location and future maintenance is provided on the plat.
- D. Lot layout shall be designed to ensure that surface water drains away from structures. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to prevent increases in historic flow, volume, frequency, and concentration of storm drainage water from each lot to adjacent lots.
- E. Drainage easements shall be established for all drainage ways, channels, streams, or irrigation ditches traversing a subdivision. The location of such easements shall conform substantially to the natural and historic lines of surface drainage and shall include additional reasonable width for maintenance purposes. Where a third party holds an ownership interest in a drainage way, channel, stream, or irrigation ditch, the Applicant shall obtain the owner's written consent to any modification or re-location of the drainage system.
- F. If a proposed drainage system or plan will convey water across private land located outside of the development or subdivision, the Applicant shall secure the legal and permanent right to such use of land outside of the development or subdivision.
- G. Emergency access easements (publicly-dedicated easements reserved for use by fire protection equipment access and other emergency service access such as ambulances and law enforcement) shall be required where determined by the County as reasonably necessary to gain access to and protect the development and immediate area. When required, all emergency access easements shall be at least sixteen (16) feet in width, have an All Weather Surface<sup>4</sup> acceptable to the County and shall remain free of obstructions and available for access at all times.

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

**DIVISION 5                    LANDSCAPING**

**Section 7-500                Purpose.**

The purpose of this Division is to provide standards for landscaping to delineate and separate different uses, complement the natural landscape and retain the sense of a mountain environment, and to improve the general appearance of the County's built environment and enhance its aesthetic appeal.

**Section 7-501                Applicability.**

The standards of this Division shall apply to all new Planned Unit Developments, new major subdivisions and new commercial and industrial development within the County, except as follows:

- A.     Exemptions. Development in the Agricultural, Conservation/Recreation, and Mining District are exempt from the standards of this Division.
- B.     Existing Commercial and Industrial Businesses. Commercial and industrial businesses with certificates of occupancy issued prior to the effective date of these land use regulations shall be exempt from these requirements until physical expansion of one or more structures occurs.

**Section 7-502                Landscape Plans for Major Subdivisions.**

A landscape plan containing the following information shall be submitted as part of the preliminary plan for all Major Subdivisions. The landscape plan shall contain but not be limited to the following:

- A.     Site Plan/Drawing. A plan drawn to a commonly used engineering or architectural scale identifying all groups of existing and proposed types of vegetation and all significant topographic features.
- B.     Maintenance Plan. A plan for how water is to be supplied and how the landscaping is to be maintained.
- C.     Landscaping Requirements. Landscape improvements described within an approved landscaping plan shall be installed in accordance with the requirements of the Subdivision Improvement Agreement (SIA) and shall meet the following requirements:
  - 1.     The plan shall identify and preserve specimen trees and significant tree stands that are disease-free and effective in creating natural screening buffers. Selective thinning to maintain the health of tree stands is appropriate.
  - 2.     The plan shall identify all landscaping features to be added to the development, including plants, berms, fences, and entry signs.
  - 3.     All plants shall be compatible with local climate and soils. Areas disturbed and not landscaped shall be seeded with compatible grasses. Noxious weeds are prohibited.
  - 4.     At least fifty (50) percent of all new tree stock shall be of a size equal to or greater than six (6) feet in height and three quarters (3/4) of an inch caliper measured six (6) inches above ground level. Said trees shall be in a minimum of number five (5) containers, or a minimum of ten (10) inches processed ball diameter, or a minimum of 12 (12) inch root spread, or a minimum of fourteen (14) inch ball diameter. Size adjustments that reflect the growth habits of particular species or the need for screening the particular site may be made at the discretion of the planning director or designee.

5. At least fifty (50) percent of all new shrub stock shall be of a size equal to or greater than type 2, four (4) canes, two (2) foot height if deciduous; equal to or greater than twelve (12) inch spread if coniferous evergreen. Size adjustments that reflect the growth habits of particular species or the need for screening the particular site may be made at the discretion of the Planning Director or designee.
6. All plant materials shall be classified according to the American Standard for Nursery Stock.
7. All vegetative residues shall be removed from the site at the completion of landscaping.

**Section 7-503 Landscaping Standards for Commercial and Industrial Development.**

A. Requirements.

1. All open industrial or commercial storage areas shall be screened from all public rights of way or adjacent property by the use of landscaping, berms, wood fencing, or a combination thereof to a height of at least six (6) feet.
2. All parking lots shall be separated from public rights of way by a landscaped and planted screening buffer at least five (5) feet in width.
3. Any commercial or industrial site adjacent to zone districts capable of residential uses shall screen its parking lots, loading docks, and similar uses through the use of landscaping, berms, wood fencing, or a combination thereof to a height of at least four (4) feet.
4. At least six (6) percent of the interior areas of all parking lots shall consist of landscaped and planted islands.
5. All plants shall be compatible with local climate and soils. Areas disturbed and not landscaped shall be seeded with compatible grasses. Noxious weeds are prohibited.
6. At least fifty (50) percent of all new tree stock shall be of a size equal to or greater than six (6) feet in height and three quarters (3/4) of an inch caliper measured six (6) inches above ground level. Said trees shall be in a minimum of number five (5) containers, or a minimum of ten (10) inches processed ball diameter, or a minimum of 12 (12) inch root spread, or a minimum of fourteen (14) inch ball diameter. Size adjustments that reflect the growth habits of particular species or the need for screening the particular site may be made at the discretion of the planning director or designee.
7. At least fifty (50) percent of all new shrub stock shall be of a size equal to or greater than type 2, four (4) canes, two (2) foot height if deciduous; equal to or greater than twelve (12) inch spread if coniferous evergreen. Size adjustments that reflect the growth habits of particular species or the need for screening the particular site may be made at the discretion of the Planning Director or designee.
8. All plant materials shall be classified according to the American Standard for Nursery Stock.
9. All vegetative residues shall be removed from the site at the completion of landscaping.

- B. Implementation. No commercial or industrial development shall be issued a certificate of occupancy until the above requirements have been met. Vegetation shall be maintained with a 70% success rate.

**DIVISION 6                      NATURAL RESOURCE PROTECTION**

**Section 7-600                      Steep Slope Protection.**

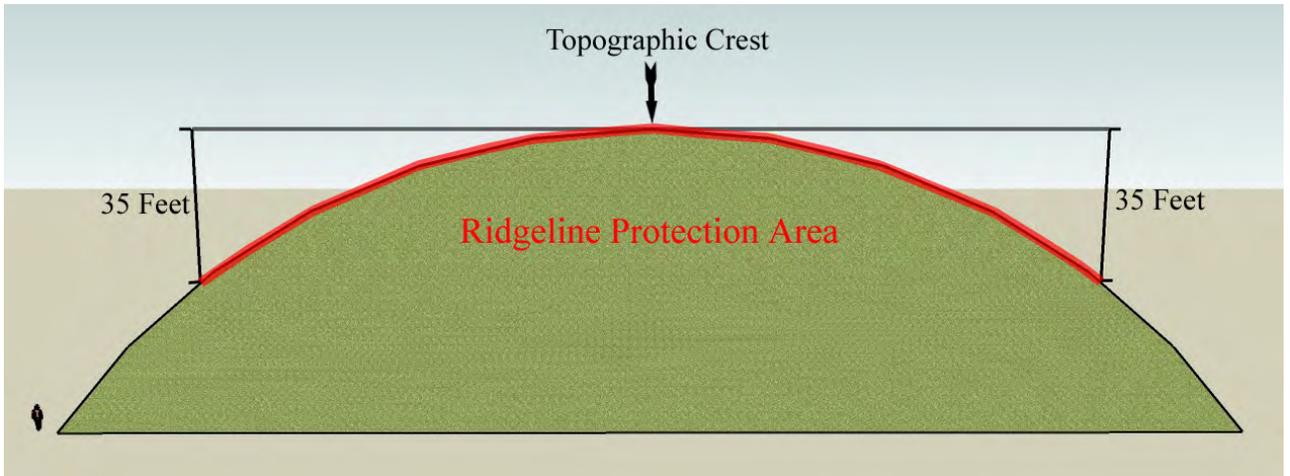
- A. Purpose. The purpose of this section is to protect the integrity and visual quality of the natural environment and the health, safety and welfare of present and future Park County residents.
- B. Steep Slope Defined. A steep slope shall include any land area greater than two hundred fifty (250) square feet with an average slope greater than twenty percent (20%).
- C. Identification of Steep Slopes Required. Any application for land use approval (including rezoning, conditional uses, and all forms of subdivision) shall graphically identify all steep slopes on the property.
- D. Steep Slope Mitigation and Reduction of Impact. Subdivision design shall prevent and avoid the location of any development or improvement within an area of a steep slope. Where such location of development or improvement cannot otherwise be reasonably avoided, the following mitigation measures shall be required:
  - 1. Preparation and submission to the County with the application of a soils and geologic study prepared by a Geologist<sup>5</sup> containing recommendations for appropriate structure design, such as reduced footprints, walk-out garages, the use of foundations as retaining walls, or locations as close as possible to roads.
  - 2. Minimization of the extent of disturbed areas and a plan for the re-vegetation of all disturbed areas within thirty days after any land disturbance within the area.
  - 3. Minimization of road cuts, retaining walls, and road grades to avoid scarring of the steep slope area.

**Section 7-601                      Ridgeline Area Protection.**

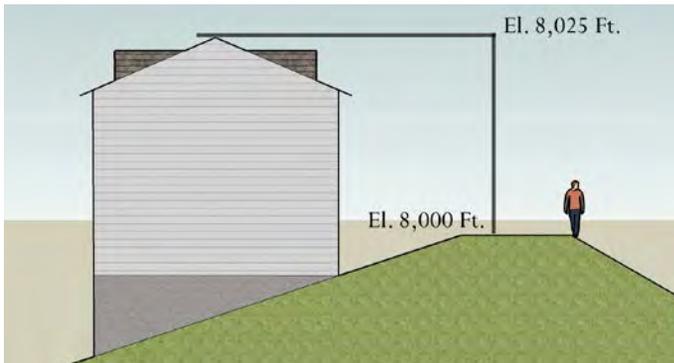
- A. Purpose. The purpose of this section is to protect the integrity and visual quality of the natural environment and the health, safety, and welfare of present and future park county residents.
- B. Ridges, Ridgelines, and Ridgeline Protection Areas Defined. A Ridge is a topographic feature that is prominent because of the angle at which it rises or an elongated crest or series of crests, significantly higher than the adjoining ground. A Ridgeline is the line of intersection along the high points between opposing slopes on either side of a ridge. A Ridgeline Protection Area is a Ridgeline and the at-grade area below it to the vertical extent of the maximum structure height of the existing or proposed zone district. The illustration below shows the Ridgeline Protection Area outlined in red for a cross-section of a Ridge in a zone district that has a maximum structure height of thirty-five feet.

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<sup>5</sup> See Article IV, Definitions, "Geologist"



- C. Identification of Ridgeline Protection Areas Required. Any application for subdivision for property having more than fifty (50) feet of elevation change between the lowest and highest elevation points within the property shall identify all Ridgeline Protection Areas within the property.
- D. Ridgeline Protection Area Development and Impact Mitigation. All of the following mitigation measures shall be required of any development within Ridgeline Protection Areas:
1. No structure shall protrude above the Ridgeline by more than twenty-five (25) feet, as illustrated below.



2. Use of building materials that blend with the natural environment.
3. Limiting the use of artificial lighting on the property and structure to reduce the nighttime visibility of the structure. Exterior lighting shall be directed, sited, and shielded in such a manner that the light source is not directly visible from adjacent properties.
4. The placement of building envelopes to utilize natural vegetation and terrain to minimize visual impacts.
5. This section shall not apply to telecommunication facilities, ham radio towers licensed by the FCC, meteorological towers, or wind turbines.

## Section 7-602

## Drainage, Erosion, and Sedimentation Control

### A. General Principles.

1. The objectives for drainage, erosion, and sedimentation control include the following:
  - a. To conduct all land disturbing activities so as to reduce accelerated soil erosion and to reduce sediment movement off-site.
  - b. To schedule construction activities to minimize the total amount of soil exposed at any time to reduce the period of accelerated soil erosion.
  - c. To establish temporary or permanent cover on disturbed areas as soon as possible after final grading.
  - d. To design and construct all temporary or permanent facilities for the conveyance of water around, through, or from disturbed areas to keep the flow of water at non-erosive velocities.
  - e. To remove sediment caused by accelerated soil erosion from surface water before it leaves the site.
  - f. To stabilize disturbed areas with permanent vegetative cover or stormwater quality control measures.
  - g. To implement other best management practices (BMPs) such as proper materials storage and spill containment measures to minimize potential impacts to water quality.
2. A Drainage, Erosion, and Sedimentation plan (DES Plan) is required whenever one (1) or more acre of land will be disturbed. A DES Plan may also be required for other activities if deemed necessary by the Environmental Health Director or designee to protect the health, safety, and welfare of Park County residents. For Major Subdivisions, the DES Plan is required with the preliminary plan. For all other applications requiring a DES Plan, the plan must be included before the application is considered complete.
3. **All** land disturbances by any person within Park County shall comply with the requirements and prohibitions below, even if a DES Plan is not required. This includes the development of single lots for home, accessory building, driveway, and septic system construction.
  - a. Individuals shall comply with the Colorado Water Quality Control Act (C.R.S. Title 25 Article 8) and the Clean Water Act (33 USC 1344) in addition to the requirements of these Land Use Regulations. In the event of conflict between these requirements and the laws, rules, or regulations of Federal or State agencies, the more restrictive laws, rules, and regulations shall apply.
  - b. All earth disturbances shall be conducted as to reduce accelerated soil erosion and resulting sedimentation and to minimize disturbance of natural vegetation.

- c. All earth disturbances shall be designed, constructed, and completed so that the exposed area of any disturbed land shall be limited to the shortest practical period of time.
  - d. All work and earth disturbance shall be done in a manner that minimized pollution of any on-site or off-site waters, including wetlands.
  - e. Any temporary or permanent facility for the conveyance of stormwater around, through, or from an earth disturbance area shall be designed to limit the discharge to a non-erosive velocity.
  - f. Suspended sediment caused by accelerated soil erosion shall be minimized in runoff water before it leaves the site of earth disturbance.
  - g. The owner, site developer, contractor, and/or their authorized agents shall be responsible for the removal of all construction debris that may accumulate in any drainage or stormwater conveyance system as a result of site development.
  - h. No person shall cause the impediment of stormwater flow in the flow line of any curb and gutter, including temporary or permanent ramping for vehicle access.
  - i. Concrete wash water shall not be discharged to or allowed to runoff to state water, including any subsurface storm drainage system.
  - j. Spill prevention and containment measures shall be used at material storage and equipment service areas to prevent the pollution of any state waters including wetlands. All spills shall be cleaned up immediately after discovery or contained until appropriate cleanup methods can be employed. Manufacturer's recommended methods for spill cleanup and disposal shall be followed.
  - k. Soil erosion control measures for any disturbed land area shall be completed within twenty-one (21) calendar days after final grading has been completed. Disturbed areas and stockpiles that are not at final grade but will remain dormant for more than thirty (30) days shall also be mulched within twenty-one (21) days after interim grading. An area that is going to remain in an interim state for more than sixty (60) days shall also be seeded or hydro-mulched. All temporary drainage, erosion, and sedimentation control measures shall be maintained until permanent drainage, erosion, and sedimentation control measures are in place.
- B. DES Plan Requirements. A DES Plan shall, in general, consist of a narrative description and plans/maps describing the best or most appropriate selection of erosion control and sediment trapping plans and facilities in conjunction with a schedule to accomplish adequate control. The required plan elements are as follows:
- 1. Applicant information. The name, address, telephone number, email address, and fax number of the applicant and/or owner and the engineer and contractor(s).
  - 2. Site map. The information listed below shall be included on one or more maps at a common engineering scale selected for practical use and readability.
    - a. Vicinity map showing the relationship of the site to existing roadways, land use jurisdictional boundaries, and watercourses.

- b. Property lines for the subject parcel and construction site boundaries.
  - c. Areas of soil disturbance and areas of cut and fill.
  - d. Areas used for the storage of building materials, soils, equipment, fuel and other chemicals, and waste storage.
  - e. Critical erosion areas and locations of erosion and sedimentation control facilities or structures.
  - f. Existing and proposed watercourses including streams, springs, wetlands, and other surface waters.
  - g. Boundary of the Special Flood Hazard Area, if applicable.
  - h. Soil types.
  - i. Existing and proposed contours at an interval no greater than two (2) feet.
  - j. Existing and proposed vegetation.
  - k. Existing and proposed structures.
  - l. Existing and proposed utilities.
3. Description of construction activities. This must include the nature and purpose of the land disturbance.
  4. Timing. The proposed sequence and starting and completion dates for construction activities, including but not limited to grading, installation and removal of erosion and sedimentation controls, and the time of exposure of each disturbed area between disturbance and final stabilization. This shall include the expected date on which final stabilization will have been completed.
  5. Areas. The total area of the site and the area of the site that will be cleared, excavated, or graded.
  6. Existing site conditions narrative. A description of the existing topography, vegetation, and drainage and any existing wetlands.
  7. Soils information. A description of the soils on the site including type, erodibility, permeability, depth, and estimated runoff coefficient before and after construction.
  8. Potential pollutant sources. A description of any fuel or other chemicals that will be on-site, including material safety data sheets.
  9. Receiving waters. The name of the site's receiving water. If discharge is into a storm sewer system, this must be stated along with the ultimate receiving water.
  10. Best Management Practices (BMPs). The plan shall include a narrative description of controls that will be implemented before and during construction activities. It shall clearly describe the relationship between the phases of construction and the implementation and maintenance of control measures. The description of controls shall address the following areas at a minimum:
    - a. Erosion and sedimentation control. This includes both structural site management and interim and permanent stabilization practices.

- b. Materials handling. The plan shall identify measures to contain and remove chemical spills, leaks, and leachings.
    - c. Waste disposal. The plan shall describe how waste materials will be temporarily stored on and permanently removed from the site.
  - 11. Detail drawings. Drawings of all controls, diversions, retaining walls, plantings, and any other drainage, erosion, and sedimentation devices that will be temporarily or permanently used on the site.
  - 12. Maintenance plan. A detailed description of the maintenance program for the control measures on the site, including inspection schedules and the method and frequency of removal and disposal of sediment and other debris.
  - 13. Signatory requirements. The DES Plan must be signed and sealed by a Colorado registered engineer and be signed by the owner with a statement that “the owner will comply with the requirements of the drainage, erosion, and sedimentation control plan and acknowledges the responsibility to determine whether or not the construction activities on these plans require Colorado discharge permitting system permitting for stormwater discharges associated with construction activity.”
- C. DES Plan Expiration and Re-submittal. DES Plans expire if construction has not commenced within twelve (12) months of the Environmental Health Director’s acceptance of the plan, after which the plan must be resubmitted. Previously accepted plans must also be resubmitted when there is a change in ownership of the property to be disturbed or if the proposed development changes.
- D. Additional Information Requirements and Plan Modifications.
- 1. County requested. Additional information may be required for projects where the Environmental Health Director decides that soil erosion, sedimentation, or stormwater quality control problems will not be adequately handled by the submitted plan. Additional or revised BMPs may be required should site observation indicate that the existing plan is not adequately controlling erosion, sedimentation, or stormwater quality control problems.
  - 2. Owner/engineer/contractor proposed.
    - a. Pre-construction plan modifications must be submitted at least ten (10) days prior to construction. The Environmental Health Director or designee shall approve the modifications in writing if they are acceptable.
    - b. Minor field modifications may be reviewed and approved by the Environmental Health Director or designee to better correspond to site conditions or to improve performance. No plan changes will be required, but the Environmental Health Director or designee shall provide documentation of acceptance to the applicant.
- E. Implementation.
- 1. Acceptance. No grading, excavation, or other construction activity on a site requiring a DES Plan shall be permitted until the Environmental Health Director or designee has approved the des plan in writing.
  - 2. County inspections. The County shall have the right to enter a construction site at any time to determine if the site is in compliance with the DES Plan or with the standards and prohibitions described in Section 7-602 A 3.

3. Correction of deficiencies. If the approved or implemented DES Plan is observed to be inadequate or if the standards and prohibitions described in Section 7-602 A 3 are not complied with, modifications shall be made by the owner, engineer, or contractor(s) immediately.
4. Any construction site requiring a DES Plan shall keep a copy of the plan and all related records on site from the beginning of construction to the date of final stabilization, unless the Environmental Health Director approves another location for plan storage.

**Section 7-603                    Irrigated Areas, Irrigation and Mining Ditches.**

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

**Section 7-604                    Wildlife Habitat.**

- A. Applicability. The standards in this section apply to all wildlife habitat, and are to be used in conjunction with the *Park County Regulations for Special Development Projects Designated as Matters of State Interest – Wildlife Habitat Regulations* ("See 1041 Wildlife Regulations" found at Appendix E of these Land Use Regulations).
- B. General Standards.
  1. For Major Subdivisions<sup>6</sup>, a permit shall be obtained in accordance with the 1041 Wildlife Regulations prior to submittal of the preliminary plan (See Appendix E). Any conditions or requirements imposed as a condition of the 1041 Wildlife Regulation permit shall be incorporated into the preliminary plan.
  2. For all subdivision applications other than a Major Subdivision, any permit required by the 1041 Wildlife Regulations shall be obtained prior to submittal of the subdivision application.
  3. For any subdivision or development for which a 1041 Wildlife Regulation permit is not required, the subdivision or development shall demonstrate conformance with the following:
    - a. The removal of existing vegetation shall be minimized. Disturbed areas shall be promptly re-vegetated with native plant species deemed beneficial to wildlife forage and cover.
    - b. Water holes, springs, seepage, marshes, ponds and other areas suitable as water sources for wildlife shall be preserved.
    - c. Wildlife corridors and other known routes of travel for wildlife shall be preserved.

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<sup>6</sup> See Division 4 of Article VI of these Land Use Regulations for Major Subdivisions.

**Section 7-605                    Geologic and Wildfire Hazards.**

- A.     Applicability. The standards in this section of the Land Use Regulation are applicable to all land uses and development within Geologic and Wildfire Hazard areas, as identified below.
- B.     General Standards.
1.     Land uses shall be restricted to Geologic and Wildfire Hazard-free areas if such areas exist on a site.
  2.     If no hazard-free area exists on a site, the diversity of uses in a zone district in Rezoning and Conditional Use Permits and permitted residential land use densities in Subdivisions may be limited to minimize potential dangers to persons or wildlife as deemed necessary by the Board of County Commissioners.
  3.     Land use applications shall be denied if the Board of County Commissioners finds that site planning and engineering techniques cannot reasonably mitigate potential hazards to public health, safety and welfare; land use shall also be prohibited if it subjects persons or the County to dangers or expenses required to mitigate hazardous conditions to respond to emergencies created by such conditions, or to rehabilitate improvements and lands.
- C.     Geological Hazards.
1.     Definition. The term "Geological Hazards" means the list of geological hazards adopted in Colorado H.B. 1041 (C.R.S. §24-65.1-101, *et. seq.* and the *Guidelines and Criteria for Identification and Land-Use Controls of Geological Hazards and Mineral Resource Areas* prepared by the Colorado Geological Survey, including but not limited to, avalanche areas, landslide areas, potentially unstable slopes, mud-flow areas, rock fall areas, alluvial fans, talus slopes, fault areas, expansive soil and rock, high water table areas, ground subsidence areas and areas of natural radioactivity.
  2.     Geotechnical Report. Any application for Rezoning, Conditional Use Permit, or subdivision in a designated Geological Hazard area or other area determined by the Planning Director or designee to be potentially subject to Geological Hazards shall be accompanied by a geotechnical report evaluating the site and recommending appropriate mitigation measures. A Geologist shall prepare all geological maps and reports.<sup>7</sup> A registered professional engineer shall prepare all engineering work.
  3.     Open Space Use. Reservation of Geological Hazard areas as privately owned open space maintained as such in perpetuity is encouraged. The acceptance by Park County of any Geologic Hazard area proposed for dedication to Park County as public open space shall be subject to the discretion of the Board of County Commissioners and may require mitigation of hazards prior to, or as a condition of, County acceptance.
- D.     Wildfire Hazards.
1.     Wildfire Hazard Mitigation for New Development. Applications for Major Subdivisions shall provide a wildfire hazard mitigation plan approved by the local fire protection district as part of their preliminary plan. If the local fire protection district does not approve or deny a plan in writing within forty-five days of receipt, approval shall be assumed. Applications for Minor Subdivisions and Conditional Use Permits (if deemed necessary by the Planning Director or designee) shall provide such a plan

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<sup>7</sup> See Article IV, Definitions, "Geologist"

before the application is considered complete. Alternatively, applicants may provide a letter from the local fire protection district stating that no such plan is necessary.

2. Wildfire Hazard Mitigation for Existing Development. Owners of lots in existing subdivisions and metes-and-bounds parcels are encouraged to contact their local fire protection districts for advice regarding protection from wildfires.

NOTE: More restrictive Intergovernmental Agreements (IGAs) with local fire protection districts will supersede this section.

**DIVISION 7                    WATER QUANTITY AND QUALITY.**

**Section 7-700                General Provisions.**

- A. Intent. It is the intent of this Division to ensure that development in all areas of Park County has a water supply that is sufficient in terms of quantity, long-term dependability of supply, and quality without adversely affecting water supply systems of existing neighboring uses. In order to accomplish the intent, this section includes methods and provisions for:
1. Ensuring compliance with C.R.S. §30-28-133. This statute requires Subdivision applications to provide adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of development proposed. Such evidence may include, but shall not be limited to:
    - a. Evidence of ownership or right of acquisition of or use of existing and proposed water rights;
    - b. Historic use and estimated yield of claimed water rights;
    - c. Amenability of existing rights to a change in use;
    - d. Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area;
    - e. An actual physical availability to supply as proven by a ten (10) year hydrograph analysis shall be required. Data for the ten (10) year hydrograph analysis may be obtained from such sources as Denver Water or United States Geological Survey;
    - f. The applicant has the burden to prove that proposed water supply is not over appropriated at the time of the application.
  2. Verifying water rights and adjudication of these rights; and
  3. Specifying minimum water supply and quality standards
- B. Report, Studies, and Plans. Any report, study, or plan required by these Land Use Regulations (not including studies and plans required by the 1041 Water and Wastewater Regulations found at Appendix F) to address water quantity and quality issues shall specifically address and recommend methods and techniques to ensure that development conforms to the requirements of this Division. Such plan shall be prepared by Colorado licensed professional engineers and other comparable professionals with education, training, and experience in evaluation of water supply, water quantity and quality, and the demand resulting from and impacts of development upon water resources.

**Section 7-701                Applicability.**

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

**Section 7-702                Definitions.**

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

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

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

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

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

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

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

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

**Substitute Supply Plan:** A plan which allows out-of-priority diversions if sufficient replacement water can be provided to senior rights. The State Engineer approves substitute supply plans for defined periods.

**Tributary Water:** Water contained within the surface stream systems, or in groundwater that is hydraulically connected to the stream system. Tributary waters are considered waters of the state, are available for appropriation through the Colorado Water Rights System, and are subject to the Colorado System of Water Rights Administration. Tributary Water rights are based on the priority of the rights to the extent that they can be relied upon as a water supply and meet the minimum water supply criteria, herein. This is a renewable water supply.

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

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

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

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

Renewable Water Supply Required. A renewable water supply is required for all subdivisions proposed within Park County, except for existing approved subdivisions requiring only issuance of a building permit. The following methods of providing water supply are permitted, subject to compliance with the standards set forth below:

- A. Existing Special District. Water to new development may be served by an existing special district currently serving other property. No application for new development shall be approved unless the applicant provides sufficient and competent evidence to the County of the following, certified as correct and accurate by the special district:
  - 1. The proposed development is currently within the district's service area or can be included within the service area prior to approval of the development by the County; and
  - 2. The board of directors or other appropriate governing body of the district has adopted a resolution or taken other formal written action to declare the district's intent and desire to serve all property within the proposed development; and
  - 3. The district currently owns and controls sufficient unallocated and available water that will and can be provided to the proposed development. Such evidence shall include an opinion letter from a Colorado-licensed attorney practicing in the field of water law representing to Park County that the special district currently owns and controls sufficient legally established rights to water which water represented by such rights is unallocated to other development and is available to serve the proposed development; and
  - 4. The district has the current feasibility in terms of existing infrastructure and other physical improvements necessary to extend service to the proposed development. If the district must expand, improve, enlarge, or modify its current infrastructure and/or physical improvements in order to serve the proposed development, the district shall apply for and obtain a permit, if applicable, in accordance with Park County Regulations for Special Development Projects Designated as Matters of State Interest – Water and Wastewater Regulations (see Appendix F) prior to submittal of the Minor Subdivision or Preliminary Plan for the Major Subdivision by the County; and
  - 5. An adjudicated Augmentation Plan shall be provided, if applicable, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public hearing for the application.

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

1. General Standards for All Districts:

- a. The reliability of all water rights designated for use in the district is deemed sufficient in the County's opinion based upon priority date within the Colorado System of Water Rights Administration and the volume that can be extracted from the water right(s).
- b. The water storage capacity is deemed sufficient, by the County to ensure that no water supply shortages will occur due to variations in the hydrologic cycle. At a minimum, storage capacity sufficient to provide 1-year of additional carryover storage, on an average annual basis, beyond that necessary to meet all demands under all anticipated hydrologic conditions will be required.
- c. Delivery of the water supply to the development is deemed adequate by the County. If required, a permit obtained in accordance with the Park County Regulations for Special Development Projects Designated as Matters of State Interest – Water and Wastewater Regulations (see Appendix F) shall be a pre-condition to approval of any land use application.

2. Aquifer Standards:

- a. An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
- b. The water rights are sufficient based on the minimum water supply standards to serve all existing and projected property uses within the district. See Section 7-703.
- c. The proposed service plan shall include a well-field analysis that demonstrates that wells will not adversely impact existing water rights on adjoining lands, consistent with the provisions in C.R.S. §37-90-137(4)(c), as amended.
- d. The proposed service plan shall require the district to install an acceptable water level measuring device in all new district wells to measure and record water levels on a monthly basis, whether the water level obtained is a static or pumping water level, and provide for an annual report of such data to Park County.

3. Surface Water Standards:

- a. An attorney's opinion letter must be provided stating ownership by the special district of, or an executed contract granting rights to the applicant for, all

surface waters to be used for water supply and a copy of the court decree adjudicating those water rights, if those water rights have been adjudicated.

- b. The water rights are sufficient based on the minimum water-supply standards. See Section 7-703.

- C. Individual Well for Single Land Use/Property. A groundwater well may only be allowed as the source of water for a proposed subdivision if the applicant has demonstrated an adjudicated water right or augmentation plan. Substitute supply plans are not allowed as water sources for residential developments. The following requirements also apply:

The landowner must submit documentation, including copies of driller's logs, that evidence the drilling and establishment of test well(s) which demonstrate compliance with the following:

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

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

- A. Water proposed for delivery and use to property within Park County shall meet the EPA primary and secondary drinking water standards as evidenced by a water-testing laboratory or testing service deemed reasonably qualified and acceptable by the County.
- B. In the event that either Gross Alpha or Gross Beta radioactivity exceed the specified limit as set forth in (A) above, additional tests will be required for identification of the source.

## DIVISION 8

## WASTEWATER DISPOSAL

### Section 7-800

### Wastewater Disposal Standards

- A. Preference for Public Systems. A public central wastewater system is the preferred method of sewage collection and treatment within Rural Centers, within the service areas of existing sanitation districts, and for subdivisions where density and environmental characteristics make central wastewater treatment economically and physically feasible.
- B. Permitted Methods of Service. New subdivisions must provide wastewater disposal service to each lot within such development by one of the following methods:
1. Public Central Wastewater Systems. Each lot will be served by a sanitation district or municipal sewer system and comply with the following requirements:
    - a. The sewer collection and treatment system is designed to comply with the per capita flow requirements of the "Design Criteria Considered in the Review of Wastewater Treatment Facilities" of the Colorado Department of Public Health and Environment-Water Quality Control Commission or any more stringent standard as may be required by the special district or municipal wastewater service provider.
    - b. The sewage treatment works complies with the applicable Colorado Wastewater Discharge Permit System Permit;
    - c. Capacity for the collection and treatment works is adequate to serve all lots within the subdivision at the time of issuance of the first building permit within the subdivision; and
    - d. A report detailing compliance with the above requirements, and 1041 permit if applicable, is submitted with the application for minor subdivision or before the Preliminary application for Major Subdivision.
  2. On-Site Sewage Treatment Systems. The lots within the subdivision will be served by on-site sewage treatment systems, must be maintained by a management entity determined by the County as legally and financially capable of providing permanent and ongoing maintenance, operation, and repair of the system, and shall comply with all the following requirements:
    - a. No part of the subdivision is located within the service area of a special district or municipality providing wastewater services;
    - b. All proposed lots within the subdivision are adequate in size to meet all applicable requirements imposed by the Park County Individual Sewage Disposal System Regulations (See Appendix L);
    - c. It is demonstrated by the applicant that it is both unreasonably expensive and not physically feasible to extend and connect lots within the development to a public central wastewater system. It shall be presumed that connection to a public central wastewater system is reasonable and feasible when the lot is located within a service area of a special district or municipality providing wastewater services. It shall be presumed that connection to a public central wastewater system is unreasonable and not feasible in the event that any special district(s) or municipalities capable of providing wastewater services to the lot refuse to extend the district or municipal service area to include the lot;

- d. It is demonstrated by the applicant that it is both unreasonably expensive and not physically feasible to construct and maintain a new public central wastewater system to serve the subdivision;
  - e. The applicant provides to Park County an inventory and analysis of site conditions relevant to the use of on-site sewer systems. Relevant site conditions include but are not limited to soils; percolation rates; location of bedrock and groundwater; surface water bodies; slopes; rock outcrops; irrigation ditches; and wetlands; and
  - f. The applicant provides to Park County substantial evidence demonstrating that the design, layout and density of a subdivision proposal incorporates the inventory and analysis of site conditions listed above. Applicants must show that site conditions are compatible with the use of on-site sewer systems and that the location of sewer systems will take advantage of favorable site conditions while avoiding significant constraints. Evidence of compatibility may include intrinsic suitability of soils and other site conditions; development design and density tailored to limits placed by site constraints; and the ability to meet future lot owner expectations for operation and maintenance.
3. Community Wastewater Systems. The subdivision will be connected to a community wastewater system and complies with all the following requirements:
- a. It is demonstrated by the applicant that it is both unreasonably expensive and not physically feasible to extend and connect to a public central wastewater system. It shall be presumed that connection to a public central wastewater system is reasonable and feasible when the lot is located within a service area of a special district or municipality providing wastewater services. It shall be presumed that connection to a public central wastewater system is unreasonable and not feasible in the event that any special district(s) or municipalities capable of providing wastewater services to the lot refuse to extend the district or municipal service area to include the lot.
  - b. The lots within the subdivision will be provided service and management of the community system in accordance with one of the following criteria:
    - i. The lots within the subdivision are located outside an existing or proposed sewer service area and the sewer system will be operated by a management entity determined by the County as legally and financially capable of providing permanent and ongoing maintenance, operation, and repair of the system; or
    - ii. The lots within the subdivision are located within an existing or proposed sewer service area and the sewer system will be operated by the applicable sewer district or municipality under the terms of a state discharge permit issued to the district or municipality; or
    - iii. The lots within the subdivision are located within an existing or proposed sewer service area and the applicable sewer district or municipality has informed the County in writing that it does not wish to manage the community wastewater system and the sewer system will be operated by a management entity determined by the County as legally and financially capable of providing permanent and ongoing maintenance, operation, and repair of the system; or
    - iv. The subdivision will connect to an existing community wastewater system with adequate capacity to accommodate the additional flow,

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

- c. A site approval is approved by reviewing agencies with jurisdiction-regarding wastewater service and treatment and approval is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division;
  - d. A plan for operation and maintenance of the community wastewater system is submitted for County approval. The plan must outline the legal, financial and staffing needs to:
    - i. Provide for an incorporated management entity with power to compel all lot owners to participate;
    - ii. Provide for initial construction and ongoing operation and maintenance;
    - iii. Provide for system monitoring and evaluation;
    - iv. Provide for system repairs and replacement; and
    - v. Provide for ultimate connection to public sewer where applicable.
  - e. Except for systems regulated under the Park County Individual Sewage Disposal System Regulations, the sewer collection and treatment system is designed to comply with per capita flow requirements in the "Design Criteria Considered in the Review of Wastewater Treatment Facilities" of the Colorado Department of Public Health and Environment-Water Quality Control Commission.
  - f. If applicable, a 1041 permit has been issued by the Board of County Commissioners prior to submittal of the application for Minor Subdivision or Preliminary Plan for Major Subdivision.
- C. Report, Studies, and Plans. Any report, study, or plan required by these Land Use Regulations (not including studies and plans required by the 1041 Water and Wastewater Regulations found at Appendix F) to address wastewater service issues shall specifically address and recommend methods and techniques to ensure that development conforms to the requirements of this Division. Such plan shall be prepared by Colorado licensed professional engineers and other comparable professionals with education, training, and experience in evaluation of wastewater services and the demand resulting from and impacts of development upon wastewater services.



wetland's boundaries on maps, plats and site plans submitted as part of a development proposal subsequent to delineation.

### **Section 7-903 Wetland Development Standards**

- A. Required structural setbacks from delineated wetlands are given for all zone districts in article V of these Land Use Regulations. These setbacks may only be reduced by resolution of the Board of Adjustment. Required setbacks for elements of septic systems from delineated wetlands are in Appendix L (Individual Sewage Disposal Regulations) of these land use regulations and may only be reduced by resolution of the Board of Health. No development of any type may occur within wetlands except as specifically provided for in this Division.
- B. Only wetland plant species appropriate for local environmental conditions can be introduced into any wetland or riparian area.
- C. Development proposals that include the keeping of livestock adjacent to wetlands must include provisions that protect the wetland and buffer area from damage due to such livestock such as, but not limited to, alternate or seasonal grazing in wetland areas.
- D. Structures and improvements are prohibited in any wetland except those for educational or scientific activities related to the study of wetlands, which must be approved according to the provisions of section 7-908 et seq.
  - 1. The Board of County Commissioners may allow roads and bridges across wetlands if they determine that:
    - a. No practical alternative exists;
    - b. All crossings minimize impact to the wetland and mitigation is provided for unavoidable impacts through restoration or replacement in accordance with Section 7-905;
    - c. Crossings do not change the overall wetland hydrology;
    - d. Crossings do not diminish the flood storage capacity of the wetland; and
    - e. Crossings minimize impact to wildlife.

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

- A. At the discretion of the Park County Planning Director or designee, applications for developments must evaluate the impact of the proposed development on surface and ground water flows. Projects must be designed to ensure that the historic flow of surface and ground water needed to sustain an existing wetland will not be interrupted.
- B. Surface and ground water flows intercepted by roads, utility trenches and other development improvements cannot be diverted away from an existing wetland unless a mitigation plan is approved with the development to mitigate the impact on the existing wetland.
- C. Activities below the seasonal high ground water table, decreases in infiltration and diversions of surface and ground water flows with drainage ditches or fill (except as allowed in Section 7-901 A), must be avoided.

## **Section 7-905 Wetland Restoration and Replacement Plan Requirements**

- A. Restoration and/or replacement is required when a wetland is altered in violation of law or without specific permission or approval of the Board of County Commissioners pursuant to the provisions of Section 7-909, or permission or approval of other applicable agency.
- B. Restoration and/or replacement may be waived when a wetland is altered under an approved development proposal but the wetland's biologic or hydrologic functions will be improved as demonstrated in a study by a recognized wetlands expert acceptable to Park County.
- C. Wetland Restoration Plan Requirements.
  - 1. Wetland restoration is the repair of an altered wetland so that it has the hydrological and biological functions existing prior to its alteration. It is preferred to wetland replacement whenever possible, as determined by the Park County Planning Director or designee.
  - 2. A recognized wetlands expert acceptable to Park County must prepare wetland restoration plans. Plan requirements are as follows:
    - a. A written and graphic description of the wetland prior to alteration and after alteration including but not limited to topography, hydrology, soils, vegetation, and known biological functions;
    - b. A written and graphic description of the plan for wetland restoration, including but not limited to the methods, timing and estimated cost of restoration activities;
    - c. A bond, letter of credit, or other financial guarantee acceptable to the County attorney to be used for completion of restoration activities and subsequent monitoring in the event of default or failure;
    - d. A three-year post-restoration monitoring plan to ensure that the previous hydrological and biological functions of the wetland have been restored. Regular reports of this monitoring shall be made to the Park County Planning Director or designee. If monitoring during this time period indicates that previous functions have not been restored the board of county commissioners may require additional action at the request of the Park County Planning Director or designee.
- D. Wetland Replacement Plan Requirements.
  - 1. Wetland replacement is the expansion of an existing wetland on-site or the construction of a new wetland in an off-site location that is in the same drainage sub-basin as the original wetland. The replacement must be on a one-to-one basis by area and equal or greater biologic and hydrologic functions must be achievable. Replacement sites must be located to avoid wildlife habitat fragmentation. Wetland replacement is only allowed when wetland restoration is not feasible as determined by the Park County Planning Director or designee.
  - 2. A recognized wetlands expert acceptable to Park County must prepare wetland replacement plans. Plan requirements are as follows:

- i. A written and graphic description of the original wetland including but not limited to hydrology, soils, vegetation, and known biological functions;
- ii. A written and graphic description of existing physical conditions at the replacement site and at least one alternative site with an explanation of the site selection process;
- iii. A wetland development plan including but not limited to the sources and locations of hydrology, the types and locations of soil amendments, and the types and locations of new vegetation. The plan shall also include the performance standards to be achieved at the close of development.
- iv. A written and graphic description of the plan for wetland development, including but not limited to the methods, timing and estimated cost of restoration activities;
- v. A bond, letter of credit, or other financial guarantee acceptable to the County attorney to be used for completion of replacement activities and subsequent monitoring in the event of default or failure;
- vi. A three-year post-development monitoring plan to ensure that the hydrological and biological functions of the original wetland have been achieved. Regular reports of this monitoring shall be made to the Park County Planning Director or designee. If monitoring during this time period indicates that functions of the original wetland have not been achieved the Board of County Commissioners may require additional action at the request of the Park County Planning Director.

#### **Section 7-906 Restoration and/or Replacement Plan Review**

The Planning Director or designee may refer proposed restoration and/or replacement plans and the post-completion monitoring thereof to a qualified wetlands expert retained by the County for review and recommendation. Approval or denial of a plan shall be done administratively within thirty days of receipt of a complete plan. This administrative decision shall be subject to appeal in accordance with Article III, Division 2 of these Land Use Regulations.

#### **Section 7-907 Administrative Modifications**

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

- A. The administrative modification complies with the purpose of this Section; and
- B. The administrative modification has no appreciable adverse impacts on wetlands.

The decision of the Planning Director can be appealed to the County Commissioners by the procedure described in Article III, Division 2 of these Land Use Regulations.

**Section 7-908****Application For Wetland Special Use Permit.**

- A. Application Authorized. Applications for a Special Use Permit to authorize an activity in a wetland as described in Section 7-903 D shall include such plans, pictures, drawings and specifications as may be necessary for the County to determine that the application and the proposed facility is consistent with this Division, the Park County Land Use Regulations, and all state and federal regulations governing such use, if any.
- B. Application Content. An application shall include, at a minimum, the following:
1. A completed application in a form approved by the Planning Director setting forth general information needed to contact the Applicant and the Owner, and to identify the Applicant's authority to submit the application on behalf of the Owner.
  2. Payment of a non-refundable application fee in an amount established by resolution of the Board of County Commissioners to cover the administrative costs of processing the application.
  3. An executed Agreement for Payment of Development Review Expenses in the form required by Section 1-401 of these Land Use Regulations.
  4. A complete legal description of the property on which the otherwise prohibited wetland disturbance is proposed, prepared by a licensed registered Colorado land surveyor.
  5. Evidence of Ownership and Encumbrances as defined by these Land Use Regulations for the property on which the otherwise prohibited wetland disturbance is proposed.
  6. A list of the names and mailing addresses of any owners of property adjacent to the property subject to the proposed Special Use Permit as this information appears of record with the County Assessor's Office.
  7. A site plan containing a graphic representation of the property subject to the proposed Special Use Permit prepared at a commonly used engineering scale. The site plan shall include or illustrate:
    - i. A general vicinity map of the property subject to the Special Use Permit illustrating the property's location within the County.
    - ii. Date of preparation, map scale, north arrow, and revision box.
    - iii. A title that prominently identifies the name of the Applicant and the phrase "Special Use Permit Site Plan."
    - iv. Signature blocks A-1 through A-4 as in appendix A of these Land Use Regulations, except that the dedication language in A-1 will typically not be necessary.
    - v. Location and type of natural features of the property subject to the Special Use Permit and for properties within 500 feet of the proposed structure(s) including current wetland boundaries, watercourses, lakes, topography, 100 year floodway and floodplain, rock outcrops/surface geology, wildlife corridors and known wildlife foraging areas, and significant trees and vegetation.

- vi. Location of all existing and proposed structures, utilities, streets, driveways, ditches, fences, or other physical improvements on the property or within 500 feet of the proposed structure(s) subject to the Special Use Permit.
  - vii. Approximate location of recorded or apparent easements or rights-of-way on the property and within 500 feet of the proposed structure(s).
  - viii. Any other information essential to the evaluation of the proposed special use as may be requested by the County.
8. Special Use Proposal. Written and graphic descriptions which identify or provide the following information:
- i. The size, height, materials, style, and color of the structures, buildings, vehicle and pedestrian access, utilities, and other improvements proposed for construction within the affected wetlands. Both plan and elevation views at a commonly used engineering or architectural scale must be provided.
  - ii. The extent and scope of the grading, filling, dredging, or draining of all or any part or portion of the wetland.
  - iii. A description of measures that will be taken to reduce the impact of the proposed activity on the wetland or wetlands and measures proposed to compensate for any loss of wetland functions and values on acreage.
  - iv. A general description of the extent and type(s) of vegetative cover of the wetland area, animals known to be common to the wetland, and the hydrological function of the wetland; and
  - v. The purpose of the project and an explanation why the proposed activity cannot be located at other sites, including an explanation of how the proposed activity is dependent upon wetlands or water related resources.
9. The Planning Director or designee may require additional information as deemed necessary to evaluate the proposed use in terms of the purpose of this division.

**Section 7-909 Review of Applications for a Wetland Special Use Permit**

Applications for a special use permit shall be reviewed according to the procedure established for review of Conditional Use Permits in Section 5-502 of these Land Use Regulations.

**Section 7-910 Standards for Approval of a Wetland Special Use Permit**

In any application for a special use permit, the applicant shall bear the burden of proof and the resolution approving the application shall be approved and adopted only if it appears by clear and convincing evidence presented during the public hearing that the following conditions or circumstances exist:

- A. The property described in the application for a special use permit possesses geological, physical, and other environmental conditions that are compatible with the proposed special use; and
- B. The proposed special use will be operated by a legitimate educational or scientific organization for the study of wetlands; and

- C. The special use will conform with all applicable requirements of the zone district and these land use regulations and do not create a substantial safety concern for anticipated visitors to the property; and
- D. The property has a reasonably certain right of permanent legal access permitting vehicular access from the property to the public thoroughfare; and
- E. Access to the property from the public thoroughfare reasonably meets county street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit; and
- F. The proposed special use is compatible with the zoning and permitted uses for other properties within the immediately surrounding area.

## **DIVISION 10 FLOODPLAIN PROTECTION**

### **Section 7-1001 TITLE AND PURPOSE**

#### **A. 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, Park County, Colorado, does hereby adopt the following floodplain management regulations:

#### **B. FINDINGS OF FACT**

(1) The flood hazard areas of Park County, Colorado, 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.

#### **C. STATEMENT OF PURPOSE**

It is the purpose of this ordinance 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.

#### **METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance uses the following methods:

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 floodwaters or which may increase flood hazards to other lands.

## **Section 7-1002 Definitions**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance 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 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 Article 5, Section H, 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 Article 5, Section H.

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 ordinance.

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 ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) 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 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 ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

**VIOLATION** - The failure of a structure or other development to be fully compliant with the 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.

### **Section 7-1003 General Provisions**

#### **A. LANDS TO WHICH THIS ORDINANCE APPLIES**

The ordinance 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 unincorporated Park County, Colorado.

#### **B. 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 Park County, Colorado and Incorporated Places", dated December 18, 2009, 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 this ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the {community governing body}. 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.

#### **C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT**

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

#### **D. 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 this ordinance and other applicable regulations. Nothing herein shall prevent Park County 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.

E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. INTERPRETATION

In the interpretation and application of this ordinance, 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.

G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance 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 ordinance or any administrative decision lawfully made thereunder.

H. SEVERABILITY

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

**Section 7-1004 Administration**

A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Director of Development Services or Designee is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. 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 ordinance, 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 Article 4, Section C.
2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.
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 ordinance, 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.

C. 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 Article 5, Section B(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 Article 4, Section B.

Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance 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.

D. 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 ordinance.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Reserved.

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 Section C of this Article 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 ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as stated in Article 1, Section C.

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 ordinances.

c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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 Article 4, Section D (1)-(9) 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.

E. Reserved.

## **Section 7-1005 Provisions for Flood Reduction**

### **A. 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.

### **B. SPECIFIC STANDARDS**

In all Special Flood Hazard Areas where base flood elevation data has been provided as set

forth in (i) Article 3, Section B, (ii) Article 4, Section B(7), or (iii) Article 5, Section G, 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. Floodplain Manager certification is preferred.

## 2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Article 5, Section H, 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 Article 4, Section C.

## 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
- c) Meet the permit requirements of Article 4, Section C, 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 (OPTIONAL)

Any activity for which a Floodplain Development Permit was issued by Park County or a CLOMR was issued by FEMA prior to adoption of this floodplain regulation 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.

## C. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the Special Flood Hazard Area established in Article 3, Section B, 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. Floodplain Manager certification is preferred.

### 2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Article 5, Section H, 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 Article 4, Section C, 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.

D. 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 Article 3, Section B, 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 Article 5, Section D (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.

E. 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, regulations and ordinances.

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 Park 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 D of this Article.

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

F. 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.

G. 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 Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

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 Article 3, Section B or Article 4, Section B of this ordinance.

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.

#### H. 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 County 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, medical 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 County 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 Article, 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 {community governing body} 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 ordinance, 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 Article.

- 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 {community governing body} 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 ordinance, 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 {community governing body} 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 ordinance, 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 Park County, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

## **DIVISION 11 PUBLIC IMPROVEMENTS AND CONSTRUCTION STANDARDS**

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

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

### **Section 7-1100 Public Improvements.**

The developer of property within any subdivision shall provide at the developer's cost and expense all engineering, design and construction documentation, all construction and installation, and the preparation of as-built drawings for public improvements within the subdivision and necessary or desirable to serve the subdivision such as, where appropriate:

- A. Permanent survey monuments and lot pins which shall be set in accordance with state and local law and at locations approved by the County Surveyor or other surveying professional approved by the County. Generally, such monuments shall be set at the surface of the ground not more than one thousand four hundred (1,400) feet apart along any straight boundary line, at all angle points, points of change in direction or change in radius of any curbed boundary and at public land corners. Half-inch ( $\frac{1}{2}$ " ) steel pins or larger shall be set at all lot corners. In addition, all public land corners (section and quarter corners), which are located beneath the pavement of proposed streets, shall be monumented with suitable markers set in concrete and encased in a lidded metal box at least three-tenths of a foot (0.3') beyond the finished street surface. Affixed securely to the top of each such monument shall be the Colorado registration number of the responsible land surveyor;
- B. Curbs, gutters and sidewalks along all roads (new commercial uses within rural centers should provide safe and efficient pedestrian access);
- C. Construction and grading of all roads and alleys to road and bridge department and other applicable standards;
- D. Paving of all roads and alleys;
- E. Street name signs and initial traffic signage within a subdivision;
- F. Bridges, culverts, drainage channels, and other infrastructure required to span water bodies, watercourses, irrigation ditches, and natural or man-made drainage areas;
- G. Lighting that meets the requirements of Section 5-709 of these Land Use Regulations;

- H. Acceleration and deceleration lanes, turning lanes, stop lights and other improvements or traffic control devices where determined by the County or state as reasonably necessary to ensure safe and efficient movement of vehicular traffic;
- I. All on-site and off-site public utilities necessary to provide or deliver service to the subdivision or development such as, where appropriate:
  - 1. Water lines;
  - 2. Sanitary sewer lines;
  - 3. Storm drainage improvements and storm sewer;
  - 4. Fire hydrants;
  - 5. Electric lines, transformers, and other equipment necessary to serve the development and subdivision;
  - 6. Natural gas lines and equipment necessary to serve the development and subdivision;
  - 7. Utility systems and improvements required to be installed by service agencies other than Park County (e.g., special districts or other providers); and
  - 8. Other public improvements deemed by the County Engineer, Planning Director, or Planning Commission, with the concurrence of the Board of County Commissioners, as necessary to serve all or any portion of the development or subdivision based upon topography, subdivision layout or design, or other on-site characteristics of the subdivision or development.

**Section 7-1101            Public Improvements to be Installed Underground.**

Water, sanitary sewer, storm sewer, telephone, electric, natural gas, and other similar utility lines and services shall be placed underground unless otherwise authorized by the County. Transformers, switching boxes, terminal boxes, meters, roadway lighting, signal devices, gas regulators, distribution feeders, compressor stations or other similar facilities may be placed aboveground. Utility lines may be placed either within public road rights-of-way within the subdivision in accordance with adopted encroachment requirements or within easements or rights-of-way provided for the particular facilities in accordance with the approved utility service plan.

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

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

- A. Construction Bond.
- B. Cash Deposit with Park County.
- C. Development Agreement, Subdivision Improvement Agreement, or other form of contract provided that such contract provides a deadline or timetable for completion of construction and

methods for County enforcement in the event of default, including but not limited to revocation of land use approvals and withholding of building permits and/or certificates of occupancy.

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

- A. Progress Inspections. Upon completion of stages or phases of public improvement(s) within any subdivision, the developer shall contact the Planning Director or designee in writing and request progress inspections of the improvement(s). The Planning Director or designee shall use his or her best efforts to inspect improvements within ten (10) days of a request. Approval of stages or phases of public improvements shall be issued by the Planning Director where the Director finds that the stage or phase of the improvement or system is constructed in accordance with all applicable construction and design standards. Such approval shall be made in writing if requested by the developer.
  
- B. Final Inspections. Upon completion of the construction for a public improvement the developer shall contact the Planning Director or designee in writing and request a final inspection of the improvement. The Planning Director or designee shall use his or her best efforts to inspect public improvements within ten (10) days of a request. Approval of construction shall be issued by the Planning Director where the Director finds that the improvement is constructed in accordance with all applicable construction and design standards and the improvement is ready for public use. Such approval shall be made in writing if requested by the developer.
  
- C. Final Acceptance For Public Use. Upon written request of the developer, the Planning Director shall issue final acceptance for public use of a public improvement or stage or phase thereof where the Director has made the following determinations:
  - 1. The Planning Director has issued a final approval of construction; and
  - 2. The public improvements are free and clear of all liens and encumbrances; and
  - 3. Complete "as-built" plans bearing the certification of a registered Colorado engineer have been submitted to the Planning Director by the developer; and
  
- 1. All applicable requirements for completion of the public improvements have been fully met or satisfied and the improvements are ready for public use.

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

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

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

- A. Warranty of Improvements. All public improvements shall be warranted by the developer for a period of one (1) year commencing upon the date of the Planning Director's final acceptance for public use. The warranty shall include warranty of design, equipment, labor, and workmanship. Failure in design, performance, construction, or installation of the improvement or system shall be promptly cured and repaired by the developer at the developer's cost and

expense upon demand by the County. In addition to any other remedy permitted by law, the County may, at its election, apply any amount retained from collateral deposited by the developer toward the County's repair or cure of the failure.

- B. Release of Collateral. Release of collateral following final acceptance of public improvements or public systems shall be made only in accordance with the subdivision improvement agreement. Where no provisions for release of collateral are contained in the agreement, release of collateral shall be authorized only by the Board of County Commissioners provided that collateral equal to a minimum of fifteen percent (15%) of the estimated cost of the improvements is retained during the period of warranty. Upon expiration of the period of warranty, any remaining collateral shall be released upon request of the developer.
- C. Damage to Improvements During Construction. Regardless of whether public improvements have been accepted by the County or are under warranty by the developer, damages to public improvements resulting from ongoing construction and development activities shall be repaired by the developer at the developer's cost and expense.

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

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

- A. To establish and maintain a system for the naming of roads and assignment of numerical addresses within unincorporated Park County which will improve the efficiency of locating a property by use of a unique street name and address.
- B. To state the policies of the County regarding addressing new projects, readdressing areas, naming new roads, numbering roads, naming or renaming existing roads, and road and address signage and posting of signage for individual addresses.
- C. To state the responsibility of various County departments in addressing, road naming, and road signage.
- D. These regulations do not purport to regulate the names of, addressing on, or signage for roads entirely within the incorporated municipalities of Park County.

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

- A. Unique Road Names or Other Designations. Every road existing, proposed, or constructed which provides, will provide, or is proposed to provide access to five or more Lots in unincorporated Park County shall be given unique road name so as to clearly identify and distinguish such road from every other road in Park County, except as described below.
- B. County Roads: Other Government Roads. The official designation of Park County Roads, designated as a part of the County Road System, shall be the County Road Number, except where any such County Road has been officially designated by some other name or designation. Park County also recognizes that some County Roads are known informally by a local name established by history, custom or practice. Where such name is known it shall be noted, in addition to the road's County Road Number, on the master list and map of roads within the County. Designations for public roads controlled by other units of government such as federal highways, state highways, municipal streets or roads, and public land agency roads, shall be approved and assigned by the appropriate authority.
- C. Driveways. Driveways shall not necessarily be required to be identified by a separate road name, but shall be required to comply with other signage and addressing requirements for this Policy. "Driveway" means any vehicular access, which provides, will provide, or is proposed to provide direct access to four or less Lots. The Mapping/GIS director or designee may require that driveways be named in cases where not doing so would reasonably have the potential to threaten public safety.
- D. Master list and Map. Park County Mapping/GIS Department shall maintain a master list and map of all platted and/or built roads in unincorporated Park County and within all municipalities in Park County, which identifies each road by its unique name or designation and its location in the County. Once a road name or other designation is approved and assigned, that name shall not be used for any other road in unincorporated Park County or within any municipality in Park County, even if such road is not constructed. The Planning Director or designee shall resolve conflicts between county and municipality road names.

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

The following criteria shall be considered in approving and assigning names for roads identified in this Section 7-1201 A. It is the intent and goal of Park County that no road in unincorporated Park County

shall have a name that duplicates the name of any other road in unincorporated Park County or within any municipality in Park County.

- A. The County will approve and assign road names meeting the requirements of this Division proposed by the applicant, developer, or the record owner(s) of land accessed by such road, as the case may be, so long as the name does not duplicate the name of any other road in unincorporated Park County or within any municipality in Park County. The Road-name Committee shall have the final authority to approve and assign road names for roads in unincorporated park county.
- B. "Duplicate" shall mean that the road in question either has the identical name, has a name, which according to the Mapping/GIS director or designee may be confused with another name because of its pronunciation or spelling, or has an identical name followed by a different designating suffix, e.g., Willow Street and Willow Road.
- C. The name of a road in the County may duplicate the name of a road in a municipality where such road in the County is an extension of the same road with the duplicate name in the municipality.
- D. To the extent possible the names of new or renamed roads in unincorporated Park County should be consistent with the historical, cultural, geographical, or natural significance of the area. Roads within a neighborhood or subdivision are encouraged to use a consistent theme in their names.
- E. New roads or renamed roads in unincorporated Park County should be given a designating suffix, which indicates the type of road by these guidelines:
  - 1. Any public or private right-of-way that has more than one ingress/egress should be named: Avenue, Drive, Road, Street, Trail or Way.
  - 2. Any public or private right-of-way that has only one ingress/egress should be named: Court, Lane or Place.
  - 3. Any public or private right-of-way that circles back to its beginning point or to the same right-of-way from which it starts should be named: Circle or Loop.
  - 4. Any public or private right-of-way that is divided by a median or is a special scenic or park route should be named: Boulevard or Parkway.
  - 5. Any right-of-way designated only for bicycle or pedestrian traffic should be named: Path.
  - 6. Any right-of-way designated as a state or federal route should be named: Highway.
  - 7. Any proposed names that deviate from this guideline should be approved by the Road-name Committee.

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

- A. Whenever it comes to the attention of the County that a road in unincorporated Park County has not been assigned a name or that the assigned name duplicates the name of any other road in Park County or within any municipality in Park County, the Planning Department shall initiate proceedings to name or rename such road.

- 1) Citizen groups or Special Districts may propose a road name for review by the County. Otherwise, the County shall propose a road name.
- B. The Planning Department shall send written notice to the record owners of any land accessed by any road proposed to be renamed. Such notice shall contain, at a minimum, the following:
1. A description or identification of the road(s) and property in question.
  2. A statement of the reason that the road is proposed to be renamed.
  3. A statement or copy of the criteria to be used for naming and renaming roads, as set forth in Sections 7-1202 and 7-1203.
  4. The suggested unique road name meeting the requirements of Section 7-1202 D.
  5. Notice that the record owners of land accessed by such road or roads identified for naming or renaming shall respond for naming or renaming the identified road(s) within 30 days. If the majority of the owners respond in objection to the proposed change, the County shall hold a public hearing to discuss the issue. Otherwise, the road shall be named as suggested.
- C. The Assignment of Road Name shall be recorded with the Park County Clerk and Recorder and a copy of the document shall be forwarded to any adjacent municipality, any affected fire and EMS Districts, the USPS, Assessor's Office, Communications, Emergency Management, Road & Bridge, and any affected utility companies in Park County.
- D. Once a road name is approved and assigned pursuant to this section the Mapping/GIS Department shall make appropriate changes to the Official County Road Map/Master list and deliver the updated map to members of the Road-name Committee and other appropriate agencies or departments as needed.

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

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

- A. The number of residences, businesses, or Buildable Lots accessed by each of the roads with duplicate names.
- B. The respective periods of time the roads with duplicate names have had such names.
- C. Whether the other road with a duplicate name is located in an incorporated area not subject to these Land Use Regulations.
- D. Whether there are areas along the roads that also need to be re-addressed.
- E. Whether the roads with duplicate names are in the same emergency response districts.
- F. Whether the name of either road with duplicate names is inherently or traditionally identified with natural features, historical events, or man-made features along the road.
- G. Whether either road with a duplicate name has been constructed and the extent to which Buildable Lots accessed by such roads have been developed.

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

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

- A. Road identification signs for County Roads and other roads maintained by the County (Section 7-1201 B) in unincorporated Park County shall consist of the following:
  - 1. For road intersections, the official name of the road shall be posted using white letters on a green background, as per the 2003 Edition of the federal Manual on Uniform Traffic Control Devices (MUTCD), *Street Name Sign (D3-1)*.
  - 2. Periodically along a County Road, a County Road Number route shield shall be placed. The shield shall be yellow numbers on a blue background and conform to MUTCD *County Route Sign (M1-6)*.

Such signage shall be installed and maintained by the Park County Road and Bridge Department, or if applicable, at the cost of the subdivider.

- B. Road identification signs for roads dedicated to the public for public use and not accepted or maintained by the County in unincorporated Park County shall follow the same guidelines as (A1), above. Purchasing, installation, and maintenance shall be the responsibility of the subdivider or record owner(s) of property adjacent to and accessed by such road. No final inspection or certificate of occupancy will be done or issued on a Lot accessed by any public road unless the appropriate signage pursuant to this Section 7-1205 B is in place.
- C. Road identification signs for private roads in unincorporated Park County shall follow the same guideline as (A1), above. Purchasing, installation and maintenance shall be the responsibility of the record owner(s) of property adjacent to and accessed by such road.
- D. Signage for federal and state highways shall be the responsibility of the appropriate federal or state agency responsible for such highway.

## **Section 7-1206 Addressing**

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

- A. Assignment of address numbers shall be performed by the Park County Mapping/GIS Department (1) at the time of creation of Buildable Lots pursuant to any County development approval process, (2) at the time of the issuance of a building permit for any Buildable Lot without an address, or (3) at such other time as it comes to the attention of the Mapping/GIS Department that a structure requires an address number or is required to be renumbered. A unique address number shall be determined using the County's rural addressing.
  - 1. Assigning new address numbers that are consistent and logical compared to existing address numbers is the priority. Addresses in existing subdivisions, or in new subdivisions adjacent to existing subdivisions where lots are accessed from the same road, shall be in general conformance with the method described herein, unless the method produces numbers inconsistent with existing addresses. In those situations, the County shall utilize a practical approach in assigning street numbers.
  - 2. Lots will be addressed based on their distance from the adjoining main road, ascending with increasing distance from the adjoining main road that is used as its primary access.
    - a. The street number shall be initially evaluated as:

- i. (miles from access road)\*1,000, or
  - ii. ((feet from access road)/5,280)\*1,000.
- b. For lots with no existing driveway, numbers shall be based on the distance from the primary access road to the center of the lot.
- c. Where driveways exist, numbers shall be based on the distance from the primary access road to the driveway.
- d. Predominantly north-south roads will have odd numbers on the west side of the roads, and even numbers on the east side of the road.
- e. Predominantly east-west roads will have odd numbers on the north side of the roads, and even numbers on the south side of the road.
- 3. No existing addresses will be changed unless it is necessary to ensure the safety and welfare of the citizens.
- 4. Unique situations, such as “looped” roads, shall be numbered in general conformance with this method. Discretion shall be used in its application to ensure logical numbering. Such discretion in numbering is subject to approval by the County.
- 5. All final plat submittals shall include address plats based on the numbering method described herein. Alternate addresses should be provided for lots having frontage on more than one road.

Duplication of addresses within the County and adjacent counties is not permitted.

B. The following are specifications for addressing certain types of development:

- 1. Multiple units on a single Buildable Lot: Unless otherwise provided herein, where there are multiple units within a single structure, each structure will receive a street address and each unit shall receive a unit designator. The address for the individual units shall be the building address and the unit designator.
- 2. Multiple but separate units located on a single Buildable Lot shall have one street address and unit designator letters.
- 3. Commercial area, indoor: Where each unit in the commercial area has a separate outdoor entrance, each unit will be given a separate address. Where multiple commercial units are served by a common entrance, or entrances, each unit shall be addressed with a common street address and a unit designator.
- 4. Duplexes: Separate addresses shall be given for each unit, except where there is a mixture of duplexes and multifamily units, unit numbers may be assigned to the duplexes when deemed necessary to avoid confusion.
- 5. Mobile home parks: One address shall be given for the entire development. Individual mobile home sites shall use both the address for the development and the space number.
- 6. Single family residence: A separate address shall be given for each dwelling. The following are examples of situations where the renumbering of addresses may be required:
  - a. Addresses are not sequential.
  - b. Addresses do not meet parity requirements (even on one side, odd on the other).
  - c. Addresses need to be changed after a road name is assigned or reassigned.

- d. Buildable Lots were created without assignment of road names or addresses.
  - e. Structures in unincorporated Park County were assigned addresses pursuant to municipal addressing systems.
- C. When making driveway inspections, The Environmental Health Department will capture a GPS point where the driveway meets the road. This point will be attributed with the address number at the time of collection, and added to the County GIS.

**Section 7-1207            Address Number Signage**

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

Outside of Rural Center Boundary areas address numbers shall be displayed clearly from the roads at all times and follow these criteria:

- A. The street address numbers shall be a minimum of (3) three inches in height in reflective white on a green background.
- B. Numbers shall be attached to a 4x4 inch treated wood or redwood post.
- E. The post shall be installed in a permanent fashion, minimum of (48) forty-eight inches above the ground.
- F. The post shall be placed at the driveway no further than 5 feet from the property line.
- E. Addresses shall be posted prior to construction of a new building or as soon as the address is issued by the Mapping/GIS Department. Failure to display the address of new buildings pursuant to this Section will be grounds for withholding issuance of a Certificate of Occupancy by the Park County Building Department. In addition, the Building and Environmental Health Departments may refuse to make inspections if the address of the property is not displayed pursuant to this Policy.
- F. It shall be the responsibility of the owner of a Lot to maintain address signage pursuant to this Policy.

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

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

**Section 7-1209            Board of County Commissioners Waiver of Procedures.**

The Board of County Commissioners may waive and/or alter any of the requirements of this division in cases wherein multiple named or un-named roads cause a possible threat to public safety or cannot be resolved by the requirements of this Division.